

# MONTANA BOARD OF PUBLIC EDUCATION



**NEW MEMBER ORIENTATION MANUAL**

**2021**

# BOARD OF PUBLIC EDUCATION

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**Tab 1**

# MONTANA BOARD OF PUBLIC EDUCATION

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The Board of Public Education was created by the Montana Constitution of 1972 to exercise general supervision over the elementary and secondary schools of the state. The Board consists of seven members appointed by the Governor and confirmed by the Senate to staggered seven-year terms. By statute the Governor must appoint members to the Board so that not more than four may be from one of the two commission districts and not more than four may be affiliated with the same political party. The Governor, the Superintendent of Public Instruction, and the Commissioner of Higher Education are ex-officio, non-voting members of the Board. In 1978 the Board added a student representative who is elected by the executive committee of the Montana Association of Student Councils to a one-year term. The Board maintains offices in Helena.

The Board is vested with constitutional rule-making authority which is self-executing and independent from any power that is delegated to the Board by the Legislature. The Board of Public Education meets with the Board of Regents two times a year to form the Board of Education with responsibilities for long-range planning of the state's educational system.

In addition to the constitutional mandate to exercise general supervision of the schools, the Board is assigned specific responsibilities by the Montana Legislature. A partial list of duties requires the Board to:

- adopt standards of accreditation for Montana schools and establish the accreditation status of each school;
- effect a uniform system of teacher certification, including the accreditation of the teacher and administrator training programs;
- consider the suspension or revocation of teacher certificates and hear appeals from the denial of teacher certificates;
- administer and order the distribution of state equalization aid;
- adopt policies for the special education of handicapped and gifted and talented students; and
- act as the governing agency for the Montana School for the Deaf and Blind.

## **BOARD MEMBERS**

Updated 03/01/2021

### **Term Expires**

2/1/22	Darlene Schottle Chair <a href="mailto:mtdarlene@hotmail.com">mtdarlene@hotmail.com</a>	33576 Cherry Lane Bigfork, MT 59911	C 406-261-1828
2/1/23	Tammy Lacey Vice Chair <a href="mailto:tammy.lacey@gmail.com">tammy.lacey@gmail.com</a>	PO Box 39 Fairfield MT 59436	C 406-590-3096
2/1/24	Anne Keith <a href="mailto:Anne.keith@bsd7.org">Anne.keith@bsd7.org</a> <a href="mailto:Kkeith2000@aol.com">Kkeith2000@aol.com</a>	101 N Chouteau Ave Bozeman MT 59718	H 406-585-5489 C 406-539-9241

# MONTANA BOARD OF PUBLIC EDUCATION

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2/1/25	Jane Lee Hamman <a href="mailto:Janeleehamman@aol.com">Janeleehamman@aol.com</a>	PO Box 164 Clancy, MT 59634	C 406-431-9395 O 406-933-8203
2/1/26	Madalyn Quinlan <a href="mailto:madquinlan@bresnan.net">madquinlan@bresnan.net</a>	605 9 <sup>th</sup> AVE Helena, MT 59601	H 406-443-2433 C 406-459-2481
2/1/27	Mary Heller <a href="mailto:mary_heller68@yahoo.com">mary_heller68@yahoo.com</a>	625 Montana Ave Havre, MT 59501	C 406-399-0640
2/1/28	Susie Hedalen <a href="mailto:saillake.ds@gmail.com">saillake.ds@gmail.com</a>	391 Stagecoach Lane Townsend, MT 59644	C 406-465-3531

## **STUDENT REPRESENTATIVE**

6/1/21	Paige Leopard	6 Spring View Lane Great Falls, MT 59404	C 406-
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## **EX OFFICIO MEMBERS**

Greg Gianforte Governor	Room 204, State Capitol PO Box 200801 Helena, MT 59620-0801	O 406-444-3311 F 406-444-5529
Elsie Arntzen State Superintendent Office of Public Instruction	1227 11 <sup>th</sup> Avenue, 2 <sup>nd</sup> Floor PO Box 202501 Helena, MT 59620-2501	O 406-444-5658 F 406-444-9299
Clayton Christian Commissioner of Higher Education	2500 Broadway, PO Box 203101 Helena, MT 59620-3101	O 406-444-6570 F 406-444-1469

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## **STAFF**

McCall Flynn Executive Director <a href="mailto:mflynn@mt.gov">mflynn@mt.gov</a>	PO Box 200601 Helena, MT 59620-0601	O 406-444-0300 F 406-444-0847 C 406-691-0550
Paul Furthmyre, Superintendent Montana School for the Deaf and Blind <a href="mailto:pfurthmyre@mdsdb.mt.gov">pfurthmyre@mdsdb.mt.gov</a>	3911 Central Avenue Great Falls, MT 59401	O 1-800-882-6732 F 406-771-6017
Kris Stockton Administrative Specialist <a href="mailto:kmstockton@mt.gov">kmstockton@mt.gov</a>	PO Box 200601 Helena MT 59620-0601	O 406-444-0302 F 406-444-0847
Julie Balsam Administrative Assistant <a href="mailto:jbalsam@mt.gov">jbalsam@mt.gov</a>	PO Box 200601 Helena MT 59620-0601	O 406-444-6576 F 406-444-0847

# MONTANA BOARD OF PUBLIC EDUCATION

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The head of OPI (Office of Public Instruction) is the elected State Superintendent of Public Instruction. To illustrate, the Board of Public Education orders the distribution of the state BASE aid to schools and the Superintendent of Public Instruction distributes the BASE aid. The elected Superintendent of Public Instruction makes accreditation recommendations to the Board of Public Education as part of his/her general supervision responsibilities of K-12 schools.

Local School District Boards of Trustees were created by Article X Section 8 of the Montana Constitution and are vested with the powers of local supervision and control of schools in their respective school districts. In Montana there currently exist 432 separate school districts consisting of 826 schools and a student population of 144,129 K-12 students. The local school boards govern their individual districts within the confines of the Board of Public Education's chapters of the accreditation standards.

The Board of Public Education values its proactive association with the state legislature in its current involvement with the Education and Local Government Interim Committee. Board members are represented on the K-12 Subcommittee. The Board has actively been involved in the past three interim studies regarding school funding. It was a Board position paper on a holistic approach to school governance and funding which caused the drafting of HB 736 of the 53<sup>rd</sup> Legislative Session establishing the School Renewal Commission. This interim commission proposed changes and new provisions regarding several components of K-12 public education in Montana including revenue available, school district governance, methods of funding, and roles of state and federal governments. It was recommendation #10 of this commission which recommended the benefits of expanding kindergarten services to full-time as a way to improve student learning and achievement and the eventual improvement of graduation rates in Montana.

## **CERTIFICATION STANDARDS AND PRACTICES ADVISORY COUNCIL**

The Certification Standards and Practices Advisory Council (CSPAC) was established by the Montana Legislature in 1987. Its members are appointed by the Board of Public Education. Members serve three year terms.

### **Mission Statement**

The mission of the Certification Standards and Practices Advisory Council is to study and to make recommendations to the Board of Public Education on certification issues concerning teachers, administrators and specialists; professional standards and ethical conduct; the status and efficacy of approved teacher education programs in Montana; and policies related to the denial, suspension, and revocation of educator certification and the appeals process.

## **MACIE**

There is the Montana Advisory Council for Indian Education (MACIE) to advise the Board and the Superintendent of Public Instruction on matters related to Indian education. The purpose of the Council is to:

# MONTANA BOARD OF PUBLIC EDUCATION

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*“...provide for more effective and meaningful participation by Indian people in planning, implementation, and administration of relevant educational services and programs under the authority of local school boards.”*

The council is composed of representatives of the eleven tribal groups in Montana and other groups working in the interest of Indian people.

## CONTACT US

### Board of Public Education Staff

- McCall Flynn – Executive Director  
[mflynn@mt.gov](mailto:mflynn@mt.gov) W 444-0300  
C 691-0550
- Kris Stockton – Administrative Specialist  
[kmstockton@mt.gov](mailto:kmstockton@mt.gov) W 444-0302  
F 444-0847
- Julie Balsam - Administrative Assistant  
[jbalsam@mt.gov](mailto:jbalsam@mt.gov) W 444-6576  
F 444-0847

# MONTANA BOARD OF PUBLIC EDUCATION

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## Montana Board of Public Education Mission Statement and Goals

### Mission Statement:

The Montana Constitution created and empowered the Board of Public Education to supervise, serve, maintain, and strengthen Montana's system of free quality public elementary and secondary schools.

### GOALS:

Goal 1: Promote a safe learning environment.

Goal 2: Evaluate the Boards accreditation standards to ensure they are contemporary and effective to improve quality education for all Montana students.

Goal 3: Promote quality teaching and administration in an era of change in 21st century learning.

Goal 4: Prepare all Montana students for work, post-secondary education, and civic life.

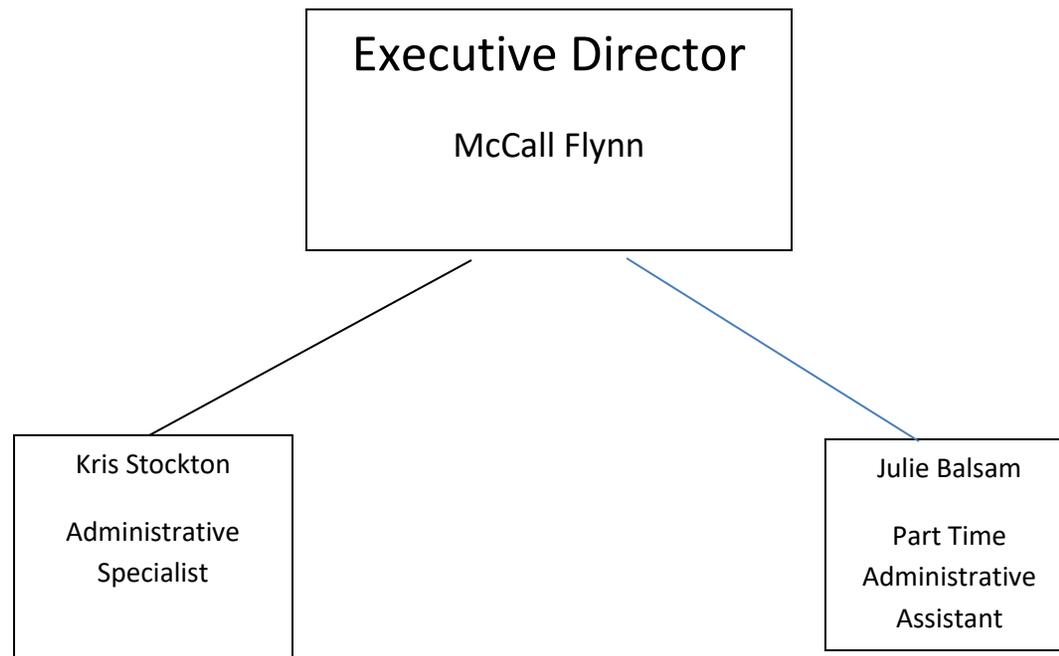
Goal 5: Exercise the Boards constitutional and statutory authority to improve schools.

Goal 6: Recognize and fulfill the Boards statutory obligation to the Montana School for the Deaf and Blind.

# ORGANIZATIONAL CHART

## BOARD OF PUBLIC EDUCATION

### 2021



## **BOARD OF PUBLIC EDUCATION**

### **2020 SCHEDULE**

January 17, 2020 (1-day conference call)	Helena, MT
March 12-13, 2020	Helena, MT
May 7-8, 2020	Great Falls, MT
July 15-17, 2020 (Joint CSPAC meeting)	Helena, MT
September 10-11, 2020	Helena, MT
November 5-6, 2020	Helena, MT

## **BOARD OF PUBLIC EDUCATION**

### **2021 SCHEDULE**

January 15, 2021 (1-day conference call)	Helena, MT
March 11-12, 2021	Helena, MT
May 13-14, 2021	Great Falls, MT
July 14-16, 2021 (Joint CSPAC Meeting)	Helena, MT
September 16-17, 2021	Helena, MT
November 4-5, 20121	Helena, MT

# **BOARD OF PUBLIC EDUCATION**

## **ANNUAL AGENDA CALENDAR January 2021 – November 2021**

(Proposed items from OPI are in italics – C symbolizes Consent Agenda)

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### **January 15, 2021 – Conference Call**

Exiting Board Member – Last Meeting and Recognition  
MSDB Superintendent Contract Extension  
*Transportation Report*  
*MACIE Update*  
*Assessment Update*  
*Federal Update*  
*Accreditation Report*  
*Teacher Licensure Report*

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### **March 11-12, 2021- Helena**

*Assessment Update*  
*Federal Update*  
*Accreditation Report*  
*Annual School Food Services Report*  
*MACIE Update*  
Initial Presentation of MSDB School Calendar

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### **May 13-14, 2021- Great Falls**

CSPAC Appointments  
Student Representative Last Meeting & Recognition  
*Approve K-12 Schools Payment Schedule*  
*Assessment Update*  
*Accreditation Report*  
*Variance to Standards Requests & Renewals*  
*Federal Update*  
*MACIE Update*  
Approve MSDB School Calendar  
**Executive Director Performance Evaluation**

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### **July 14-16, 2021 - Helena**

Strategic Planning Meeting  
CSPAC/BPE Joint Meeting  
CSPAC Annual Report  
Approve MSDB/Golden Triangle Co-op  
*Annual HiSET Report*  
*Annual Special Education Report*  
*Assessment Update*  
*Federal Update*  
*Educator Preparation Program Report*  
*OPI Staffing Report*  
*Accreditation Report*

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### **September 16-17, 2021 - Helena**

Election of Board Officers  
Set Yearly Board Meeting Calendar - C  
Set Annual Agenda Calendar – C  
BPE Goal Review – C  
*MACIE Update*  
*Digital Academy Update*  
*Assessment Update*  
*Federal Update*  
*MACIE Renewal (Even Years)*  
MSDB Superintendent Evaluation - preview

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### **November 4-5, 2021 - Helena**

Committee Appointments – C  
*MACIE Annual Report*  
*Assessment Update*  
*Critical Quality Educator Shortage Area Report*  
*Federal Update*  
*Variance to Standards Requests & Renewals*  
*Accreditation Report*  
*Youth Risk Behavior Survey Update (Odd Years)*  
*Annual Renewal Unit Providers List - C*  
**MSDB Superintendent Performance Evaluation & Contract Extension Discussion**

# Committee Assignments

## 2020-2021

### **STANDING COMMITTEES**

#### **Executive Committee**

Darlene Schottle, Chair  
Tammy Lacey, Vice-Chair  
McCall Flynn, Executive Director

#### **Accreditation Committee**

Madalyn Quinlan, Chair  
Open, Member  
Darlene Schottle, Ex-Officio Member

#### **Licensure Committee**

Tammy Lacey, Chair  
Open, Member  
Darlene Schottle, Ex-Officio Member

#### **MSDB Committee**

Open, Chair  
Darlene Schottle, Member

#### **Legislative Committee**

Madalyn Quinlan, Chair  
Susie Hedalen, Member  
Tammy Lacey, Member  
Darlene Schottle, Ex-Officio Member

