

April Agenda Special Meeting of Trustees

The special meeting of the Board of Trustees of School District #35 has been scheduled for **Monday, April 20, 2015 at 6:00pm** at the Gallatin Gateway School Library.

Call to Order

Presiding Trustee's explanation of procedures (GGS Policy #1070)

Public Comment- Non Agenda Items- Sign in sheet- (GGS Policy #1070)

New Business

Trustee Work Session- Discussion Only

- GGS Policy #1055- Communications to and from the Board
- GGS Policy #1085- Grievance Procedure
- GGS Policy #1085F- Uniform Grievance Procedure- Complaint Form

Set Date and Topics for Discussion for Next Work Session

Adjournment

**MINUTES
SPECIAL MEETING
BOARD OF TRUSTEES, GALLATIN GATEWAY SCHOOL DISTRICT #35**

Call to Order

The Board of Trustees of the Gallatin Gateway School District #35 met at 6:00pm on Monday, April 20, 2015 in the Gallatin Gateway School multipurpose room. Board Vice Chair Donna Shockley presided and called the meeting to order at 6:05pm.

Trustees Present

Donna Shockley, Board Vice-Chair; Lyn Morton; Dan Curtis, and Peter Scott

Trustees Absent

Ann Prescott, Board Chair

Staff Present

Kim DeBruycker, Superintendent; Carrie Fisher, District Clerk; and Ken Mosby, Business Manager.

Others Present

Judy Hengel

Presiding Trustee's Explanation of Procedures

Vice Chair Donna Shockley explained the public comment process to be followed for addressing the Board in accordance with Gallatin Gateway School policy. She noted: 1) that prior to a vote the public may comment on agenda items; 2) there will be time for public comment on non-agenda items; and 3) public comment periods are not intended to be a question and answer session.

Public Comment on Non- Agenda Items

None

New Business

GGS Policy #1055- Communications to and from the Board

Discussed possible revisions to GGS Policy #1055. The Board would like to send proposed changes for review by legal counsel prior to adopting at a future meeting.

GGS Policy #1085- Uniform Grievance Procedure

Discussed possible revisions to GGS Policy #1085. Peter Scott offered to research and provide revisions to the policy. He will provide the Board with proposed revisions at a future work session and the Board will continue discussions.

Adjournment

Motion: Trustee Dan Curtis to adjourn the meeting at 7:00pm.

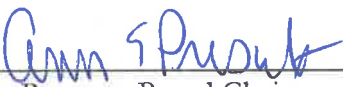
Seconded: Trustee Peter Scott

Public Comment: None

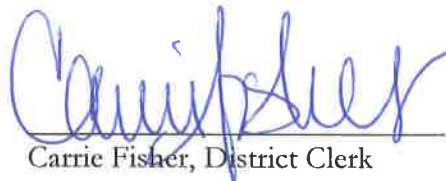
For: Curtis, Morton, Scott, and Shockley

Opposed: None

Motion passed unanimously



Ann Prescott, Board Chair



Carrie Fisher, District Clerk



**GALLATIN GATEWAY SCHOOL
PO BOX 265, GALLATIN GATEWAY, MT 59730**

Gallatin Gateway School Policy #1070- The agenda must also include a "public comment" item in order to allow members of the general public to comment on any public matter under the jurisdiction of the district that is not specifically listed on the agenda, except that no member of the public will be allowed to comment on contested cases, other adjudicative proceedings, or personnel matters. The Board Chairman may place reasonable time limits on any "public comment" item in order to maintain and ensure effective and efficient operations of the Board. The District shall not take any action on any matter discussed, unless the matter is specifically noticed on the agenda, and the public has been allowed the opportunity to comment.

** Public comment will be asked on each agenda item. Do not sign below for agenda items.*

Public Comment Sign-in

Date: April 20, 2015

**Please sign below for non-agenda items to be heard under New business: Public comment.*

NAME (Please Print Clearly)	TOPIC (Please Print Clearly)
1.	
2.	
3.	
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7.	
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9.	
10.	