#### **Assessment Committee**

Anne Keith, Chair  
Open, Member  
Darlene Schottle, Ex-Officio Member

### **ADVISORY GROUP LIAISONS**

CSPAC – Tammy Lacey  
MACIE - Open  
Montana Digital Academy – Madalyn Quinlan

#### **Education Interim Committee**

Tammy Lacey  
Darlene Schottle  
Open, Member  
McCall Flynn, Executive Director

# Tab 2

<b>Board of Public Education's Duties and Rulemaking Authority</b>		
<b>Citation</b>	<b>Section Heading</b>	<b>Duties/Rulemaking Authority</b>
<b>Constitution of Montana -- Article X -- Education and Public Lands</b>		
<b>Section 9.</b>		
<a href="#">Mont. Const. Art. X, sec. 9 ^</a>	Boards of education	Boards of education. (1) There is a state board of education composed of the board of regents of higher education and the board of public education. It is responsible for long-range planning, and for coordinating and evaluating policies and programs for the state's educational systems. It shall submit unified budget requests. A tie vote at any meeting may be broken by the governor, who is an ex officio member of each component board. ... (3) (a) There is a board of public education to exercise general supervision over the public school system and such other public educational institutions as may be assigned by law. Other duties of the board shall be provided by law. (b) The board consists of seven members appointed by the governor, and confirmed by the senate, to overlapping terms as provided by law. The governor, commissioner of higher education and state superintendent of public instruction shall be ex officio non-voting members of the board.
<b>Title 2. Government Structure and Administration</b>		
<b>Chapter 15. Executive Branch Officers and Agencies</b>		
<a href="#">2-15-122, MCA</a>	Creation of advisory councils	The board of public education may create advisory councils, which shall serve at their pleasure, without the approval of the governor.
<a href="#">2-15-1507, MCA</a>	Board of public education	
<a href="#">2-15-1508, MCA</a>	Appointments to board of public education and board of regents -- conditions -- vacancy	
<a href="#">2-15-1522, MCA</a>	Certification standards and practices advisory council	The board of public education shall select and appoint the members by June 1. If a vacancy occurs on the council, the board of public education shall appoint a person from the category of membership, as provided in subsection (2), in which the vacancy has occurred to serve the unexpired term.
<b>Chapter 18. State Employee Classification, Compensation, and Benefits</b>		
<a href="#">2-18-103, MCA</a>	Officers and employees excepted	
<a href="#">2-18-701, MCA</a>	Definitions	
<b>Title 5. Legislative Branch</b>		
<b>Chapter 5. Legislative Procedures</b>		
<a href="#">5-5-224, MCA</a>	Education and local government interim committee	
<b>Title 17. State Finance</b>		
<b>Chapter 5. Public Bond Issues</b>		
<a href="#">17-5-202, MCA</a>	Definitions	
<b>Chapter 7. Budgeting and Appropriations</b>		
<a href="#">17-7-162, MCA</a>	Montana school for the deaf and blind exempt from vacancy savings	
<b>Title 19. Public Retirement System</b>		
<b>Chapter 20. Teachers Retirement</b>		
<a href="#">19-20-101, MCA</a>	Definitions	
<a href="#">19-20-302, MCA</a>	Active membership	
<b>Title 20. Education</b>		
<b>Chapter 1. General Provisions</b>		
<a href="#">20-1-101, MCA</a>	Definitions	
<a href="#">20-1-212, MCA</a>	Destruction of records by school officer	
<a href="#">20-1-213, MCA</a>	Transfer of school records	
<a href="#">20-1-303, MCA</a>	Conduct of school on Saturday or Sunday prohibited -- exceptions	
<a href="#">20-1-304, MCA</a>	Pupil-instruction-related day	
<b>Chapter 2. State Boards and Commissions</b>		

<a href="#">20-2-101, MCA</a>	Combined boards as state board -- budget review -- officers -- meetings -- quorum	The board of public education and the board of regents meeting together as the state board of education shall be responsible for long-range planning and for coordinating and evaluating policies and programs for the public educational systems of the state. The state board of education shall review and unify the budget requests of educational entities assigned by law to the board of public education, the board of regents, or the state board of education and shall submit a unified budget request with recommendations to the appropriate state agency.
<a href="#">20-2-111, MCA</a>	Officers of boards -- quorum	The board of public education and the board of regents may each select a presiding officer from among their appointed members
<a href="#">20-2-112, MCA</a>	Quarterly meetings of boards -- called meetings -- notice of meetings	The board of public education and the board of regents shall meet at least quarterly
<a href="#">20-2-113, MCA</a>	Per diem of board members -- expenses	
<a href="#">20-2-114, MCA ^</a>	Adoption of rules -- seal -- record of proceedings	Adopt rules
<a href="#">20-2-121, MCA ^</a>	<b>Board of public education -- powers and duties</b>	The board of public education shall: (1) effect an orderly and uniform system for teacher certification and specialist certification and for the issuance of an emergency authorization of employment by adopting the policies prescribed by 20-4-102 and 20-4-111; (2) consider the suspension or revocation of teacher or specialist certificates and appeals from the denial of teacher or specialist certification in accordance with the provisions of 20-4-110; (3) administer and order the distribution of BASE aid in accordance with the provisions of 20-9-344; (4) adopt and enforce policies to provide uniform standards and regulations for the design, construction, and operation of school buses in accordance with the provisions of 20-10-111; (5) adopt policies prescribing the conditions when school may be conducted on Saturday and the types of pupil-instruction-related days and approval procedure for those days in accordance with the provisions of 20-1-303 and 20-1-304; (6) adopt standards of accreditation and establish the accreditation status of every school in accordance with the provisions of 20-7-101 and 20-7-102; (7) approve or disapprove educational media selected by the superintendent of public instruction for the educational media library in accordance with the provisions of 20-7-201; (8) adopt policies for the conduct of special education in accordance with the provisions of 20-7-402; (9) adopt rules for issuance of documents certifying equivalency of completion of secondary education in accordance with 20-7-131; (10) adopt policies for the conduct of programs for gifted and talented children in accordance with the provisions of 20-7-903 and 20-7-904; (11) adopt rules for student assessment in the public schools; and (12) perform any other duty prescribed from time to time by this title or any other act of the legislature.
<a href="#">20-2-122, MCA</a>	Executive secretary to board of public education -- staff	The board of public education may: (1) appoint an executive secretary and employ other persons within legislatively authorized appropriations; (2) prescribe the term, duties, and compensation of its executive secretary; (3) provide office space for its staff to carry out its duties.
<a href="#">20-2-403, MCA</a>	Duties	
<b>Chapter 3. Elected Officials</b>		
<a href="#">20-3-101, MCA</a>	Election and qualifications	
<a href="#">20-3-106, MCA</a>	Supervision of schools -- powers and duties*	
<a href="#">20-3-205, MCA</a>	Powers and duties	
<a href="#">20-3-323, MCA</a>	District policy and record of acts	
<a href="#">20-3-324, MCA</a>	Powers and duties	
<b>Chapter 4. Teachers, Superintendents, and Principals</b>		
<a href="#">20-4-102, MCA</a>	Board of public education policies*	To effect an orderly and uniform system of teacher and specialist certification, the board of public education shall, upon the recommendation of the superintendent of public instruction and in accordance with the provisions of this title, prescribe and adopt policies for the issuance of teacher or specialist certificates. Such policies shall provide for: (1) reasonable training and experience requirements for teacher, specialist, supervisor, and administrative certificates and endorsements thereon as provided by the certification classification in 20-4-106; (2) the renewal of teacher or specialist certificates based on the same conditions prescribed for the initial issuance of certificates; (3) the conduct of hearings on teacher or specialist certification revocation, suspension, or denial; (4) the issuance of emergency authorization to a district to employ a person who is not the holder of a valid teacher certificate as an instructor of pupils; and (5) any other policy, not inconsistent with the law, which is necessary for the proper operation of a system of teacher and specialist certification.
<a href="#">20-4-103, MCA</a>	Issuance of teacher or specialist certificates	

<a href="#">20-4-106, MCA</a>	Classifications of teacher and specialist certificates*	(1) The superintendent of public instruction shall issue teacher certificates and the board of public education shall adopt teacher certification policies on the basis of the following classifications of teacher certificates....
<a href="#">20-4-107, MCA</a>	Outstanding teacher certificates	
<a href="#">20-4-108, MCA</a>	Term of teacher and specialist certificates -- renewal	
<a href="#">20-4-109, MCA</a>	Fees for teacher and specialist certificates	
<a href="#">20-4-110, MCA</a>	Letter of reprimand, suspension, revocation, and denial of certificate*	(1) The board of public education may issue a letter of reprimand or may suspend or revoke the teacher, administrator, or specialist certificate of any person for the following reasons....
<a href="#">20-4-111, MCA</a>	Emergency authorization of employment	
<a href="#">20-4-122, MCA</a>	Designated official for purposes of interstate agreement	
<a href="#">20-4-131, MCA</a>	Definitions	
<a href="#">20-4-132, MCA</a>	Meetings -- assistance	
<a href="#">20-4-133, MCA</a>	Duties of the council	
<a href="#">20-4-301, MCA</a>	Duties of teacher -- nonpayment for failure to comply	
<a href="#">20-4-502, MCA</a>	Definitions	
<a href="#">20-4-503, MCA</a>	Critical quality educator shortages	(1) The board of public education, in consultation with the office of public instruction, shall identify: (a) specific schools that are impacted by critical quality educator shortages; and (b) within the schools identified in subsection (1)(a), the specific quality educator licensure or endorsement areas that are impacted by critical quality educator shortages. (2) The board of public education shall publish an annual report listing the schools and the licensure or endorsement areas identified as impacted by critical quality educator shortages, explaining the reasons that specific schools and licensure or endorsement areas have been identified and providing information regarding any success in retention. (3) Quality educators working at schools identified in subsection (1) are eligible for repayment of all or part of the quality educator's outstanding educational loans existing at the time of application in accordance with the eligibility and award criteria established under this part.
<b>Chapter 5. Pupils</b>		
<a href="#">20-5-102, MCA</a>	Compulsory enrollment and excuses	
<b>Chapter 7. School Instruction and Special Programs</b>		
<a href="#">20-7-101, MCA ^</a>	Standards of accreditation*	Standards of accreditation for all schools must be adopted by the board of public education upon the recommendations of the superintendent of public instruction.
<a href="#">20-7-102, MCA</a>	Accreditation of schools*	(1) The conditions under which each elementary school, each middle school, each junior high school, 7th and 8th grades funded at high school rates, and each high school operates must be reviewed by the superintendent of public instruction to determine compliance with the standards of accreditation. The accreditation status of each school must then be established by the board of public education upon the recommendation of the superintendent of public instruction. Notification of the accreditation status for the applicable school year or years must be given to each district by the superintendent of public instruction.
<a href="#">20-7-104, MCA</a>	Transparency and public availability of public school performance data -- reporting -- availability for timely use to improve instruction	
<a href="#">20-7-111, MCA ^</a>	Instruction in public schools	The board of public education shall define and specify the basic instructional program for pupils in public schools, and such program shall be set forth in the standards of accreditation. Other instruction may be given when approved by the board of trustees.
<a href="#">20-7-118, MCA</a>	Offsite provision of educational services by school district*	
<a href="#">20-7-131, MCA</a>	Equivalency of completion of secondary education	

<a href="#">20-7-202, MCA</a>	School library required	
<a href="#">20-7-205, MCA</a>	Reporting school library information	
<a href="#">20-7-401, MCA</a>	Definitions	
<a href="#">20-7-402, MCA</a>	Special education to comply with board policies*	
<a href="#">20-7-403, MCA</a>	Duties of superintendent of public instruction	
<a href="#">20-7-414, MCA</a>	Determination of children in need and type of special education needed*	
<a href="#">20-7-431, MCA</a>	Allowable cost schedule for special programs -- superintendent to make rules -- annual accounting*	
<a href="#">20-7-454, MCA</a>	Final approval and filing of full service education cooperative contract	
<a href="#">20-7-475, MCA</a>	Blind persons' literacy rights and education - personnel training	The board of public education shall establish standards to ensure that individuals who provide Braille instruction are appropriately trained and supervised.
<a href="#">20-7-804, MCA</a>	Authority of board of public education	In all cases where school property is utilized, the board of public education shall have authority: (1) to establish minimum qualifications of local recreational directors and instructors; and (2) to prepare or cause to be prepared, published, and distributed adequate and appropriate manuals and other materials as it may deem necessary or suitable to carry on said recreational program and to carry out the provisions of this part.
<a href="#">20-7-903, MCA</a>	Programs to serve gifted and talented children -- compliance with board policy -- funding	
<a href="#">20-7-904, MCA</a>	Review and recommendations of proposals	(1) The policies of the board of public education must assure that program proposals submitted by school districts to the superintendent of public instruction contain: (a) evidence that identification procedures are comprehensive and appropriate; (b) a program description including stated needs and measurable objectives designed to meet those needs; (c) evidence that the activities are appropriate and will serve to achieve the program objectives; and (d) a method to evaluate the effectiveness of the program. (2) School districts may request assistance from the staff of the superintendent in formulating program proposals. (3) The superintendent of public instruction shall supervise and coordinate the programs for gifted and talented children by: (a) recommending to the board of public education the adoption of those policies necessary to establish a planned and coordinated program; and (b) establishing a procedure for review and approval of program proposals.
<a href="#">20-7-1201, MCA</a>	Montana digital academy -- purposes -- governance	teacher appointed by the board of public education; a Montana-licensed school district administrator appointed by the board of public education; a trustee of a Montana school district appointed by the board of public education.
<b>Chapter 8. Montana School for the Deaf and Blind</b>		
<a href="#">20-8-101, MCA</a>	Montana school for deaf and blind -- state-supported special school	Control over the Montana school for the deaf and blind.
<a href="#">20-8-103, MCA</a>	Board of public education rules	The board of public education shall adopt and prescribe rules as the board considers necessary and proper for the maintenance and government of the school, the admission of children in conformity with the provisions of this chapter, and the qualifications and compensation of the superintendent and teaching staff of the school, provided that the superintendent must have a ready and working knowledge of the sign language.
<a href="#">20-8-106, MCA</a>	Duration of attendance at school -- suspension or expulsion -- transfer	
<a href="#">20-8-107, MCA</a>	Admission of nonresident children and advance payment of cost -- Indian children*	The Montana school for the deaf and blind is authorized to negotiate with an out-of-state educational institution to place a student at the school. If a group of out-of-state students attends the Montana school for the deaf and blind, the educational institution of the other state shall pay in advance to the Montana school for the deaf and blind an amount of money for each student determined as a result of a negotiated agreement between the superintendent of the Montana school for the deaf and blind and the out-of-state educational institution. The agreement must be approved by the board of public education.