Diana Shockley

Special Meeting

April 20, 2015

Sign-in Sheet

<u>Name- please print</u>	<u>Signature</u>
<u>1.</u>	
<u>2.</u>	
<u>3.</u>	
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<u>29.</u>	

SCHOOL DISTRICT ORGANIZATION

Uniform Grievance Procedure

Students, parents, employees, or community members may file a complaint in accordance with this grievance procedure, if they believe that the Board, its employees or agents have violated their rights guaranteed by the State or federal constitutions, State or federal statutes, or Board policy. These procedures do not apply to complaints for discrimination on the basis of sex (including sexual harassment) under Title IX of the Education Amendments of 1972 or disability under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act. Separate procedures apply for complaints arising from these laws.

District officials will endeavor to respond to and resolve all complaints without the need to resort to this grievance procedure and, if a complaint is filed, to address the complaint promptly and equitably. The right of a person to a prompt and equitable resolution of a complaint filed hereunder shall not be impaired by the person's pursuit of other remedies. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies and use of this grievance procedure does not extend any filing deadline related to the pursuit of other remedies.

Filing a Complaint

The Complainant may file a complaint with the Superintendent. The Complainant must file the complaint within thirty (30) calendar days of the alleged violation of his or her rights guaranteed by the State or federal constitutions, State or federal statutes, or Board policy. If the complaint contains allegations against the Superintendent, the Complainant may ask for assistance from the Board Chair in identifying the appropriate manner in which to file a complaint. Any individual receiving a complaint may request the Complainant to provide a written statement regarding the nature of the complaint.

Investigation

Within 15 calendar days of the date the complaint was filed, the individual receiving the complaint will investigate the complaint or appoint a qualified person to undertake the investigation on his/her behalf. The complaint or identity of the Complainant will not be disclosed except (1) as required by law or this policy; (2) as necessary to fully investigate the complaint; or (3) as authorized by the Complainant. The Superintendent or investigator shall issue a written decision at the completion of the investigation. If the complaint contains allegations involving the Superintendent, the Board shall address the complaint in writing.

Decision and Appeal

Within 7 calendar days of receipt of the written decision, a District official shall notify the Complainant of the determination regarding the complaint. If the Complainant is not satisfied with the determination of the Superintendent, the matter may be appealed to the Board if the Complainant is alleging a violation of Board policy, or state or federal law. Within 30 calendar days, the Board shall meet to affirm, reverse, or amend the decision or direct the gathering of additional information.

This meeting shall not be a de novo hearing, but a review of the written decision in the matter. Within 7 calendar days, the Complainant shall be informed of the Board's decision by mail. The Complainant may appeal the Board's decision to the Gallatin County Superintendent as provided by law.

Retaliation

Any individual participating in an investigation or proceeding under this policy shall notify the appropriate building administrator or Superintendent if he or she believes that he or she is being retaliating against for participating in the investigation or proceeding. The District prohibits retaliation against individuals making complaints under this policy and participating in any investigation that may ensue. The District may discipline students or staff members determined to have retaliated against any individual for participating in an investigation or proceeding under this policy.

Legal Reference: § 20-3-210, MCA Controversy appeals and hearings

Cross Reference: 2050 Section 504 Procedural Safeguards
Gallatin Gateway School: Student Access Section 504/ADA Handbook
Title IX Grievance Procedure
Section 504 and ADA Grievance Procedure

Policy History:

Date Adopted: August 20, 2012

Revised on: October 20, 2014

SCHOOL DISTRICT ORGANIZATION

Uniform Grievance Procedure

Students, parents, employees, or community members may file a complaint in accordance with this grievance procedure, if they believe that the Board, its employees or agents have violated their rights guaranteed by the state or federal constitutions, state or federal statutes, or Board policy. These procedures do not apply to complaints for discrimination on the basis of sex (including sexual harassment) under Title IX of the Education Amendments of 1972 or disability under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act. Separate procedures apply for complaints arising from these laws.

District officials will endeavor to respond to and resolve all complaints informally without the need to resort to the formal grievance procedure outlined below and, if a complaint is filed, to address the complaint promptly and equitably. Complaints filed informally will be considered to be as serious as complaints handled under formal procedures. Informal procedures are only possible if the parties voluntarily agree. Formal procedures may be initiated at any time during informal procedures, or initiated without taking informal procedures.