<a href="#">20-8-111, MCA</a>	Duty of board of public education as to property of school	The board of public education shall, either directly or through a contract with a nonprofit corporation, receive, hold, manage, use, and dispose of real and personal property transferred to the board or to the state of Montana by purchase, gift, devise, or bequest or otherwise acquired and the proceeds, interest, and income of the property for the use and benefit of the school for the deaf and blind. All donations, gifts, devises, or grants vest in the board or its designee, as trustee for the state of Montana, for the use and benefit of the school and its students.
<a href="#">20-8-113, MCA</a>	Duties of superintendent of school for the deaf and blind	
<a href="#">20-8-120, MCA</a>	Communications skills required of certain employees	
<a href="#">20-8-121, MCA</a>	Transportation of students at school	
<b>Chapter 9. Finance</b>		
<a href="#">20-9-161, MCA</a>	Definition of budget amendment for budgeting purposes	
<a href="#">20-9-213, MCA</a>	Duties of trustees	
<a href="#">20-9-311, MCA</a>	Calculation of average number belonging (ANB) -- 3-year averaging*	
<a href="#">20-9-327, MCA</a>	Quality educator payment	
<a href="#">20-9-344, MCA</a>	Duties of board of public education for distribution of BASE aid	(1) The board of public education shall administer and distribute the BASE aid and state advances for county equalization in the manner and with the powers and duties provided by law. The board of public education: (a) shall adopt policies for regulating the distribution of BASE aid and state advances for county equalization in accordance with the provisions of law; (b) may require reports from the county superintendents, county treasurers, and trustees that it considers necessary; and (c) shall order the superintendent of public instruction to distribute the BASE aid on the basis of each district's annual entitlement to the aid as established by the superintendent of public instruction. In ordering the distribution of BASE aid, the board of public education may not increase or decrease the BASE aid distribution to any district on account of any difference that may occur during the school fiscal year between budgeted and actual receipts from any other source of school revenue. (2) The board of public education may order the superintendent of public instruction to withhold distribution of BASE aid from a district when the district fails to: (a) submit reports or budgets as required by law or rules adopted by the board of public education; or (b) maintain accredited status because of failure to meet the board of public education's assurance and performance standards. (3) Prior to any proposed order by the board of public education to withhold distribution of BASE aid or county equalization money, the district is entitled to a contested case hearing before the board of public education, as provided under the Montana Administrative Procedure Act.
<a href="#">20-9-346, MCA</a>	Duties of superintendent of public instruction for state and county equalization aid distribution*	
<a href="#">20-9-376, MCA</a>	Purpose of increased funding beyond inflation	
<b>Chapter 10. Transportation and Food Services</b>		
<a href="#">20-10-101, MCA</a>	Definitions	
<a href="#">20-10-103, MCA</a>	School bus driver qualifications*	
<a href="#">20-10-104, MCA</a>	Penalty for violating law or rules	

<a href="#">20-10-111, MCA</a>	Duties of board of public education	(1) The board of public education, with the advice of the Montana department of justice and the superintendent of public instruction, shall adopt and enforce policies, not inconsistent with the motor vehicle laws, to provide uniform standards and regulations for the design, construction, and operation of school buses in the state of Montana. The policies must: (a) prescribe minimum standards for the design, construction, and operation of school buses consistent with: (i) the recommendations adopted by the national conference on school transportation; and (ii) the federal motor vehicle safety standards; (b) prescribe standards and specifications for the lighting equipment and special warning devices to be carried by school buses in conformity with: (i) current specifications approved by the society of automobile engineers; (ii) motor vehicle laws; and (iii) the requirement that all school buses have an alternately flashing prewarning lighting system of four amber signal lamps to be used while preparing to stop and an alternately flashing warning lighting system of four red signal lamps to be used while stopped in accordance with 61-9-402; (c) establish other driver qualifications considered necessary in addition to the qualifications required in 20-10-103; (d) prescribe criteria for the establishment of transportation service areas for school bus purposes by the county transportation committee that shall allow for the establishment of service areas without regard to the district boundary lines within the county; (e) prescribe other criteria for the determination of the residence of a pupil that may be considered necessary in addition to the criteria established in 20-10-105; and (f) prescribe standards for the measurement of the child seating capacity of school buses, to be known as the rated capacity. (2) The board of public education shall prescribe other policies necessary for the proper administration and operation of individual transportation programs that are consistent with the transportation provisions of this title.
<a href="#">20-10-112, MCA</a>	Duties of superintendent of public instruction*	
<a href="#">20-10-124, MCA</a>	Private party contract for transportation -- individual transportation contract	
<a href="#">20-10-141, MCA</a>	Schedule of maximum reimbursement by mileage rates	
<a href="#">20-10-145, MCA</a>	State transportation reimbursement*	
<a href="#">20-10-146, MCA</a>	County transportation reimbursement	
<a href="#">20-10-201, MCA</a>	Acceptance, expenditure, and administration of federal school food services money	
<b>Chapter 20. School Elections</b>		
<a href="#">20-20-201, MCA</a>	Calling of school election*	
<b>Chapter 26. Student Financial Assistance</b>		
<a href="#">20-26-603, MCA</a>	Definitions	
<b>Title 52. Family Services</b>		
<b>Chapter 5. Corrections</b>		
<a href="#">52-5-106, MCA</a>	Curricula at facilities	
<b>Title 61. Motor Vehicles</b>		
<b>Chapter 9. Vehicle Equipment</b>		
<a href="#">61-9-402, MCA</a>	Audible and visual signals on police, emergency vehicles, and on-scene command vehicles -- immunity	
<a href="#">61-9-502, MCA</a>	Semiannual inspection of school buses	

^ currently in BPE authority memo

\*duties of the Superintendent of Public Instruction

COURT CASES  
Involving  
The Board of Public Education

**BOARD OF PUBLIC EDUCATION-v-THOMAS L. JUDGE, GOVERNOR**

Decided July 5, 1975 by the Montana Supreme Court

The issue was whether the Board of Public Education or the Board of Education would be responsible for vocational education. The Supreme Court found in a declaratory judgment in the Board of Public Education's favor and said that HB 566 which created a Board of Vocational Education under the Board of Education was unconstitutional.

**MICHAEL PERETTI, et al –v- STATE OF MONTANA, THE BOARD OF PUBLIC EDUCATION and its members.**

Decided July 19, 1989 by the Montana Supreme Court

This case was begun in 1977 by students in the "Career Pilot Program" at the Missoula Vo-tech, the case centered on the Board's authority to cut programs due to a decrease in the legislative appropriation. The students' alleged loss of the program translated into loss of opportunity and requested the awarding of significant damages. The Fourth Judicial District Court (Missoula) found in their favor, but the Supreme Court in a 5/2 decision reversed the order and found in favor of the State and the Board.

**HELENA ELEMENTARY SCHOOL DISTRICT NO. 1 etc., et al –v- the STATE OF MONTANA; etc., et al.**

Decided February 1, 1989 by the Montana Supreme Court

Commonly called "The Underfunded Lawsuit", the court found the financing of public schools in Montana to be unconstitutional with respect to student opportunity and taxpayer equity. Of special interest to the Board of Public Education It found that "the Montana School Accreditation Standards are minimum standards upon which quality education must be built". At this time the Court had been asked to retain jurisdiction by the plaintiff schools until July 1, 1991.

**THE ASSOCIATED PRESS, et al –v- THE BOARD OF PUBLIC EDUCATION**

Decided August 4, 1989 by the First Judicial District Court

Generally referred to as the Open Meeting Lawsuit, the press asked for a summary judgment declaring that subsection of 25-7-602 MCA was unconstitutional. This is the part of the law which allows public bodies to close meetings when discussing litigation strategy. The Board used this section of the law during a conference call and thus became the defendant in the case. The judge found that the constitution takes a very strong stand on the public's right to know and found that section of law unconstitutional.

**THE MONTANA BOARD OF PUBLIC EDUCATION et al –v- MONTANA ADMINISTRATIVE CODE COMMITTEE**

Decided March 1992 by Judge Sherlock of the Montana First Judicial District Court, Lewis & Clark County.

Generally referred to as the "Sherlock Decision", the adopted rule 10.55.804 stating "schools shall make an identifiable effort to provide educational services to gifted and talented students, which are commensurate with their needs and foster a positive self-image." The Administrative

Code Committee felt that this rule was in contravention of Section 20-7-902 (1), MCA, which provides “A school district may identify gifted and talented children and devise programs to serve them.” In 1991 the legislature passed HB 116 which repealed Rule 10.55.804 . The Board of Public Education felt it had the authority to promulgate the aforementioned rule pursuant to the Article X, Section 9(3)(a), of the Montana Constitution of 1972. The Board brought a judgment action against HB 116. It was found that HB 116 was invalid and that “the Board of Public Education, pursuant to Article X, Section 9(3), of the Montana Constitution, is vested with constitutional rule-making authority. This provision is self-executing and independent of any power that is delegated to the Board by the legislature. The Board’s rule mandating gifted and talented programs is within the purview of the Board’s constitutional power of general supervision pursuant to Article X, Section 9(3), of the Montana Constitution. HB 116, to the extent that it interferes or conflicts with the Board’s constitutional rule-making power, is in violation of the separation of powers doctrine of Article III, Section 1, of the Montana Constitution, and is therefore invalid and of no further force or effect.”

# Tab 3

## BOARD OF PUBLIC EDUCATION - ADMINISTRATIVE RULES INDEX

<b>CHAPTER 51-</b> ORGANIZATIONAL RULE	<a href="#">LINK TO CHAPTER 51</a>
<b>CHAPTER 52-</b> PROCEDURAL RULES	<a href="#">LINK TO CHAPTER 52</a>
<b>CHAPTER 53-</b> CONTENT STANDARDS	<a href="#">LINK TO CHAPTER 53</a>
<b>CHAPTER 54-</b> CONTENT STANDARDS AND PERFORMANCE DESCRIPTORS	<a href="#">LINK TO CHAPTER 54</a>
<b>CHAPTER 55-</b> STANDARDS OF ACCREDITATION	<a href="#">LINK TO CHAPTER 55</a>
<b>CHAPTER 56-</b> ASSESSMENT	<a href="#">LINK TO CHAPTER 56</a>
<b>CHAPTER 57-</b> EDUCATOR LICENSURE	<a href="#">LINK TO CHAPTER 57</a>
<b>CHAPTER 58-</b> STANDARDS FOR STATE APPROVAL OF TEACHER EDUCATION PROGRAMS LEADING TO INTERSTATE RECIPROCITY OF TEACHER CERTIFICATION	<a href="#">LINK TO CHAPTER 58</a>
<b>CHAPTER 59-</b> SCHOOL FOR THE DEAF AND BLIND FOUNDATION	<a href="#">LINK TO CHAPTER 59</a>
<b>CHAPTER 60-</b> SPECIAL EDUCATION	<a href="#">LINK TO CHAPTER 60</a>
<b>CHAPTER 61-</b> MONTANA SCHOOL FOR THE DEAF AND BLIND	<a href="#">LINK TO CHAPTER 61</a>
<b>CHAPTER 63-</b> EARLY CHILDHOOD EDUCATION	<a href="#">LINK TO CHAPTER 63</a>
<b>CHAPTER 64-</b> TRANSPORTATION	<a href="#">LINK TO CHAPTER 64</a>
<b>CHAPTER 65-</b> HOURS AND DAYS OF INSTRUCTION	<a href="#">LINK TO CHAPTER 65</a>
<b>CHAPTER 66-</b> ADULT SECONDARY EDUCATION CREDENTIALS	<a href="#">LINK TO CHAPTER 66</a>
<b>CHAPTER 67-</b> POLICY ESTABLISHING STATE AID DISTRIBUTION SCHEDULE FOR PUBLIC SCHOOL DISTRICTS	<a href="#">LINK TO CHAPTER 67</a>
<b>CHAPTER 68-</b> POLICY ESTABLISHING EDUCATIONAL MEDIA LIBRARY	<a href="#">LINK TO CHAPTER 68</a>

# Tab 4

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.

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 at the school on a regular basis, not less than six times annually. 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.

One Board of Public Education member will be appointed by the Chairperson and approved by the entire Board to serve on the School for the Deaf and Blind Foundation. Other members of the 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.

# Tab 5

# ACADEMIC FREEDOM POLICY

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## 1. General Statement

Academic freedom is the freedom to teach and to learn. American public education is the source of much that is essential to our democratic heritage. No other single institution has so significantly sustained our national diversity, nor helped voice our shared hopes for an open and tolerant society. Academic freedom is among the strengths of American public education. Attempts to deny the freedom to teach and to learn are, therefore, incompatible with the goals of excellence and equity in the life of our public schools. Public schools represent a public trust. They exist to prepare our children to become partners in a society of self-governing citizens. Therefore, access to ideas and opportunities to consider the broad range of questions and experiences which constitute the proper preparation for a life of responsible citizenship must not be defined by the interests of any single viewpoint.

## 2. Specific Statements

### (a) School Trustees

School boards have a public trust in accommodating a diversity of viewpoints and playing an important part in providing access to ideas. Local boards should adopt policies and procedures to receive, review and take action on requests that question public school practices and programs.

### (b) School Administrators

School administrators should base their decisions on an assessment of education need, determined with an effort to include diversity in views and acceptance of criticism of the principles to be taught. Their decisions should not be based on a desire to suppress unpopular views or on personal judgments. They should make sure that procedures are in place which govern acquisition, systematic review and reconsideration of materials.

### (c) Teachers

Teachers are entitled to freedom in the classroom in discussing their subject matter, but should be careful not to introduce into their teaching controversial material which has no relation to the subject.

### (d) Students

Students must be free to voice their opinions in the context of a free inquiry after truth and respect for their fellow students and school personnel, but student expression which threatens to interfere substantially with the school's function is not warranted by academic freedom.

### (e) Parents

Parents have the right to affect their own children's education, but this right must be balanced against the right other parents' children have to a suitable range of educational experiences.

(f) **Community**

The tenets of academic freedom seek to encourage a spirit of reasoned community participation in the life and practices of our public schools. In a constitutional system that encourages diversity in views, expression and religion, it is to be expected that at times strong objections are made regarding particulars of the public school curriculum.

It is important that the school authorities explore ways of accommodating dissent through other means than excluding materials or concepts from the educational program, canceling courses, refusing to renew contracts of certain teachers, or eliminating a particular kind of inquiry generally. In trying to accommodate dissent, authorities should attempt to balance the program by including the dissenter's point of view and if that is not educationally desirable, excuse the dissenter from participating in the objectionable part of the program.

The school's program should be neutral in matters of religious theory, doctrine and practice. Communities have the right to exercise supervision over their own public school practices and programs, but their participation in the educational life of their schools should respect the constitutional and intellectual rights guaranteed school personnel and students by American law and tradition.

Adopted October 1, 1984

BOARD OF PUBLIC EDUCATION  
 Authority and Responsibilities

Board of Education. Article 10, Section 9 (1) " There is a state board of education composed of the board of regents of higher education and the board of public education. It is responsible for long-range planning, and for coordinating and evaluating policies and programs for the state's educational systems. It shall submit unified budget requests. A tie vote at any meeting may be broken by the governor, who is an ex officio member of each component board."

Authority and Responsibility; Board of Education:

- a). long range planning
- b). coordination and evaluation of policies and programs for the state's educational systems.
- c). submission of unified budget requests.

Board of Public Education: Article 10, Section 3 (a). "There is a board of public education to exercise general supervision over the public school system and such other public educational institutions as may be assigned by law. Other duties of the board shall be provided by law." (emphasis provided)

Authority and Responsibility; Board of Public Education:

- a). The board, by virtue of its "general supervision" powers, has the constitutional authority and responsibility to make policy and establish rules for the following. The list is not intended to be exhaustive.
  - 1). Accreditation of Public Schools.
  - 2). Accreditation of Teacher Education programs.
  - 3). Certification of teachers, school administrators and other educators in public schools.
  - 4). Development of policies and holding of hearings on suspension, denial and revocation of teaching and administrative certificates.
  - 5). Formulation of a definition of a basic system of free quality elementary and secondary schools.
  - 6). Transportation
  - 7). P.I. and P.I.R. Days
  - 8). G.E.D.
  - 9). Student Assessment
  - 10). Other general supervisory duties
- b). "Other public educational institutions... assigned by law".
  - 1). The School for the Deaf and Blind
- c). "Other duties... provided by law".
  - 1). Equalization payments and the withholding thereof.
  - 2). Certification Standards and Practices Advisory Council.
  - 3). Administration of the Board as a state agency and coordination with other agencies.
  - 4). Other duties assigned by laws.



**Flathead Valley Community College**  
Number One First Street East, Kalispell, Montana 59901 (406) 752-5222

**RECEIVED**

MAR 19 1990

Board of Public Education

March 16, 1990

Mr. Alan D. Nicholson, Chair  
Board of Public Education  
State of Montana  
33 South Last Chance Gulch  
Helena, MT 59620

Dear Mr. Nicholson:

Thank you for your letter of March 8, 1990. I was invited to the meeting on March 22-23 by your secretary, but since it is the spring break and I had already planned on being out of town with my family, I'm afraid that I will not be able to make it.

I have read over the material that you sent me and find it is very well done and, in my mind, complete. I especially liked the background paper. Whoever did the work did a thorough job. The paper does, in a digested form, capture the thinking of the Education Committee of the Montana Constitutional Convention. If only someone had done the same thing for the State Board of Education.

I feel that this Board has powers that, to my knowledge, have never been used. I think the recent entrance requirements that were instituted by the university units, for instance, should have come from this Board through its coordinating powers. Notice that some of the high schools are now saying that they cannot adhere to these standards.

I also think that the need for long-range planning is so apparent that one wonders why the members of this Board haven't seen it and done something about it.

Another need is in the area of evaluation--not pieces of the system but the whole system needs to be evaluated, not only in terms of educational product but also in the areas of use of money, administration, coordination, etc.

Mr. Alan D. Nicholson  
Page 2  
March 16, 1990

My hope is that some members of the Boards or the state administration will see this and do something about it, and then they will see that much can be accomplished through the powers of this Board.

I hope this helps. Some areas of education are in bad shape in this state, and I do appreciate your efforts in trying to solve some of the problems.

Yours sincerely,

*Richard J. Champoux*

Richard J. Champoux

*km*

km

**BACKGROUND PAPER**  
**BOARD OF PUBLIC EDUCATION**  
**AUTHORITY AND RESPONSIBILITY**

The Board of Regents and the Board of Public Education, unlike most governmental boards and instrumentalities, are of constitutional origin. Their authority, as set forth in the constitution, must remain inviolate and cannot be infringed upon or exercised by other governmental arms or branches - including the legislative and the executive.

Article 10, section 3 (a) of the Montana constitution states "There is a board of public education to exercise general supervision over the public school system and such other public educational institutions as may be assigned by law. Other duties of the board shall be provided by law." (emphasis provided) Legislative statutes which implement the constitutional language fall into three categories.

1. Those statutes which enable the exercise of "general supervision over the public school system".

These statutes merely recite and give form and substance to constitutional powers which the Board would have anyway. These statutes can facilitate "general supervision" powers but cannot obviate, restrict or impair them. The Board holds that those responsibilities itemized in a) under Authority and Responsibility; Board of Public Education fall in this category.

2. Those statutes which assign "other public educational institutions" to the Board.

These statutes are quite clear. Presently those laws surrounding the School for the Deaf and Blind fall into this category.

3. Those statutes which provide "other duties".

These statutes deal with issues which fall outside the "general supervision" and "other public institutions" categories. The Board has acknowledged some of these in section c) under Authority and Responsibility; Board of Public Education.

There may not be agreement regarding the meaning of "general supervision" and the legislature may tend to believe that all or many of its statutes fall in the "other duties" category giving them broader control over the Board. General supervision has been held in other states to mean "to inspect, to superintend, to direct, to oversee" and to be "more than advise and concur but less than control". More particularly, other states have construed constitutional language the same as or similar to "general supervision" to mean, among other things, the responsibility to set statewide standards for accreditation of public schools and teacher preparation institutions. The Board believes that the Montana Supreme Court, in the recent School Foundation suit, has established that the Board's accreditation and certification standards fall within this general supervisory power.

Local boards have the constitutional mandate to coordinate, manage and control their local schools. Thus management and control accrue to local boards and the omission of these powers in the constitutional language pertaining to the Board of Public Education does not create a void which the legislature or the executive branch can fill. In particular, the constitution provides that the governor is an ex-officio, non-voting member of the Board.

The framers of the constitution dealt with this issue as follows:

"The fear has been expressed that a separate board for public education might usurp the powers of local boards. There is no reason to be concerned about such a possibility, however, since the powers granted the state board would be almost identical to those now granted. Indeed, the committee has actually deleted the work "control" from the powers now granted the board so that the new section reads, "exercise general supervision over the public school system." It would be difficult to argue that this grants any additional powers to the state board at the expense of local school boards." (Excerpt from the Education and Public Land Proposal, February 22, 1972 to the Montana Constitutional Convention).

Thus, local boards follow the mandates of the state Board within the framework of their responsibility to coordinate, manage and control much as a building contractor would operate under the mandates of building codes and city ordinances.



## OFFICIO MEMBERS:

nas L. Judge, Governor  
 Dolores Colburg, Superintendent  
 of Public Instruction, Executive  
 Officer of Vocational Education  
 and Secretary to the Board  
 Lawrence K. Pettit, Commissioner  
 of Higher Education

## BOARD OF PUBLIC EDUCATION

## APPOINTED MEMBERS:

Earl J. Barlow, Browning  
 Richard C. Bennett, Great Falls  
 Bruce M. Brown, Miles City  
 Carolyn M. Frojen, Missoula  
 Marjorie W. King, Winnett,  
 (Vice Chairwoman)  
 Harriett C. Meloy, Helena  
 Fred H. Mielke, Havre,  
 (Chairman)

## POSITION ON

FOUNDATION PROGRAM SCHEDULES AND STATE FUNDING  
 FOR THE 1975-77 BIENNIUM

WHEREAS, the present foundation program supports only about 61 percent of the total general fund budgets of school districts in Montana; and

WHEREAS, the proposed schedules under HB 516 would increase the guaranteed support from state and county sources to 75 percent of projected total budgets of school districts by 1977 resulting in decreased property taxes from school district voted levies; and

WHEREAS, the Constitution of the State of Montana directs the legislature to "fund and distribute in an equitable manner...the state's share of the cost of the basic elementary and secondary school system"; and

WHEREAS, the legislature in recent years has shown both concern for and evidence of equalizing school financing; and

WHEREAS, the Board's 1975 Report on Basic Quality Education includes recommendations and rationale consistent with the features of HB 516;

NOW, THEREFORE, BE IT RESOLVED that the Board of Public Education supports HB 516 and particularly endorses the philosophy guiding construction of the schedule adjustments included therein that takes into account both past and projected school district expenditure patterns and that allows for differences in costs among varying school sizes; and

BE IT FURTHER RESOLVED that the Board urges the legislature to provide sufficient revenue sources for full funding of the state's share of adjusted schedules.

ADOPTED: January 31, 1975

June 4, 1993

TO: All Interested Parties

FROM: Wayne Buchanan, Executive Secretary

RE: ADOPTION OF GENDER AND MULTICULTURAL EQUITY STATEMENT

On May 20th the Board of Public Education adopted the following Gender and Multicultural Equity Position Statement. On behalf of the Board, I wish to thank you for your participation as a task force member in developing this statement.

Please accept our congratulations for your ongoing commitment to promoting equity in Montana schools. Thanks again for volunteering your time and expertise to develop the Gender and Multicultural Equity Statement.

### GENDER AND MULTICULTURAL EQUITY POSITION STATEMENT

In order to achieve a fair and just society, all components of society must be committed to gender, racial and multicultural equity. Schools, as one of the critical shapers of character and behavior, are in a unique position to further these goals. In recognition of these facts, the Board of Public Education renews its adherence to these goals and reiterates its continued commitment to programs designed to eliminate sexism and racism wherever they exist in Montana Schools.

The Board recognizes the state and federal provisions prohibiting sex and gender discrimination. The Board also recognizes the state and federal provisions prohibiting racial and cultural discrimination. The Board further recognizes the commitment to American Indians in the Montana Constitution and reaffirms its Policy Statement on American Indian Education as adopted on April 12, 1984. Therefore, the Board is committed to the prevention on all forms of discrimination in Montana schools.

The Board believes the goals of gender and multicultural equity to be of critical importance in preparing all students for the workplace and for society. Confidence in learning is based upon confidence in oneself as a person. Gender, racial, and cultural biases are barriers to the kind of confidence needed to enhance learning and achievement, in school and in society. The Board is committed to an incremental plan for strengthening multicultural and gender equity in education. It is the intent of this plan to infuse equity strategies and content in three major areas: teacher education programs, accreditation, and certification. Therefore, the Board requests that the Superintendent of Public Instruction conduct an annual review of progress toward the goals of the plan and report the findings to the Board.

The goals of this plan can only be achieved with the involvement of all key participants in Montana education: educators, administrators, school board trustees, students, parents, staff, community and educational organizations, private schools, businesses, teacher organizations, tribal organizations and councils, the Superintendent of Public Instruction, the Office of the Commissioner of Higher Education, the tribal colleges, and the Montana University System. Montana's future requires the best citizens and leaders, and we can do no less than to ensure that their education is free of discrimination and that it affirms each individual's abilities and talents.

## GENDER AND MULTICULTURAL EQUITY POSITION STATEMENT

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ADOPT: May 20, 1993

**STATE PLAN FOR STRENGTHENING  
GENDER AND MULTICULTURAL EQUITY  
AWARENESS AND COMPLIANCE  
IN MONTANA SCHOOLS**

- I. RECOMMENDED GOAL: To encourage educators, administrators and community members to build their awareness of gender and multicultural equity.**
- A. OBJECTIVE-Adoption of Joint Statement on Gender and Multicultural Equity in Teacher Education by State Board of Education;**  
**STRATEGIES-Task Forces make a recommendation to Board of Public Education and Board of Regents;**  
**INITIATING AGENCY-Board of Public Education;**  
**COOPERATING AGENCIES-Board of Regents, Governor, State Superintendent of Public Instruction;**  
**TIMELINE-January of 1993.**
- B. OBJECTIVE-Build public awareness of gender and multicultural equity issues;**  
**STRATEGIES-(1) Hold a press conference upon adoption of the Joint Statement and finalization of the Plan for Strengthening Equity Awareness and Compliance;**  
**INITIATING AGENCY-State Board of Education;**  
**COOPERATING AGENCIES-State Superintendent of Public Instruction, Governor, Appropriate Professional Organizations;**  
**TIMELINE-January of 1993.**  
**STRATEGIES-(2) Develop a long-term plan to build public awareness and recommend guidelines for equitable schools, utilizing a telephone town meeting with the Board of Public Education to gain public input;**  
**INITIATING AGENCY-Office of Public Instruction;**  
**COOPERATING AGENCIES-Board of Public Education, Appropriate Professional Organizations;**  
**TIMELINE-1994.**
- C. OBJECTIVE-Integrate gender and multicultural equity awareness into Teacher Ed Program Standards;**  
**STRATEGIES-(1) Identify weaknesses and recommend changes in the Teacher Ed Standards;**  
**INITIATING AGENCY-OPI;**  
**COOPERATING AGENCIES-Board of Public Education, Office of Commissioner of Higher Education, Council of Deans, Appropriate Professional Organizations;**  
**TIMELINE-Fall of 1993.**

STRATEGIES-(2) Conduct inventory of what teacher ed programs already do in pre-service programs using NCATE and gender equity criteria;  
INITIATING AGENCY-Certification Advisory Council;  
COOPERATING AGENCIES-Teacher Ed Programs, Council of Deans;  
TIMELINE-Fall of 1993.

D. OBJECTIVE-Encourage gender and multicultural equity inservice training for professional educators, other school district personnel, and trustees;

STRATEGIES-(1) Establish incentives to increase participation in equity training;

INITIATING AGENCY-Certification Advisory Council;  
COOPERATING AGENCIES-Office of Public Instruction, Office of Commissioner of Higher Education, Board of Public Education, Appropriate Professional Organizations;

TIMELINE-Upon adoption.

STRATEGIES-(2) Maintain equity requirements for Carl Perkins;

INITIATING AGENCY-Office of Commissioner of Higher Education;

COOPERATING AGENCIES-Office of Public Instruction, Vocational Education;

TIMELINE-Upon adoption.

STRATEGIES-(3) Education groups provide Board of Public Education with ongoing equity updates;

INITIATING AGENCY-Office of Public Instruction;

COOPERATING AGENCIES-Board of Public Education, Office of Commissioner of Higher Education, Appropriate Professional Organizations;

TIMELINE-Upon adoption.

E. OBJECTIVE-Implement system of regular equity inservice with cadres of trainers in regions;

STRATEGIES-Develop model equity inservice curricula (as per Alaska); encourage commitment by local staff development committees;

INITIATING AGENCY-Office of Public Instruction;

COOPERATING AGENCIES-Appropriate Profession Organizations, County Superintendents, Regional Equity Networks, Board of Public Education, local staff development committees, Parent Student Teacher Associations;

TIMELINE-Fall of 1994.

F. OBJECTIVE-Ensure that Board of Public Education internal policies and practices are consistent with multicultural and gender equity goals;

STRATEGIES-Review Board of Public Education policies;

INITIATING AGENCY-Board of Public Education;

TIMELINE-1993.

**II. RECOMMENDED GOAL: To encourage the development of plans for increasing the number of females and individuals from minority cultures in teaching and in administrative positions.**

**A. OBJECTIVE-Identify and eliminate barriers to the recruitment and hiring of female and minority teachers and administrators;**

**STRATEGIES-Provide training for trustees and administrators; infuse with discrimination-free hiring/training/MALD/Mentorships;**

**INITIATING AGENCIES-Montana School Boards Association and School Administrators of Montana;**

**COOPERATING AGENCIES-Office of Public Instruction, Board of Public Education, Career Placement Offices within University System, Appropriate Professional Organizations;**

**TIMELINE-1993.**

**B. OBJECTIVE-Create scholarships and/or deferred loan policies for minority and non-traditional students entering teacher education programs;**

**STRATEGIES-Review alternatives; seek funding sources;**

**INITIATING AGENCY-Office of Public Instruction;**

**COOPERATING AGENCIES-Office of Commissioner of Higher Education, Appropriate Professional Organizations;**

**TIMELINE-1994.**

**C. OBJECTIVE-Retain current female and minority administrators;**

**STRATEGIES-Encourage school districts, educational agencies, and professional organizations to provide support, networking, and mentoring programs;**

**INITIATING AGENCY-School Administrators of Montana;**

**COOPERATING AGENCIES-Appropriate Professional Organizations, Office of Public Instruction, local districts, teacher ed programs;**

**TIMELINE-1993.**

**D. OBJECTIVE-Provide non-traditional and multicultural role models for potential teachers and administrators;**

**STRATEGIES-Encourage teacher preparation and K-12 career guidance programs to identify and recruit non-traditional teachers and administrators;**

**INITIATING AGENCIES-Office of Commissioner of Higher Education, Office of Public Instruction;**

**COOPERATING AGENCIES-Local Districts, Appropriate Professional Organizations;**

**TIMELINE-1994.**

- E. OBJECTIVE-Strengthen gender and multicultural equity in hiring staff and appointing representatives to state education organizations and agencies;  
STRATEGIES-Board of Public Education recommends to state education organizations and agencies that they seek gender and multicultural balance;  
INITIATING AGENCY-Board of Public Education;  
COOPERATING AGENCIES-Professional Organizations, State Education Agencies;  
TIMELINE-1993.

**III. RECOMMENDED GOAL: To clarify and implement accreditation standards 801, 802, and 803.**

- A. OBJECTIVE-Provide guidelines to clarify and implement Accreditation Standards 801, 802, and 803;  
STRATEGIES-Have Office of Public Instruction develop guidelines;  
INITIATING AGENCY-Office of Public Instruction;  
COOPERATING AGENCY-Board of Public Education;  
TIMELINE-1994.
- B. OBJECTIVE-Develop a catalog of compliance laws and rules;  
STRATEGIES-Require for inclusion in appendix of accreditation standards;  
INITIATING AGENCY-Office of Public Instruction;  
COOPERATING AGENCY-Board of Public Education;  
TIMELINE-1993.

**IV. RECOMMENDED GOAL: To infuse gender and multicultural equity throughout the curriculum.**

- A. OBJECTIVE-Infuse gender and multicultural equity principles in Program Area Standards;  
STRATEGIES-Make recommendations on the Program Area Standards for next review of Accreditation Standards;  
INITIATING AGENCY-Office of Public Instruction;  
COOPERATING AGENCIES-Board of Public Education, Teacher Ed Programs, Appropriate Professional Organizations, Parent Student Teacher Associations;  
TIMELINE-1993-94.
- B. OBJECTIVE-Revise Model Learner Goals;  
STRATEGIES-Make recommendations on the Learner Goals;  
INITIATING AGENCY-Office of Public Instruction;  
COOPERATING AGENCIES-Board of Public Education, Teacher Ed Programs;  
TIMELINE-1993.

C. **OBJECTIVE**-Provide non-traditional and multicultural role models for students;  
**STRATEGIES**-Encourage augmentation of "Expanding Your Horizons" and other non-traditional career counseling programs;  
**INITIATING AGENCY**-Office of Public Instruction;  
**COOPERATING AGENCIES**-Local volunteers, MCTM, local businesses, AGATE, school counselors, MIEA, teacher ed programs;  
**TIMELINE**-Upon adoption.

V. **RECOMMENDED GOAL: To encourage self-audits by local districts for inclusion of gender-fair, multicultural education.**

A. **OBJECTIVE**-Develop self-audit tools;  
**STRATEGIES**-Encourage a cooperative effort between Office of Public Instruction, Montana School Boards Association, and School Administrators of Montana in development of appropriate tools; utilize tools in annual training;  
**INITIATING AGENCY**-Office of Public Instruction;  
**COOPERATING AGENCIES**-Regional Equity Networks, Appropriate Professional Organizations;  
**TIMELINE**-1994.