Filing a Complaint: Informal

An individual with a complaint is encouraged to first discuss the complaint with the teacher or Superintendent, with the objective of resolving the matter promptly and informally. If the complaint is not resolved at this level, or the complaint contains allegations against the Superintendent, the Complainant may file the complaint with the Board. The Complainant may be requested to provide a written statement regarding the nature of the complaint and the remedy or resolution requested. The Board Chair will schedule a meeting with the Complainant, the Superintendent and the Board with the intent of resolving the complaint informally.

Filing a Grievance: Formal

Level 1: Filing the Grievance

The complainant may file a formal written complaint using Uniform Grievance Form 1085F with the Superintendent within thirty (30) calendar days of the alleged violation or from the date the Complainant could reasonably become aware of the violation of their rights guaranteed by (1) Montana constitutional, statutory, or administrative law; (2) United States constitutional, statutory, or regulatory law; or (3) Board policy. If the complaint contains allegations against the Superintendent, the Complainant may file Uniform Grievance form 1085F with the Board within thirty (30) calendar days of the alleged violation or from the date the Complainant could reasonably become aware of the alleged violation of their rights guaranteed by (1) Montana constitutional, statutory, or administrative law; (2) United States constitutional, statutory, or regulatory law; or (3) Board policy.

The right of a person to a prompt and equitable resolution of a complaint filed hereunder shall not be impaired by the person's pursuit of other remedies. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies and use of this grievance procedure does not extend any filing deadline related to the pursuit of other remedies.

Level 2: Investigation

Within fifteen (15) calendar days of the date the complaint was filed, either the Superintendent, or in the case the complaint contains allegations involving the Superintendent, the Board will contract with an independent investigator to investigate the complaint. The complaint or identity of the Complainant will not be disclosed

except (1) as required by law or this policy, (2) as necessary to fully investigate the complaint, or (3) as authorized by the Complainant. The investigator shall issue written findings at the completion of the investigation. The Superintendent will respond in writing to the Complainant with a decision concerning the complaint within seven (7) calendar days of the completion of the investigation. In the case the complaint contains allegations involving the Superintendent, the Board will call a special meeting to deliberate in executive session on the findings from the investigation and address the complaint in writing with their decision to the Complainant within seven (7) calendar days of that meeting.

Level 3: Decision and Appeal

If the Complainant is not satisfied with the determination and decision of the Superintendent, the matter may be appealed to the Board. Within thirty (30) calendar days of the appeal, the Board shall meet to affirm, reverse, or amend the decision or to direct the gathering of additional information. This meeting shall not be a de novo hearing, but a review of the written decision and information provided by the investigator. If the Board directs the gathering of additional information, Level 2 will go into effect. If the Board makes a decision concerning the complaint, they will inform the Complainant of that decision by mail with seven (7) calendar days of the meeting.

The Complainant may appeal the Board's decision to the Gallatin County Superintendent as provided by law.

Retaliation

Any individual participating in an investigation or proceeding under this policy shall notify the Superintendent, or in the case the allegation involves the Superintendent, the Board if they believe they are being retaliated against for participating in the investigation or proceeding. The District prohibits retaliation against individuals making complaints under this policy and participating in any investigation that may ensue. The District may discipline students or staff members determined to have retaliated against any individual for participating in an investigation or proceeding under this policy.

Legal Reference: 20-3-210, MCA Controversy appeals and hearings

Cross Reference: 2050 Section 504 Procedural Safeguards
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Policy History:

Date Adopted: August 20, 2012

Revised on: October 20, 2014

Revised on: date

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Current

District Complaint Form

Name:	Date:
Address: Email:	Phone:

1. Who or what is the complaint against?

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2. Has this been discussed with him/her directly?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
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Dates:

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3. Description of Complaint: *Please include all important information such as location, names, dates, who was present, and to whom it was reported. Please use additional paper if more space is needed.*

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What remedy or action do you suggest?