VI. **RECOMMENDED GOAL: To encourage parental involvement in promoting gender and multicultural equity in education.**

A. **OBJECTIVE**-Encourage districts to implement plans for stronger parental involvement in promoting gender and multicultural equity in the schools;  
**STRATEGIES**-Parental equity training;  
**INITIATING AGENCY**-Office of Public Instruction;  
**COOPERATING AGENCIES**-Parent Student Teacher Associations, American Association of University Women, Parent Advisory Councils, Department of Family Services.  
**TIMELINE**-1993.

**VII. RECOMMENDED GOAL: To encourage business/school/community partnerships in equity issues.**

**A. OBJECTIVE-Strengthen partnerships to build advocacy for equity issues;**

**STRATEGIES-Gain commitments: business-school/community conferences, Expanding Your Horizons, career fair committees;**

**INITIATING AGENCY-Office of Public Instruction;**

**COOPERATING AGENCIES-Tribal Councils, Tribal Education Departments, State Chamber of Commerce, Job Service, Regional Equity Network, Native American Centers, HRDC, American Association of Retired Persons, Small Business Association, Business Roundtable, Montana Association of School Counselors, Board of Regents;**

**TIMELINE-1993.**

**VIII. RECOMMENDED GOAL: To increase resources available for gender and multicultural equity.**

**A. OBJECTIVE-Seek resources from legislature for an educational equity specialist;**

**STRATEGIES-Present a bill to the legislature;**

**INITIATING AGENCY-Office of Public Instruction;**

**COOPERATING AGENCIES-Appropriate Agencies and Professional Organizations;**

**TIMELINE-1993.**

**B. OBJECTIVE-Seek resources from outside of state government; STRATEGIES (1) Identify possible sources, and (2) prepare grant proposals;**

**INITIATING AGENCY-Office of Public Instruction;**

**COOPERATING AGENCY-Appropriate Agencies and Professional Organizations;**

**TIMELINE-1995.**

**IX. RECOMMENDED GOAL: To monitor progress of the state in meeting multicultural and gender equity goals.**

- A. OBJECTIVE-Establish a data base;**  
**STRATEGIES-(1) Create an inventory of persons and centers providing financial, academic, and social support;**  
**(2) Create a data base on female and minority representation in teaching, educational administration, school boards, and other leadership positions;**  
**INITIATING AGENCY-Office of Public Instruction;**  
**COOPERATING AGENCIES-School Districts, Colleges and Universities, Appropriate Agencies and Professional Organizations;**  
**TIMELINE-1993.**
- B. OBJECTIVE-Annually review the state plan for strengthening gender and multi-cultural equity;**  
**STRATEGIES-Recommend that the plan be updated in an annual report to the Board of Public Education;**  
**INITIATING AGENCY-Office of Public Instruction;**  
**COOPERATING AGENCIES-Appropriate Education Organizations and Agencies;**  
**TIMELINE-1994.**

## **Gender Equity in Education in Montana**

As we approach the year 2000 and enter a decade that is demanding more and more from our students, we recognize that it has been 17 years since Title IX was implemented to prohibit sex discrimination in education. We celebrate the contributions that all have made to educational equity. Title IX and Montana's legal provisions continue to have serious and substantive implications for our educational system. Changes in curriculum, school codes, employment practices, athletics, instructional materials and methods will undoubtedly occur when educators, parents and citizens examine their schools for gender bias in policy and practice.

It is now appropriate for Montanans to take a close look again at how "gender-fair" our education is for females and males. The reality facing our graduates is that in the next decade there will be tremendous opportunities for our female new entrants into the workforce. We are committed to making sure all of Montana's students, male and female, are ready to enter and be competitive in the twenty-first century. The Board of Public Education renews its active implementation of equal educational opportunity for all students, males and females, and its support for our teachers who will provide it.

Disparities between female and male achievement are evident in "gender gaps" in standardized test scores, in career choices, in the presence of sexual harassment and intimidation in schools, and in gender imbalance in teaching and administrative personnel. A special concern is the compounded effects of racism and sexism on Montana's culturally diverse females.

The Board of Public Education is committed to an incremental plan for strengthening gender equity in education to address these and other disparities. It is the intent of this plan to infuse equity strategies and content in three major areas: teacher education programs, accreditation, and certification. The Board commits itself to an annual review of progress toward these goals, and to on-going revision and redirection based on the reflection and deliberation of the Board after each review.

The goals of this plan can only be achieved with the involvement of all key participants in Montana education: educators, administrators, school board trustees, students, parents, staff, community and educational organizations, businesses, teacher organizations, tribal organizations and councils, OPI and the Office of Higher Education, the tribal colleges, and the University System. Montana's future requires the best citizens and leaders, and we can do no less than insure that their education is both free of discrimination and affirming of each individual's abilities and talents.

**BOARD OF PUBLIC EDUCATION**  
**INFORMATION AND RATIONALE**  
**FOR A**  
**POSITION STATEMENT**  
**ON HIV/AIDS**

Rationale

The growing problem of HIV and AIDS, especially among younger persons, demands a reaction from educators. Through education, HIV infection and AIDS become truly preventable. Sound education policy regarding HIV and AIDS is a first, vital step in formulating an educational response to the disease. The policy must establish guidelines for schools for decision making and action. A well-planned policy which takes into consideration education, rights and accommodations, and work site safety issues can help school districts and communities avoid potential disruptive and divisive conflict.

School policy addressing each of three overriding areas -- education, rights and accommodations, and work site safety -- needs to be developed at the district level. HIV-related policies are most successfully developed with community and local health department involvement. Policies should reflect the traditions and values of the community, include current scientific and medical knowledge, and be consistent with laws protecting individual rights. In addition, effective policies require routine evaluation and revision to keep them up to date and useful. (The Office of Public Instruction is a resource for model policy information and technical assistance.)

Policy Content

Three areas of concern should be addressed by HIV policies -- issues of education, issues regarding students and staff who are infected with HIV, and procedures for safely handling body fluids. Policy focusing on education should address such issues as when and how to teach students about HIV and AIDS within a health enhancement curriculum, the content of an HIV curriculum, staff preparation and training, and evaluation of the HIV education program. Policy focusing on people should address the confidentiality and rights of people who are infected. Policy focusing on infection control should address proper methods of ensuring a safe environment for all students and staff.

BPE Position Statement

**All Montana school districts are strongly encouraged to develop appropriate communicable disease policies that specifically include HIV and AIDS, and which address age-appropriate education, rights and accommodations of students and staff who are infected, and safety procedures.**

Dated: March 5, 1999



# BOARD OF PUBLIC EDUCATION

**OFFICIO MEMBERS:**

James L. Judge, Governor  
Dolores Colburg, Superintendent  
of Public Instruction, Executive  
Officer of Vocational Education  
and Secretary to the Board  
Lawrence K. Pettit, Commissioner  
of Higher Education

**APPOINTED MEMBERS:**

Earl J. Barlow, Browning  
Richard C. Bennett, Great Falls  
Bruce M. Brown, Miles City  
Carolyn M. Frojen, Missoula  
Marjorie W. King, Winnett,  
(Vice Chairwoman)  
Harriett C. Meloy, Helena  
Fred H. Mielke, Havre,  
(Chairman)

## POSITION ON

### LEGISLATIVELY IMPOSED SCHOOL DISTRICT BUDGET LIMITATIONS

WHEREAS, the Board of Public Education understands and appreciates the legislature's concern for controlling the costs of public education in the state of Montana, and;

WHEREAS, House Bill No. 428 passed by the legislature in 1973 instituting a 107 percent limitation on school district general fund budget increases was unduly restrictive on the powers and duties of local boards of trustees, and;

WHEREAS, House Bill No. 699 passed in 1974 raising the limitation to 112 percent while incorporating the requirement that documentation for increases beyond that level be filed with the Superintendent of Public Instruction allowed some relief from the previous legislative control, and;

WHEREAS, Section 75-6923, R.C.M., 1947, unless amended, would impose a fixed ceiling of 112 percent on school budget increases in the future; and

WHEREAS, percentage increases imposed by the legislature such as those cited above cause inequitable hardships on selected individual school districts without fully satisfying the legislature's intent for statewide expenditure ceilings;

NOW, THEREFORE, BE IT RESOLVED that the Board of Public Education endorses and supports House Bill 334 and Senate Bill 297 and urges the Forty-fourth Legislature to enact either of these measures.

ADOPTED: January 31, 1975

**STATE OF MONTANA  
BOARD OF PUBLIC EDUCATION**

**POSITION STATEMENT  
ON  
SEX DISCRIMINATION AND STEREOTYPING IN THE PUBLIC SCHOOLS**

Attention to many of the glories of our nation's first 200 years is being revived as we prepare to celebrate the bicentennial. Foremost among the achievements in which our people take great pride are those which actualize the principle that all people are created equal. History proves that Americans have spoken in favor of fair labor standards, protection of civil rights, provision of equal employment opportunities and pay, and efforts to secure the blessings of liberty for Americans without regard to ethnic background, personal disability, color, creed or age. In a multitude of ways, our democracy has maintained a vigorous commitment to both the protection and promotion of the value and dignity of the individual.

In 1972, Montanans chose to reaffirm their commitment to this self-evident truth by ratifying a new Constitution which declared in Article I: "The dignity of the human being is inviolable." And in Article X, Montanans further declared: "It is the goal of the people to establish a system of education which will develop the full educational potential of each person. Equality of educational opportunity is guaranteed to each person of the state."

State legislation since then—on Indian education, special education and human rights, to cite only a few—has provided form and focus for these mandates, testifying to the fact that Articles I and X are operating as obligations in our laws and lives. More recently, Montanans have determined that a basic quality education is a "process which can enable students to transform their potential into actuality." Together, these efforts provide direction for decisions on the issues of quality and equality in our schools today.

With Congressional passage of Title IX of the Education Amendments of 1972, reinforcement for Montanans' convictions came from the federal level. Title IX provides that: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

Title IX, together with Montana's legal provisions, has serious and substantive implications for our educational system. Changes in curriculum, school codes, employment practices, athletics, instructional materials and methods will undoubtedly occur when educators, parents and citizens examine their respective schools for sex bias in policy or practice.

The Board of Public Education interprets the promise and imperative of Title IX to be wholly consistent with the state constitution, school law and the philosophy set forth in the Basic Quality Education study. Therefore, the Board urges careful, complete and immediate compliance with Title IX by Montana's public schools.

**ADOPTED: March 10, 1975**

In 1985 the Legislature passed House Joint Resolution 26 urging the Trustees of each school district to appoint a non-voting student to represent the school student body. In response to the resolution the Board makes the following statement available to all districts.

#### STUDENT REPRESENTATION

The Board believes that the active involvement of students in their education including educational planning and evaluation and the fostering of a spirit of inquiry whereby students may freely express their views and listen to and evaluate the opinions of others, are two factors which are essential to the creation of a stimulating learning environment. Students may bring different types of information and opinions which may have not been heard regularly in the past. Very often members of the school community are unaware of student reactions to developments in their schools. Conversely, governance decisions which concern students may not reach them and misunderstandings sometimes result.

The Board considers the following criteria important in the selection of student advisors and states them here for consideration at the local level:

1. An interest in and understanding of the governance of education.
2. The ability to communicate with peers and perceive student needs and perspectives.
3. The ability to represent student perspectives responsibly in an adult setting.
4. The ability to contribute the necessary time to attend meetings, review background materials, and prepare for possible presentations.
5. A record of leadership qualities.

# Tab 6

## **Reimbursement Information**

This is a handy reminder of what items need to be included in this packet. If all of the information is included in your maroon folder at the end of the meeting, there shouldn't be any delays in your reimbursement.

- **Travel Expense Voucher**—You **NEED** to sign this form.
- **Travel Detail Form**—Please fill out **everything** on this form. If you don't know the mileage traveled, Anneliese will figure it out for you.
- **Motel and/or Airline Receipt**—Reimbursement **cannot** be made without the receipt in our office.

*Thanks so much!*

**MONTANA BOARD OF PUBLIC EDUCATION  
TRAVEL DETAILS**

NAME \_\_\_\_\_

DATE \_\_\_\_\_ FROM \_\_\_\_\_ TO \_\_\_\_\_ TIME

DEPARTING\* \_\_\_\_\_ TIME ARRIVING\* \_\_\_\_\_

MODE OF TRAVEL \_\_\_\_\_

MILEAGE TRAVELED \_\_\_\_\_

---

DATE \_\_\_\_\_ FROM \_\_\_\_\_ TO \_\_\_\_\_

TIME DEPARTING\* \_\_\_\_\_ TIME ARRIVING\* \_\_\_\_\_

MODE OF TRAVEL \_\_\_\_\_

MILEAGE TRAVELED \_\_\_\_\_

---

OTHER DETAILS PERTINENT TO REIMBURSEMENT:

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**\*APPROXIMATE TIME**

1. Please submit this form along with your Motel/Hotel receipt and signed travel vouchers to the Council secretary before you leave.
2. If you are submitting your travel claim separately or have done travel other than the Board meetings, please be sure to submit your claim within a 10 day time period.
3. If you are traveling and will complete your travel before June 30th of any year, you must have the travel claim turned in before June 30th.
4. Any travel performed before June 30th and not submitted before July 1st CANNOT BE REIMBURSED DUE TO FISCAL YEAR ENDING.
5. If you have any questions, please call the Board Secretary at 444-6576.

# TRAVEL GUIDE

## Meals:

1. Must have traveled for more than 3 continuous hours and be a distance of at least 15 miles from headquarters or home, whichever is closer. (ARM 2.4.126)
2. A maximum of 2 meals during the travel shift. A travel shift is defined as that period of time beginning 1 hour before or terminated more than 1 hour after normally assigned work shift. (ARM 2.4.127)
3. Time ranges – Must have traveled for more than 3 continuous hours within one of the following time ranges (ARM 2.4.128):

## Travel Time:

### In-State

### Out-of-State

❖ Three hours or less

None

None

❖ Greater than three hours and at least three hours within the ranges below:

Morning (12:01 a.m. – 10:00 a.m.)

\$7.50

\$13.00

Midday (10:01 a.m. – 3:00 p.m.)

\$8.50

\$14.00

Evening (3:01 p.m. – 12:00 midnight)

\$14.50

\$23.00

Total for the day:

\$30.50

\$50.00

- ❖ Only 1 meal per day when travel is performed solely within the confines of a travel shift. (ARM 2.4.130)
- ❖ Two meals per 24-hour calendar day when departing within the travel shift but returning outside the limits or departing prior to travel shift and returning during travel shift. (ARM 2.4.130)

## Mileage:

The reimbursement rate for mileage driven in connection with State business is 58.0 cents per mile. In order to claim reimbursement at this rate the employee must qualify according to the Administrative Rules of Montana (A.R.M.) Section 2.4.114.



**Section II**

**Montana School for  
the Deaf and Blind  
(MSDB)**

# Tab 7

## **MSDB Foundation**

***Alone we can do so little; together we can do so much.***

**- Helen Keller**

The MSDB Foundation provides Montana's deaf and blind children with opportunities for academic and social development similar to those of other children, in order to better prepare them for independent lives.

With the help of many generous donors, the Foundation has funded a large technology program that brought the School into the 21st century, an updated and automated library with an expanded collection, a playground accessible for children with vision or hearing loss, and many programs that directly benefit MSDB students.

The MSDB Foundation provides ongoing support for:

- job training and career preparation
- assistive technology
- outreach services for students in their home communities
- capital improvements on campus

Each year, the Foundation supports a wide range of academic and extracurricular activities that improve the students' self confidence, quality of life, and education. These include:

- MSDB's Academic Bowl team
- Visually Impaired Games
- Summer camps for kids from across the state
- Family Learning Weekends
- Academic achievement awards
- Field trips
- Holiday parties, proms, and a yearbook
- Expressions of Silence – a performing group of students who use sign language choreographed to recorded music to “sing” songs for audiences at various events.



# MSDB Foundation Board of Directors

PO BOX 6576  
GREAT FALLS MT 59404  
(406) 771-6040  
[foundation@msdb.mt.gov](mailto:foundation@msdb.mt.gov)

## Officers

### **Scott Patera, President**

Great Falls  
Northwestern Energy, Retired  
Member since 1992

### **Shawn Tulloch - Vice President**

Bozeman  
Program Manager – Deaf Services, VR  
Member since 2014

### **Laura Walker, Secretary/Treasurer**

Great Falls  
Attorney at Jardine, Stephenson, Blewett & Weaver, P.C.  
Member since 2017

## Board Members

### **Bonnie DeNoma, Great Falls**

MSDB, MSDB Foundation, Retired  
Member since 2015

### **Jim Kelly, Great Falls**

MSDB Student Life Director  
Member since 2017

### **Casey Schreiner, Great Falls**

Director of the Montana State Workforce  
Innovation Board  
Three Term State Representative  
Member since 2017

### **Mark Willmarth, Great Falls**

Training & Development Coordinator at City of  
Great Falls  
Co-owner of Vision West Inc.  
Member since 2017

### **Doug Little, Great Falls**

Retired Teacher  
Member since 2015

### **Rick Thompson, Glasgow**

Dept. of Public Health & Human Services, Retired  
Member since 2017

### **Gary McManus, Great Falls**

MSDB Teacher, Retired  
Member since 2017

### **Travis Stevenson, Great Falls**

Co-owner OverHere Consulting  
Members since 2017

### **Hollis Fudge, Great Falls**

Network and System Administration  
Member since 2017

## Foundation Contact

### **Kathy Saunders**

Executive Assistant  
MSDB Foundation Office

## MSDB Contact

### **Superintendent Name**

MSDB Superintendent  
Member since YEAR

copy

**AGREEMENT  
BETWEEN THE  
MONTANA BOARD OF PUBLIC EDUCATION  
AND THE  
MONTANA SCHOOL FOR THE DEAF AND THE BLIND FOUNDATION, INC.  
SEPTEMBER 15, 2014**

This agreement (“Agreement”) is entered into by the Montana Board of Public Education (“Board”) and the Montana School for the Deaf and the Blind Foundation, Inc. (“Foundation”), a non-profit corporation organized under the laws of the State of Montana.

**RECITALS**

WHEREAS, the Montana School for the Deaf and the Blind (“School”) is an independent institution under the general supervision, direction and control of the Board of Public Education (“Board”) as described in Mont. Code Ann. 20-8-101; and

WHEREAS, the Montana School for the Deaf and the Blind Foundation, Inc. (“Foundation”) is a private, nonprofit corporation organized for the purpose of benefiting children and youths who are deaf, hard of hearing, blind, visually impaired and deaf blind and who are, or have been, students of the School for the Deaf and the Blind; and

WHEREAS, the Foundation is an independent corporation whose relationship to the Board and the School is described in this Agreement, the Articles of Incorporation of the Foundation, the By-laws of the Foundation, and Rules 10.59.101 through 104, Administrative Rules of Montana; and

WHEREAS, pursuant to Mont. Code Ann. 20-8-111, the Board has the authority, through a contract with a nonprofit corporation, to designate to said nonprofit corporation the power to receive, hold, manage, use, and dispose of real and personal property

transferred to the Board or to the State of Montana by purchase, gift, devise, or bequest or otherwise acquired and the proceeds, interest, and income of the property for the use and benefit of the School; and

WHEREAS, the Board and the Foundation wish to enter into this Agreement in order to make the Foundation its designee as described in Mont. Code Ann. 20-8-111 and in order to establish the relative duties and responsibilities of the parties.

NOW THEREFORE, based upon the above recitals and the mutual agreements contained in this Agreement, the parties agree as follows:

**I. Designation of Foundation.**

Pursuant to Mont. Code Ann. 20-8-111, the Board hereby engages the Foundation to render, and the Foundation agrees to render to the Board, the receipt holding, management, use and disposal of all real and personal property transferred to the Board or to the State of Montana by purchase, gift, devise, bequest or otherwise, and the proceeds, interest, and income thereof for the use and benefit of the students and programs of the School.

**II. Articles of Incorporation.**

The Foundation agrees that it shall maintain articles of incorporation which include the following provisions:

A. The Superintendent of the School shall by virtue of his or her office be one of the members of the Foundation's Board of Directors until his or her successor is duly appointed.

B. A designated member of the Foundation Board will present a quarterly report to the Board of Public Education either by mail or in person that would include a budget summary and minutes of meetings held.

### **III. Foundation Bylaws.**

The Foundation agrees that it shall maintain bylaws which without limitation cover selection of officers, meetings, compensation for services and amendment procedures.

### **IV. Foundation Duties and Responsibilities.**

A. The Foundation shall receive, hold, manage, use and dispose of real and personal property made or transferred to the Board or to the State of Montana by purchase, gift, devise, bequest or otherwise acquired, and the proceeds, interest and income for the use and benefit of the students and former students of the School and other students served by the School.

B. In fulfilling its responsibilities under this Agreement and Mont. Code Ann. 20-8-111, the Foundation agrees that it will:

1. Comply with applicable state and federal law;
2. Maintain financial and accounting records in accordance with generally accepted accounting principles, have an audit performed by a certified public accountant at least once every two years, and provide the Board with a copy of the most recently audited financial statement;
3. Provide the legislative auditor access to records as may be necessary to comply with the requirements of Mont. Code Ann. 18-1-118(2), except that the financial

records of private donors are confidential and shall not be released or accessed by the public unless required by law;

4. Establish and maintain a written policy covering the acceptance, management, disposal or expenditure of income, proceeds, interest and property managed by the Foundation pursuant to this Agreement.

**V. Relationship Between Foundation and Board.**

A The Board recognizes that the Foundation is a private, nonprofit organization independent of the Board;

B. The Board agrees to encourage and maintain the independence of the Foundation, while fostering a cooperative relationship between the Board and the Foundation;

C. The Foundation agrees to cooperate with the Board in fulfilling the Foundation's purposes as defined in its articles of incorporation and in complying with its responsibilities under this Agreement.

**VI. Liability Exposure.**

The parties agree that the liability of the Board, its officials and employees, is controlled and limited by the provisions of title 2, chap. 9, Mont. Code Ann. Any provisions of this Agreement shall be controlled, limited, and otherwise modified to limit any liability of the State of Montana and the Board to that set forth in title 2, chap. 9, Mont. Code Ann.

**VII. Indemnification.**

Each party agrees to be responsible and assume liability for its own wrongful or

negligent acts or omissions, or those of its officers, agents or employees, to the full extent required by law. Each party agrees to maintain reasonable coverage for such liabilities either through commercial insurance or a reasonable self-insurance mechanism, and the terms of such insurance coverage or self-insurance mechanism shall be provided to the other party upon request.

#### **VIII. Term of Agreement; Entire Agreement.**

This Agreement shall begin on the date of its execution by both parties and shall continue until terminated by either party as provided in this Agreement or until superseded by a subsequent agreement between the parties. This Agreement shall be considered the sole and entire Agreement between the parties and shall supersede and replace all pre-existing agreements between the parties.

#### **IX. Termination.**

This Agreement may be terminated at any time by the mutual written consent of the parties or upon sixty (60) days written notice by one party to the other party.

#### **X. Dissolution.**

If the Foundation's corporate structure is dissolved, the board of directors of the Foundation shall dispose of all the assets of the Foundation in accordance with the laws of the State of Montana and the terms of its articles of incorporation and by-laws. Any assets not so disposed of shall, to the extent allowed by law, be transferred to the Board.

**XI. Amendments.**

This Agreement may be modified by written amendments signed by authorized representatives of both parties.

**XII. Disputes and Venue.**

This Agreement is governed by the laws of the State of Montana. The parties agree that any litigation concerning this Agreement must be brought in the First Judicial District Court in and for the County of Lewis and Clark, State of Montana. Each party shall pay its own costs and attorney fees.

The following persons, being duly authorized to sign this Agreement and bind the above-named parties, do hereby execute this Agreement on the date shown below.

MONTANA SCHOOL FOR THE  
DEAF AND THE BLIND FOUNDATION, INC.

By: John Masgrove  
Title: President  
Date: Oct 29, 2014

BOARD OF PUBLIC EDUCATION

By: Sharon Carroll  
Title: Chair  
Date: November 13, 2014

# Tab 8

## **A Dedicated Team of Experts**

MSDB's professional team of teachers and specialists has been highly trained to meet the specific educational needs of students with vision or hearing loss. The majority of the School's teachers have advanced degrees in the education of the deaf or the education of the blind, and their expertise is matched by their passion for their work.

Working in collaboration with the experienced and caring teachers, outreach consultants, and interpreters are two audiologists, a speech pathologist, communication technician, orientation and mobility specialist, occupational therapist, physical therapist, guidance counselor, behavior specialist, and a school psychologist. The residential cottage attendants are trained and certified under the Residential Child and Youth Care Professional Program.

This dedicated staff of experts is committed to providing the best educational experiences to their students. The staff is led by an administrative team consisting of a Superintendent, Principal, Dean of Students, and Business Manager. The education departments are led by a Supervising Teacher of the Deaf and a Supervising Teacher of the Blind.

### **Interim**

#### **Superintendent**

Paul Furthmyre

#### **Dean of Students**

Jim Kelly

#### **Supervising Teacher of the Deaf and Hard of Hearing**

Julie-Dee Alt

#### **Supervising Teacher of the Blind and Visually Impaired**

Carol Clayton-Bye

#### **School Psychologist**

Chris Gutschenritter

#### **Behavior Specialist**

Yvette Smail

#### **Orientation & Mobility Specialist**

Geri Darko

#### **Occupational Therapist**

Stephanie Annis

### **Principal**

Paul Furthmyre

#### **Business Manager**

Donna Schmidt

#### **Guidance Counselor**

Jennifer Briggs

#### **Audiologist**

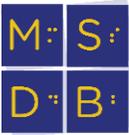
Kathy Johnson

#### **Speech Pathologist**

Sherri Widhalm

#### **Physical Therapist**

Laurie McRae



# Montana School for the Deaf and the Blind 2020 – 2021 School Calendar

## PIR ORIENTATION

17-21 Orientation  
 23 Students Return  
 24 First Day of School  
**\*\*ALL TRAVEL HOME  
 SCHOOL IS IN SESSION &  
 DISMISSED @ 12:45 PM  
 except on the last day &  
 will be dismissed at noon.**

AUGUST 2020						
S	M	T	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

SEPTEMBER 2020						
S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

7 Labor Day – No School (Cottages Open)  
 18 Travel Home \*\*  
 21 Travel Return  
 School in Session

14 Travel Home \*\*  
 15-17 Teacher Convention  
 18 Travel Return  
 19 Classes Resume  
 23-24 Enrichment Wkd (D/HH)  
 28 End of 1<sup>st</sup> Quarter (45 Days)

OCTOBER 2020						
S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

NOVEMBER 2020						
S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

13-14 Focus/Goalball Enrich. (VI)  
 24 Travel Home\*\*  
 Thanksgiving Vacation (November 25-29)  
 No School  
 29 Travel Return  
 30 Classes resume

10 Gallaudet Day  
 16 Dress Rehearsal 9:00 AM  
 17 Christmas Program 1:00PM  
 Christmas Tea to follow  
 18 Travel Home\*\*  
 Christmas Vacation  
 December 19-January 3  
 No School

DECEMBER 2020						
S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

JANUARY 2021						
S	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	26	27	28	29	30	31

3 Travel Return  
 4 School in Session  
 15 End of 2<sup>nd</sup> Quarter (44 Days)  
 15 Travel Home \*\*  
 18 Travel Return No School  
 19 Classes Resume

12 Travel Home \*\*  
 15 Travel Return No School  
 16 Classes Resume

FEBRUARY 2021						
S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						

MARCH 2021						
S	M	T	W	Th	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

12 Travel Home \*\*  
 14 Travel Return  
 15 Classes Resume  
 23 End of 3<sup>rd</sup> Quarter (45 Days)  
 26-27 Enrichment Wkd (VI)

2 Travel Home\*\*  
 Spring/Easter Vacation  
 April 3-April 6  
 6 Travel Return No School  
 7 School in Session  
 16-17 Enrichment Wkd (D/HH)  
 20 Arbor Day and Music  
 Program 1:00 PM  
 23 EOS Fundraiser  
 30-1 Games for the VI

APRIL 2021						
S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

MAY 2021						
S	M	T	W	Th	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

7 Travel Home \*\*  
 10 Travel Return  
 School in Session  
 14 Prom  
 21 Graduation 2:00 PM  
 28 Last Day of School  
 Awards Assembly 10:30 AM  
 Dismissed at noon  
 End of 4<sup>th</sup> Quarter (46 Days)  
 Teacher Check-out

3

1<sup>st</sup> Quarter: October 28, 2020  
 2<sup>nd</sup> Quarter: January 15, 2021  
 3<sup>rd</sup> Quarter: March 23, 2021  
 4<sup>th</sup> Quarter: May 28, 2021  
[www.msdb.mt.gov](http://www.msdb.mt.gov)  
 1 800 882-MSDB  
 3911 Central Avenue  
 Great Falls, MT 59405-1967

JUNE 2021						
S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

JULY 2021						
S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

## IMPORTANT PHONE NUMBERS

Administration 406 771-6000  
 Education 406 771-6030  
 ER/IEP Information 406 771-6060  
 Cottage Office 406 771-6120  
 Health Services 406 771-6104  
 FAX 406 771-6164  
 Videophone 406 205-0016

Approved:  
 Board of Public Education: 00/00/2020  
 Updated: 3/6/2020

**Section III**  
**Certification**  
**Standards and**  
**Practices Advisory**  
**Council**  
**(CSPAC)**

# Tab 9

**Certification Standards and Practices Advisory Council**  
**Members List 2020-2021**

**COUNCIL MEMBERS**

**Term Expires**

<u>6/01/21</u>	Kelly Elder Chair Teacher K-8 <a href="mailto:kelder@helenaschools.org">kelder@helenaschools.org</a>	620 N Davis Helena, MT 59601	W 324-2799 C 461-1995 F 324-2801
<u>06/01/21</u>	Ann Wake Vice Chair Trustee <a href="mailto:annieoakley619@gmail.com">annieoakley619@gmail.com</a>	12043 Pleasant Meadows Lolo, MT 59847	H 214-1390 C 214-1390
<u>06/01/21</u>	Tom Cabbage Teacher 9-12 <a href="mailto:tom_cabbage@gfps.k12.mt.us">tom_cabbage@gfps.k12.mt.us</a>	2814 3 <sup>rd</sup> AVE N Great Falls, MT 59401	W 268-6217 H 454-0242 F 268-6109
<u>06/01/22</u>	Dr. Rob Watson Administrator <a href="mailto:rwatson@mcps.k12.mt.us">rwatson@mcps.k12.mt.us</a>	5034 Victor Ct Missoula, MT 59803	C 570-4135 W 728-2400 X1023
<u>06/01/23</u>	Teresa Marchant K-12 Specialist <a href="mailto:mrsMarchant@yahoo.com">mrsMarchant@yahoo.com</a>	1700 River View Dr Billings, MT 59105	C 697-5252
<u>06/01/23</u>	Dr. Trent Atkins Post-Secondary <a href="mailto:Trent.Atkins@umontana.edu">Trent.Atkins@umontana.edu</a>	College of Education 32 Campus Dr Missoula, MT 59871	H 821-2183 W 243-4978
<u>06/01/23</u>	Barbara Brown Teacher K-8 <a href="mailto:bbrown@loloschools.org">bbrown@loloschools.org</a> <a href="mailto:bib1267@msn.com">bib1267@msn.com</a>	5135 Cattle Dr Missoula, MT 59808	H 531-6654 W 273-6686

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**STAFF DIRECTORY**

McCall Flynn Executive Director <a href="mailto:mflynn@mt.gov">mflynn@mt.gov</a>	O 444-0300 C 691-0550
Kris Stockton Administrative Specialist <a href="mailto:kmstockton@mt.gov">kmstockton@mt.gov</a>	O 444-0302
Julie Balsam Part time Administrative Assistant <a href="mailto:jbalsam@mt.gov">jbalsam@mt.gov</a>	O 444-6576

*Last Updated 03/02/2021*

## **2019 - 2020 CSPAC Meeting Calendar**

<b>October 3, 2019</b>	<b>Joint CSPAC/COD</b>	<b>TBD</b>
<b>February 5, 2020</b>		<b>Helena</b>
<b>April 15, 2020</b>		<b>Helena</b>
<b>July 8, 2020</b>	<b>(Joint BPE)</b>	<b>Helena</b>

## **Committee Areas of Responsibility**

### **Executive Committee**

Purpose: the Executive Committee organizes meeting agendas, runs the meetings and acts on behalf of the CSPAC when issues come up in the in between meetings.