<p>Best meeting date(s) and time(s) for you:</p>
--

Signature: _____ Date: _____

District Use Only:	Date received by the District: _____
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Uniform Grievance Form – Policy 1085F

Gallatin Gateway School District #35 Complaint Form

Name: _____

Address: _____

Phone: _____

1. Who or what is your complaint against:

2. Has this been discussed with them?

Yes _____ No _____

Dates: _____

DESCRIPTION OF COMPLAINT: Please include all important information such as location, names, dates, who was present, and to whom it was reported. Please use additional paper if more space is needed.

What remedy, resolution, or action do you request? _____

Signature: _____

Date: _____

Date Received by the District _____

SCHOOL DISTRICT ORGANIZATION

Communications to and from the Board

The Board encourages open lines of communication between members of the education community. It also must maintain a chain of command as an organization to promote efficient and effective communications.

Staff members, parents and community members should submit all official communications to the Board through the Superintendent. Board member questions or communications to staff about programs and/or requests for information should also be submitted through the Superintendent.

If contacted individually, Board members are encouraged to refer the matter to the appropriate administrator. Individual Board members may not take action to compromise the Board or the administration.

Use of electronic mail will conform to the same standards of judgment, propriety and ethics as other forms of Board related communication. E-mail may not be used as a substitute for deliberations at Board meetings or for other communications or business properly confined to Board meetings. E-mail and related attachments received or prepared for use in Board business may be regarded as a public record subject to disclosure upon request, unless otherwise made confidential by law.

- | | |
|---|---|
| <p>Legal Reference: § 2-3-301, MCA</p> <p> § 2-6-102, MCA</p> <p>Cross Reference: Policy 1065</p> | <p>Agency to accept public comment electronically – dissemination of electronic mail address and documents required – prohibiting fees</p> <p>Citizens entitled to inspect and copy public writings</p> <p>Board Meetings</p> |
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Policy History:

Adopted on: August 20, 2012

Revised on:

SCHOOL DISTRICT ORGANIZATION

Communications to and from the Board

The Board encourages open lines of communication between members of the education community. It also must maintain a chain of command as an organization to promote efficient and effective communications.

Staff Communications to the Board

All official communications or reports to the Board, from supervisors, teachers, or other staff members, shall be submitted through the Superintendent. This procedure shall not deny any staff member the right to file a complaint, grievance, or appeal to the Board according to Uniform Grievance Policy #1085.

Board Communications to the Staff

All official communications, policies, and directives of staff interest and concern will be communicated to staff members through the Superintendent. Clarifying questions related to Board business, may be communicated directly to the District Clerk or Business Manager. The Superintendent will employ all such media as are appropriate to keep staff fully informed of Board concerns and actions.

Parent and Community Member Communications to the Board

When parents or community members communicate concerns to individual Board members, the Board member should direct them to communicate their concern to the Superintendent. However, if the parent or community member isn't willing to communicate their concern to the Superintendent, the Board member should communicate the concern to the Superintendent. The Superintendent or the Board member may bring the concern to the Board in a regular or special meeting. Individual Board members may not take action to compromise the Board or the administration.

Social Interaction

Staff and Board members share a keen interest in schools and education. When they meet at social affairs, at school other functions, informal discussion about such matters as educational trends, issues, and innovations and general District problems can be anticipated. Discussions of personalities or staff grievances are not appropriate.

Use of Electronic Mail for Board Communications

Use of electronic mail will conform to the same standards of judgment, propriety and ethics as other forms of Board related communication. E-mail may not be used as a substitute for deliberations at Board meetings or for other communications or business properly confined to Board meetings. E-mail and related attachments received or prepared for use in Board business may be regarded as a public record subject to disclosure upon request, unless otherwise made confidential by law.

Legal Reference:	2-1-301, MCA	Agency to accept public comment electronically – dissemination of electronic mail address and documents required – prohibiting fees
	2-6-102, MCA	Citizens entitled to inspect and copy public writings
Cross Reference:	Policy 1065	Board Meetings

Policy History:

Adopted on: August 20, 2012

Revised on:

SCHOOL DISTRICT ORGANIZATION
BOARD COMMUNICATION

Communications to and from the Board

The Board encourages open lines of communication between members of the education community. It also must maintain a chain of command as an organization to promote efficient and effective communications.