Areas of Responsibility: CSPAC Executive Committee, agendas, organizing and leading meetings.

### **Professional Practices Committee**

Purpose: The Professional Practices Committee will study and make recommendations to the Board of Public Education on policies related to denial, suspension, and revocation of educator licensure and the appeals process.

Areas of Responsibility: periodic review and update of the Professional Educators of Montana Code of Ethics, as well as the study of policies related to professional practices and the procedures for suspension, revocation and denial of educator licenses and the appeals process.

### **Pre Professional Preparation and Development Committee**

Purpose: The PP&D Committee initiates studies and makes recommendations on pre-licensure interim preparation and education requirements for educators.

Areas of Responsibility: Teacher Testing, Elementary and Secondary Education Act, American Indian Licensure, Outcome assessment, Title II, Teacher preparation standards, Online degrees, CAEP Indian Education for All, Class 8, Accreditation.

### **Licensure and Endorsement Committee**

Purpose: The L&E Committee initiates studies and makes recommendations in the areas of licensure and endorsement.

Areas of Responsibility: Teacher testing, Elementary of Schools of Educator Preparation and Secondary Education Act, outcome assessments, Title II, online degrees and Paraprofessional.

## **CERTIFICATION STANDARDS AND PRACTICES ADVISORY COUNCIL MISSION STATEMENT**

The mission of the Certification Standards and Practices Advisory Council is to study and make recommendations to the Board of Public Education on certification issues concerning teachers, administrators and specialists; professional standards and ethical conduct; the status and efficacy of approved teacher education programs in Montana; and policies related to the denial, suspension and revocation of educator certification and the appeals process.

The Certification Standards and Practices Advisory Council will submit a report to the Board of Public Education with recommendations for the above areas at least once annually.

## **Professional Educators of Montana Code of Ethics**

Professional educators recognize and accept their responsibility to create learning environments to help all students reach their full potential. They understand the trust and confidence placed in them by students, families, colleagues, and the community. To achieve their professional purpose, educators strive to maintain the highest ethical standards. The Professional Educators of Montana Code of Ethics sets out these fundamental principles which guide their behavior.

*Principle I. Commitment to Students and Families. The ethical educator:*

- A. Makes the well-being of students the foundation of all decisions and actions.
- B. Promotes a spirit of inquiry, creativity, and high expectations.
- C. Assures just and equitable treatment of every student.
- D. Protects students when their learning or well-being is threatened by the unsafe, incompetent, unethical or illegal practice of any person.
- E. Keeps information confidential that has been obtained in the course of professional service, unless disclosure serves a compelling purpose in the best interest of students, or is required by law.
- F. Respects the roles, responsibilities and rights, of students, parents and guardians.
- G. Maintains appropriate educator-student relationship boundaries in all respects, including speech, print, and digital communications.

*Principle II. Commitment to the Profession. The ethical educator:*

- A. Fulfills professional obligations with diligence and integrity.
- B. Demonstrates continued professional growth, collaboration and accountability.
- C. Respects the roles, responsibilities, and rights of colleagues, support personnel, and supervisors.
- D. Contributes to the development of the profession's body of knowledge.
- E. Manages information, including data, with honesty.
- F. Teaches without distortion, bias, or prejudice.
- G. Represents professional qualifications accurately.

*Principle III. Commitment to the Community. The ethical educator:*

- A. Models the principles of citizenship in a democratic society.
- B. Understands and respects diversity.
- C. Protects the civil and human rights of students and colleagues.
- D. Assumes responsibility for personal actions.
- E. Demonstrates good stewardship of public resources.
- F. Exemplifies a positive, active role in school-community relations.
- G. Adheres to the terms of contracts, district policies and procedures, and relevant statutes and regulations.

***Adopted by the Certification Standards and Practices Advisory Council July 13, 2016***



AN ACT TO CREATE A CERTIFICATION STANDARDS AND PRACTICES ADVISORY COUNCIL ALLOCATED TO THE BOARD OF PUBLIC EDUCATION; TO PROVIDE A SPECIAL REVENUE FUND FOR THE DISPOSITION OF A PORTION OF CERTIFICATION FEES TO COVER THE EXPENSES OF THE COUNCIL; AMENDING SECTIONS 17-7-502 AND 20-4-109, MCA; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Definitions. As used in [sections 1 through 4], unless the context clearly indicates otherwise, the following definitions apply:

(1) "Approved teacher education program" means a program that is offered by an accredited teacher education institution and approved by the board of public education.

(2) "Council" means the certification standards and practices advisory council created in [section 2].

(3) "Specialist" means a person employed by a school district in a profession other than the teaching profession.

Section 2. Certification standards and practices advisory council. (1) There is a certification standards and practices advisory council allocated to the board of public education.

(2) The council consists of seven members appointed by majority vote of the board of public education. The membership of the council must include:

(a) four teachers engaged in classroom teaching, including:

- (i) one who teaches within kindergarten through grade 8;
  - (ii) one who teaches within grades 9 through 12 or at a designated postsecondary vocational-technical center;
  - (iii) one who is employed as a specialist; and
  - (iv) one additional teacher from any category set forth in this subsection (2)(a);
- (b) one faculty member from an approved teacher education program offered by an accredited teacher education institution;
  - (c) one person employed as an administrator, with the certification required in 20-4-106(1)(c); and
  - (d) one school district trustee.

(3) The board of public education shall select and appoint the members by June 1. If a vacancy occurs on the council, the board of public education shall appoint a person from the category of membership, as provided in subsection (2), in which the vacancy has occurred.

(4) The term of office of an appointed member is 2 years.

Section 3. Officers -- quorum -- expenses -- meetings. (1) The council shall select a chairman and a vice-chairman from its appointed members.

(2) A quorum for a meeting is not less than four council members.

(3) Council members are entitled to travel expenses incurred for each day of attendance at council meetings or in the performance of any duty or service as a council member in

accordance with 2-18-501 through 2-18-503.

(4) The council shall meet quarterly and at other times as may be required for the proper conduct of the business of the council at the call of the chairman.

(5) The council may adopt rules for the conduct of its business.

(6) The council shall keep a record of its proceedings.

(7) The council may request research, administrative, and clerical staff assistance from the board of public education.

Section 4. Duties of the council. (1) The council shall study and make recommendations to the board of public education in the following areas:

(a) teacher certification standards, including but not limited to precertification training and education requirements and certification renewal requirements and procedures;

(b) administrator certification standards, including but not limited to precertification training and education requirements and certification renewal requirements and procedures;

(c) specialist certification standards, including but not limited to precertification training and education requirements and certification renewal requirements and procedures;

(d) feasibility of establishing standards of professional practices and ethical conduct;

(e) the status and efficacy of approved teacher education programs in Montana; and

(f) policies related to the denial, suspension, and revocation of teaching certification and the appeals process. For the purpose of preparing recommendations in this area, the council is authorized to review the individual cases and files that have been submitted to the board of public education.

(2) The council shall submit a written report annually to the board of public education with its recommendations for the above areas. The council may submit recommendations to the board of public education at other times that the council considers appropriate.

(3) The board of public education shall:

(a) at a regularly scheduled meeting, consider any recommendations and reports of the council; and

(b) approve, disapprove, or modify each recommendation of the council by majority vote of the board.

Section 5. Section 20-4-109, MCA, is amended to read:

"20-4-109. Fees for teacher and specialist certificates. (1) Each person applying for the issuance or renewal of a teacher or specialist certificate shall pay a fee not to exceed \$4 for each school fiscal year that the certificate will be valid. In addition to this fee, each person who has never held any class of Montana teacher or specialist certificate or for whom an emergency authorization of employment has never been issued shall pay a filing fee of \$4. Such fees shall be paid to the superintendent of public instruction, who shall deposit the fees with the state

treasurer in the following manner:

(a) \$2 to the credit of the state special revenue fund created in subsection (2);

(b) \$2 to the general fund.

(2) There is an account in the state special revenue fund. Money from fees for teacher or specialist certificates required in subsection (1) must be deposited in the account. The money in the account is statutorily appropriated, as provided in 17-7-502, to the board of public education for expenses for the certification standards and practices advisory council created in [section 2]."

Section 6. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing

**statutory appropriations:**

- (a) 2-9-202;
- (b) 2-17-105;
- (c) 2-18-812;
- (d) 10-3-203;
- (e) 10-3-312;
- (f) 10-3-314;
- (g) 10-4-301;
- (h) 13-37-304;
- (i) 15-31-702;
- (j) 15-36-112;
- (k) 15-70-101;
- (l) 16-1-404;
- (m) 16-1-410;
- (n) 16-1-411;
- (o) 17-3-212;
- (p) 17-5-404;
- (q) 17-5-424;
- (r) 17-5-804;
- (s) 19-8-504;
- (t) 19-9-702;
- (u) 19-9-1007;
- (v) 19-10-205;
- (w) 19-10-305;
- (x) 19-10-506;

- (y) 19-11-512;
- (z) 19-11-513;
- (aa) 19-11-606;
- (bb) 19-12-301;
- (cc) 19-13-604;
- (dd) 20-6-406;
- (ee) 20-8-111;
- (ff) 23-5-612;
- (gg) 37-51-501;
- (hh) 53-24-206;
- (ii) 75-1-1101;
- (jj) 75-7-305;
- (kk) 80-2-103;
- (ll) 80-2-228;
- (mm) 90-3-301;
- (nn) 90-3-302;
- (oo) 90-15-103;
- (pp) Sec. 13, HB 861, L. 1985; and
- (qq) 20-4-109.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with

17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for such payments."

Section 7. Codification instruction. Sections 1 through 4 are intended to be codified as an integral part of Title 20, and the provisions of Title 20 apply to sections 1 through 4.

Section 8. Effective date. This act is effective on July 1, 1987.

***MONTANA BOARD OF PUBLIC EDUCATION  
CERTIFICATION STANDARDS AND PRACTICES ADVISORY  
COUNCIL***

**B Y L A W S**

**ARTICLE I. NAME**

The name of the organization shall be the Montana Certification Standards and Practices Advisory Council.

**ARTICLE II. PURPOSE**

The Montana Certification Standards and Practices Advisory Council, hereinafter referred to as the Council, has been formed in accordance with 2-15-1522 MCA, and shall have as its purposes:

- A. To study and make recommendations to the Board of Public Education in the following areas:
1. Teacher licensure standards, including, but not limited to, prelicensure training and education requirements and licensure renewal requirements and procedures;
  2. Administrator licensure standards, including, but not limited to, prelicensure training and education requirements and licensure renewal requirements and procedures;
  3. Specialist licensure standards, including, but not limited to, prelicensure training and education requirements and licensure renewal requirements and procedures;
  4. Standards of professional practices and ethical conduct;
  5. The status and efficacy of approved educator preparation providers in Montana; and
  6. Policies related to the denial, suspension, and revocation of educator licensure and the appeals process. For the purpose of preparing recommendations in this area, the Council is authorized to review the individual cases and files that have been submitted to the Board of Public Education.
- B. To submit a written report with its recommendations annually and at other

appropriate times to the Board of Public Education.

- C. To complete a comprehensive review and adoption of the Professional Educators of Montana Code of Ethics on a five-year cycle beginning January 1, 2012.

### **ARTICLE III. MEMBERSHIP**

- A. **Membership.** The Council shall consist of seven members appointed by a majority vote of the Board of Public Education. The membership must include:

1. Three teachers engaged in classroom teaching, including:
  - a. one who teaches within kindergarten through grade 8;
  - b. one who teaches within grade 9 through 12; and
  - c. one additional teacher from any category in subsection (2) (a) or (2) (b) of 2-15-1522 MCA.
2. one person employed as a specialist or K-12 specialist;
3. one faculty member from an accredited educator preparation provider;
4. one person employed as an administrator, with the licensure required in 20-4-106 (1) (c); and
5. one school district trustee.

- B. **Tenure.**

1. The term of office of an appointed member is three years. If a vacancy occurs on the Council, the Board of Public Education shall appoint a person from the category of membership in which the vacancy occurred to serve the unexpired term. Regular appointments shall begin June 1, and end May 31, of the third year of the term.
2. Any member desiring to resign from the Council shall submit his/her resignation in writing to the Council and to the office of the Board of Public Education.

- C. **Compensation.** Council members are entitled to travel expenses incurred for each day of attendance at Council meetings or in the performance of any duty or service as a Council member in accordance with 2-18-501 through 2-18-503 MCA. Eligible Council members are also entitled to per diem for each day of attendance at Council meetings, not to exceed eight days per year, in accordance with 2-15-122 MCA.

- D. In order to receive reimbursement or compensation for out-of-state activities, the Council member must obtain the approval of the Council Chairperson and the Council Administrator in advance of undertaking the activity.

#### **ARTICLE IV. MEETINGS**

- A. **Meetings.** The Council shall meet quarterly and at other times as may be required for the proper conduct of the business of the Council at the call of the chairperson. Such business may include, but not be limited to:

1. Information, discussion, and action on matters related to the purposes of the Council described in Article II;
2. Election of officers and appointments to committees as described in Article V;
3. Apprising the Board of Public Education of budgetary needs of the Council and making recommendations on a preliminary budget;
4. Reviewing the Council Budget on an ongoing basis for further recommendations to the Board.

- B. **Quorum.** A quorum for a meeting shall be not less than four Council members.

Each Council member shall be given written notice of the day, time, and location of any regularly scheduled meeting no less than 48 hours prior to the meeting. Notification of the meeting will be delivered via email.

- C. **Absence.** Recognizing the value of his/her contribution to the business of the Council, each Council member shall be responsible to notify the chairperson and the BPE/CSPAC staff in advance of any anticipated absence from a scheduled meeting. If a member is absent from three consecutive scheduled meetings, his/her membership shall be subject to review by the Board of Public Education to determine if the member's office shall be deemed vacant. If deemed vacant, the vacancy shall be filled in accordance with Article III, Section B.

- D. **Special Meetings.** Special meetings may be called by the Chairperson of the Council or by a request in writing of two appointed members. When necessary the Council may hold meetings for resolution of specific agenda items either by a meeting in person, by conference call, electronic or digital means, or by any combination of the above. In the case of a special meeting, the Executive Director shall notify each member by email sufficiently in advance of the meeting to allow all Council members to travel to the meeting site from their principal Montana residence.

In the case of a conference call or an electronic or digital format, forty-eight hours

prior to the meeting shall be deemed sufficient notice.

**E. Meeting Procedure.**

1. Meetings of the Council shall be governed by the following rules:

- a. The chair or vice-chair shall preside at all meetings. In their absence, a temporary presiding officer shall be selected by the membership.
- b. The presiding officer shall neither introduce nor second a motion.
- c. A motion shall require a simple majority of those present to pass.
- d. Any motion shall be in order as long as no previous motion is on the floor.
- e. Minutes shall be taken at all open sessions of the Council. The minutes shall be made available to the public, subject to reasonable regulation in the time and manner of inspection.
- f. The current edition of Robert's Rules of Order shall prevail on questions of parliamentary procedure.

2. The regular order of business shall be as follows:

1. Call to order
2. Roll Call
3. Approval of the minutes of the preceding meeting
4. Agenda adoption
5. Agenda
6. Date and place of next meeting
7. Adjournment

3. An agenda shall set the structure for meetings of the Council.

- a. A list of future agenda items shall be discussed as the last item of business by the Council at each regularly scheduled meeting.
- b. The proposed agenda shall be included with the written notice of meeting required in Section C of this article.
- c. Persons or organizations desiring to address the Council may make a request using the online Agenda Request process or by notifying

the staff, Chair, or Vice Chair. Requests will be reviewed by the Council Chair and Vice Chair and considered for approval.

- d. The proposed agenda becomes the approved agenda by a majority vote of Council members at the beginning of the meeting.
- e. Whenever possible, support materials for the agenda shall be in electronic form and readily available to the membership.

## **ARTICLE V. ORGANIZATION**

### **Section A. Officers**

1. The Council shall select, by majority vote, a chair and vice-chair from its appointed members annually during the spring meeting of each year.
2. The term of elective office shall be for one year and an officer may not serve more than six consecutive years.
3. The chair shall be the presiding officer and shall preside over all regular, special, and public meetings of the Council. The vice-chair shall perform the functions of the chair in the absence of the chair.

### **Section B. Committees**

1. At the beginning of the chair's term, and as vacancies occur, the chair shall, with concurrence of a majority of the Council, appoint the committee chairs.
  - a. The Pre-Professional Preparation and Development Committee will initiate studies and recommendations on prelicensure training and education requirements for teachers, administrators and specialists.
  - b. The Licensure and Endorsement Committee will initiate studies and recommendations on types and alignments of licensure and endorsements.
  - c. The Professional Practices Committee will study and make recommendations to the Board of Public Education on policies related to denial, suspension, and revocation of educator licensure and the appeals process. The Professional Practices Committee will oversee the 5-year review cycle of the Professional Educators of Montana Code of Ethics

2. The Chair may appoint Special Committees as needed that will allow in-depth study of issues that are the responsibility of the standing committees.
3. The Executive Committee shall consist of the chair, vice-chair, and Executive Director. The Executive Committee shall be responsible for presenting budgeting proposals to the Council and to the Board of Public Education. The Executive Committee shall be responsible for performing other duties as assigned by the chair or Council.
4. The committees will meet at times agreed upon by the majority of the committee. The Council Chair and Executive Director of the Board of Public Education shall be informed of the purpose, time and place of all committee meetings.

#### **ARTICLE VI. ASSISTANCE**

The Council may request research, administrative and clerical staff assistance from the Board of Public Education.

#### **ARTICLE VII. COMMUNICATIONS**

These bylaws may be added to or amended by a two-thirds majority vote of the entire Certification Standards and Practices Advisory Council provided that the proposed amendment is sent in writing to all members of the Certification Standards and Practices Advisory Council at least seven days in advance of the vote to amend the bylaws.

**Section IV**  
**Board of Education**

# Tab 10

**Part 1**

**State Board of Education — Board of Public  
Education — Board of Regents**

**Part Cross-References**

Boards of Education created — duties, Art. X,  
sec. 9, Mont. Const.; Title 2, ch. 15, part 15.

**20-2-101. Combined boards as state board — budget review — officers — meetings — quorum.** (1) The board of public education and the board of regents meeting together as the state board of education shall be responsible for long-range planning and for coordinating and evaluating policies and programs for the public educational systems of the state. The state board of education shall review and unify the budget requests of educational entities assigned by law to the board of public education, the board of regents, or the state board of education and shall submit a unified budget request with recommendations to the appropriate state agency.

(2) The governor is the president of, the superintendent of public instruction is the secretary to, and the commissioner shall be a nonvoting participant at all meetings of the state board of education.

(3) The state board of education may select a member to chair its meetings in the absence of the governor.

(4) A tie vote at any meeting may be broken by the governor.

(5) A majority of members appointed to the board of public education and the board of regents shall constitute a quorum for transaction of business as the state board of education.

(6) The board of public education and the board of regents shall meet at least twice yearly as the state board of education.

(7) Other meetings of the state board of education may be called by the governor, by both the secretary to the board of public education and the secretary to the board of regents, or by joint action of eight appointed members, four each from the board of public education and the board of regents. All meetings of the state board of education shall be for the purposes set forth in subsection (1) above or for the purpose of considering other matters of common concern to the board of public education and the board of regents, but the state board of education may not exercise the powers and duties assigned by the 1972 Montana constitution and by law to the board of public education and the board of regents.

**History:** En. Sec. 7, Ch. 344, L. 1973; R.C.M. 1947, 75-5615; amd. Sec. 2, Ch. 21, L. 1985.

**Cross-References**

Regents' powers and duties, 20-25-301.

**20-2-102 through 20-2-110 reserved.**

**20-2-111. Officers of boards — quorum.** (1) The board of public education and the board of regents may each select a chairman from among their appointed members.

(2) The executive secretary shall serve as secretary to the board of public education, and the commissioner of higher education serves as secretary to the board of regents.

(3) A majority of the appointed members of each board constitutes a quorum for the transaction of business.

(4) The executive secretary shall serve as a liaison between the board of public education and the superintendent of public instruction and shall carry out other such duties as assigned by the board of public education.

**History:** En. Sec. 4, Ch. 344, L. 1973; amd. Sec. 2, Ch. 268, L. 1977; R.C.M. 1947, 75-5612; amd. Sec. 3, Ch. 21, L. 1985.

**Cross-References**

Regents' powers and duties, 20-25-301.

**20-2-112. Quarterly meetings of boards — called meetings — notice of meetings.** (1) The board of public education and the board of regents shall meet at least quarterly.

(2) Other meetings of either board may be called by the governor, by the chairman, by the secretary, or by four appointed members.

(3) The secretary to each board shall mail notice to each member at least 7 days in advance of all meetings of the respective board.

**History:** En. Sec. 5, Ch. 344, L. 1973; R.C.M. 1947, 75-5613; amd. Sec. 4, Ch. 21, L. 1985.

**Cross-References**

Open meetings, Title 2, ch. 3, part 2.

**20-2-113. Per diem of board members — expenses.** Appointed members of the board of public education and the board of regents shall be compensated and receive travel expenses as provided for in 2-15-124 for each day in attendance at board meetings or in the performance of any duty or service as a board member.

**History:** En. Sec. 6, Ch. 344, L. 1973; amd. Sec. 50, Ch. 439, L. 1975; R.C.M. 1947, 75-5614; amd. Sec. 6, Ch. 650, L. 1985.

**20-2-114. Adoption of rules — seal — record of proceedings.** The board of public education, the board of regents, and the state board of education each shall:

(1) adopt rules consistent with the constitution or laws of the state of Montana necessary for its own government or the proper execution of the powers and duties conferred upon it by law;

(2) adopt and use an official seal to authenticate its official acts; and

(3) keep a record of its proceedings.

**History:** En. Sec. 8, Ch. 344, L. 1973; R.C.M. 1947, 75-5616.

**Cross-References**

Seals defined, 1-4-201.

Manner of making seal, 1-4-202.

Regents' rulemaking power exempt from Montana Administrative Procedure Act, 2-4-102.

Public records, Title 2, ch. 6.

Preservation of records, Title 22, ch. 3, part 2.

**2-15-1511. Agencies allocated to state board of education.** The state historical society, the Montana arts council, and the state library commission are allocated to the state board of education for purposes of planning and coordination. Budget requests to the state for these agencies shall be included with the budget requests of the state board of education; however, the governance, management, and control of the respective agencies shall be vested respectively in the board of trustees of the state historical society, the Montana arts council, and the state library commission.

**History:** En. 82A-501.1 by Sec. 5, Ch. 51, L. 1974; R.C.M. 1947, 82A-501.1.

**Cross-References**

State Historical Society, 2-15-1512.

Montana Arts Council, 2-15-1513.

State Library Commission, 2-15-1514.

## THE EDUCATIONAL BUDGET

### The Constitution

Article X, section 9(1). There is a state board of education composed of the board of regents of higher education and the board of public education. It is responsible for long-range planning, and for coordinating and evaluating policies and programs for the state's educational systems. It shall submit unified budget requests....

### The Board and the Executive Branch

MCA 2-15-101(1). In accordance with the Constitution "all executive and administrative offices, boards, bureaus, commissions... shall be allocated by law among not more than twenty principal departments...."

MCA 2-15-104(1). In accordance with the Constitution all executive and administrative offices are allocated by law among and within the following departments or entities:...(d) state board of education.

### The Budget Process

MCA 17-7-111(1). In the preparation of a state budget, the budget director shall... distribute... the proper forms necessary for the preparation of budget estimates.

MCA 17-7-112(1). It shall be the duty of each department, agency and office, including the Montana University System to submit the information required under 17-7-111 to the budget director....

### The School District and the Budget

MCA 20-9-213. The trustees shall (1) cause the keeping of an accurate detailed accounting...(5) report annually to the county superintendent...on the forms prescribed and furnished by the superintendent of public instruction... (6) whenever requested, report any other fiscal activities to the county superintendent of public instruction or board of public education.

### The Superintendent and the Budget

MCA 20-9-102. The superintendent of public instruction has general supervision over the school budgeting procedure and provisions.

MCA 20-9-103(1). The format of the school budget form shall be prescribed by the superintendent of public instruction.

MCA 20-9-346. The superintendent of public instruction shall administer the distribution of the state equalization aid by: (1) establishing each district's annual entitlement... (2) recommending to the board of public education the annual entitlement of all districts to state equalization aid to enable the board of public education to order the distribution of state equalization aid;....

MCA 20-3-106(8). generally supervise the school budgeting procedures prescribed by law... (11) generally supervise the school financial administration provisions... (14) distribute state equalization aid in support of the foundation program....

The Board and the Budget

MCA 20-9-344(2) The board of public education shall administer and distribute the state equalization aid in the manner and with the powers and duties provided by law. To this end, the board of public education shall: (a) adopt policies for regulating the distribution of state equalization aid in accordance with the provisions of law; (b) have the power to require such reports from the county superintendents, budget boards, county treasurers, and trustees as it may deem necessary; and (c) order the superintendent of public instruction to distribute the state equalization aid on the basis of each district's annual entitlement to such aid as established by the superintendent of public instruction.

MCA20-2-121(3). Administer and order the distribution of state equalization aid in accordance with the provisions of 20-9-344.

DEFINITION OF FOUND. PROGRAM.

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- MCA 20-9-301 A uniform system of free public schools...
- MCA 20-9-341(3) The ANB shall be calculated individually for each school...
- MCA 20-9-315 Foundation schedules.

**20-2-112. Quarterly meetings of boards — called meetings — notice of meetings.** (1) The board of public education and the board of regents shall meet at least quarterly.

(2) Other meetings of either board may be called by the governor, by the chairman, by the secretary, or by four appointed members.

(3) The secretary to each board shall mail notice to each member at least 7 days in advance of all meetings of the respective board.

**History:** En. Sec. 5, Ch. 344, L. 1973; R.C.M. 1947, 75-5613; amd. Sec. 4, Ch. 21, L. 1985.

**Cross-References**

Open meetings, Title 2, ch. 3, part 2.

**20-2-113. Per diem of board members — expenses.** Appointed members of the board of public education and the board of regents shall be compensated and receive travel expenses as provided for in 2-15-124 for each day in attendance at board meetings or in the performance of any duty or service as a board member.

**History:** En. Sec. 6, Ch. 344, L. 1973; amd. Sec. 50, Ch. 439, L. 1975; R.C.M. 1947, 75-5614; amd. Sec. 6, Ch. 650, L. 1985.

**20-2-114. Adoption of rules — seal — record of proceedings.** The board of public education, the board of regents, and the state board of education each shall:

(1) adopt rules consistent with the constitution or laws of the state of Montana necessary for its own government or the proper execution of the powers and duties conferred upon it by law;

(2) adopt and use an official seal to authenticate its official acts; and

(3) keep a record of its proceedings.

**History:** En. Sec. 8, Ch. 344, L. 1973; R.C.M. 1947, 75-5616.

**Cross-References**

Seals defined, 1-4-201.

Manner of making seal, 1-4-202.

Regents' rulemaking power exempt from Montana Administrative Procedure Act, 2-4-102.

Public records, Title 2, ch. 6.

Preservation of records, Title 22, ch. 3, part 2.

**2-15-1511. Agencies allocated to state board of education.** The state historical society, the Montana arts council, and the state library commission are allocated to the state board of education for purposes of planning and coordination. Budget requests to the state for these agencies shall be included with the budget requests of the state board of education; however, the governance, management, and control of the respective agencies shall be vested respectively in the board of trustees of the state historical society, the Montana arts council, and the state library commission.

**History:** En. 82A-501.1 by Sec. 5, Ch. 51, L. 1974; R.C.M. 1947, 82A-501.1.

**Cross-References**

State Historical Society, 2-15-1512.

Montana Arts Council, 2-15-1513.

State Library Commission, 2-15-1514.

BY-LAWS OF THE  
MONTANA BOARD OF EDUCATION

ARTICLE I. NAME

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

ARTICLE II. OBJECTIVES

The board is responsible for (1) long-range planning; (2) coordinating and evaluating policies and programs of the State's educational systems; and (3) submission of unified budget requests.

ARTICLE III. MEMBERSHIP

The board consists of the seven members of the Board of Regents and the seven members of the Board of Public Education. The Governor is an ex-officio member of the board and may vote to break a tie vote. The Superintendent of Public Instruction and the Commissioner of Higher Education are ex-officio members of the board.

ARTICLE IV. OFFICERS

The Governor shall serve as chair of the board. The chair is responsible for: (1) calling the meetings of the board; (2) planning the agenda of the meetings, in consultation with the Commissioner of Higher Education, the Executive Director of the Board of Public Education, staff in the Governor's Office, the Superintendent of Public Instruction, and members of the board; (3) presiding at board meetings; and (4) ensuring that the board faithfully executes its Constitutional and statutory duties.

The chair of the Board of Regents and the chair of the Board of Public Education will serve alternate years as vice-chair of the Board of Education. In the absence of the chair, the vice-chair will preside. The vice-chair shall have full authority to fulfill the duties of chair should the chair not fulfill those duties for any reason.

The Superintendent of Public Instruction shall serve as secretary to the board.

ARTICLE V. MEETINGS

The board shall meet not less than twice a year. The meeting dates shall be concurrent with a meeting of the Board of Regents and with a meeting of the Board of Public Education.

## ARTICLE VI. QUORUM

A majority of the appointed members of the board shall constitute a quorum.

## ARTICLE VII. EXECUTIVE SESSIONS

The presiding officer of any meeting of the board may close the meeting if the presiding officer determines that the demands of individual privacy clearly exceed the merits of public disclosure.

## ARTICLE VIII. ORDER OF BUSINESS

The following shall be the regular order of business:

1. Roll call
2. Approve minutes
3. Old Business update
4. New business
5. Adjournment

## ARTICLE IX. PARLIAMENTARY LAW

On questions of parliamentary law, Robert's Rules of Order shall prevail.

## ARTICLE X. AMENDMENTS

These by-laws may be added to or amended by a majority vote at any meeting of the board provided a quorum is present.

APPROVED:

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Governor Schweitzer  
Chair of the Board of Education

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Superintendent Denise Juneau  
Secretary to the Board of Education

Adopted at 1/8/09 BOE meeting

**Section V**  
**Links to Other**  
**Agencies**

## Home Webpages of Other Agencies

Montana Arts Council: [art.mt.gov](http://art.mt.gov)

Montana State Library: [home.msl.mt.gov/](http://home.msl.mt.gov/)

Board of Regents: [mus.edu/board/default.asp](http://mus.edu/board/default.asp)

Office of Public Instruction: [opi.mt.gov](http://opi.mt.gov)

Commissioner of Higher Education: [mus.edu/che/default.asp](http://mus.edu/che/default.asp)

MACIE: [opi.mt.gov/Programs/IndianEd/Index.html?gpm=1\\_7](http://opi.mt.gov/Programs/IndianEd/Index.html?gpm=1_7)