Staff Communications to the Board

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Parent and Community Member Communications to the Board

If parents or community members communicate concerns to individual Board members, the Board member should direct them to communicate their concern to the Superintendent. However, if the parent or community member isn't willing to communicate their concern to the Superintendent, the Board member should direct the concern to the Superintendent. If the individual's issue is not addressed to their satisfaction, the concerned party should be referred to the informal complaint process outlined in Board Policy #1085. Individual Board members may not take action to compromise the Board or the administration.

Social Interaction

Staff and Board members share a keen interest in schools and education. When they meet at school or social functions, informal discussion about such matters as educational trends and issues, and general District problems can be anticipated. Discussions of personalities or staff grievances are not appropriate.

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Legal Reference:	2-1-301, MCA	Agency to accept public comment electronically – dissemination of electronic mail address and documents required – prohibiting fees
	2-6-102, MCA	Citizens entitled to inspect and copy public writings

Montana Code Annotated 2014

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20-3-210. Controversy appeals and hearings. (1) Except for disputes arising under the terms of a collective bargaining agreement or as provided under [20-3-211](#) or [20-4-208](#), the county superintendent shall hear and decide all matters of controversy arising in the county as a result of decisions of the trustees of a district in the county. Only a county superintendent who possesses the qualifications of [20-3-201\(2\)](#) may hear controversies related to teacher termination. Except as provided in subsection (2), exhaustion of administrative remedies under this chapter is required prior to filing an action in district court concerning a decision of the trustees. When appeals are made under [20-4-204](#) relating to the termination of services of a tenure teacher or under [20-4-207](#) relating to the dismissal of a teacher under contract, the county superintendent may appoint a qualified attorney to act as a legal adviser who shall assist the superintendent in preparing findings of fact and conclusions of law. Subsequently, either the teacher or trustees may appeal to the district court of the county in which the teacher was employed. The proceedings must be commenced not later than 60 days after the date of the decision of the county superintendent. The county superintendent shall hear and decide all controversies arising under:

(a) [20-5-320](#) and [20-5-321](#) relating to the approval of out-of-district attendance agreements; or
(b) any other provision of this title for which a procedure for resolving controversies is not expressly prescribed.

(2) Exhaustion of administrative remedies is not a prerequisite to filing an action in district court concerning a decision of the trustees of a district in the following instances:

- (a) a state agency has been granted primary jurisdiction over the matter;
- (b) the matter is governed by a specific statute; or
- (c) the board of trustees has acted without jurisdiction or in excess of its jurisdiction.

(3) The county superintendent shall hear the appeal and take testimony in order to determine the facts related to the controversy and may administer oaths to the witnesses that testify at the hearing. The county superintendent shall prepare a written transcript of the hearing proceedings. The decision on the matter of controversy that is made by the county superintendent must be based upon the facts established at the hearing.

(4) Except for teacher termination cases, the decision of the county superintendent may be appealed to the superintendent of public instruction, and if it is appealed, the county superintendent shall supply a transcript of the hearing and any other documents entered as testimony at the hearing to the superintendent of public instruction. In teacher termination cases, an appeal may be filed with the district court of the county in which the teacher was employed no later than 60 days after the date of the decision of the county superintendent. If an appeal is filed, the county superintendent shall provide a transcript of the hearing and any other documents entered as testimony at the hearing to the district court.

(5) Cost incurred by the office of the county superintendent must be paid from the general fund budget of the county in which the controversy is initiated.

History: En. 75-5811 by Sec. 29, Ch. 5, L. 1971; amd. Sec. 1, Ch. 306, L. 1974; R.C.M. 1947, 75-5811; amd. Sec. 3, Ch. 489, L. 1979; amd. Sec. 1, Ch. 252, L. 1991; amd. Sec. 1, Ch. 439, L. 1991; amd. Sec. 7, Ch. 563, L. 1993; amd. Sec. 8, Ch. 438, L. 1997.