

## 1 HOUSE BILL NO. 339

2 INTRODUCED BY R. LYNCH

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4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING A QUORUM OF A BOARD OF SCHOOL DISTRICT  
5 TRUSTEES; PROVIDING THAT VACANT ELECTED TRUSTEE POSITIONS DO NOT COUNT TOWARD  
6 ESTABLISHING A QUORUM; AMENDING SECTION 20-3-322, MCA; AND PROVIDING AN IMMEDIATE  
7 EFFECTIVE DATE."

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

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11 **Section 1.** Section 20-3-322, MCA, is amended to read:

12 **"20-3-322. Meetings and quorum.** (1) The trustees of a district shall hold at least the following number  
13 of regular meetings:

14 (a) an organization meeting, as prescribed by 20-3-321;

15 (b) a final budget meeting, as prescribed by 20-9-131; and

16 (c) (i) in first-class elementary districts, not less than one regular meeting each month; or

17 (ii) in any other district, regular meetings at least quarterly.

18 (2) (a) The trustees of the district shall adopt a policy setting the day and time for the minimum number  
19 of regular school meetings prescribed in subsection (1)(c)(i) or (1)(c)(ii) and, in addition, any other regular meeting  
20 days the trustees wish to establish. Except for an unforeseen emergency or as provided in subsection (2)(b),  
21 meetings must be conducted in school buildings or, upon the unanimous vote of the trustees, in a publicly  
22 accessible building located within the district.

23 (b) This section does not prohibit the trustees from meeting outside the boundaries of the school district  
24 for collaboration or cooperation on educational issues with other school boards, educational agencies, or  
25 cooperatives. Adequate notice of the meeting as well as an agenda must be provided to the public in advance.  
26 Decisionmaking may occur only at a properly noticed meeting held within the school district's boundaries.

27 (3) Special meetings of the trustees may be called by the presiding officer or any two members of the  
28 trustees by giving each member a 48-hour written notice of the meeting, except that the 48-hour notice is waived  
29 in an unforeseen emergency or to consider a violation of the student code of conduct, as defined in accordance  
30 with district policy, within a week of graduation.

1           (4) Business may not be transacted by the trustees of a district unless it is transacted at a regular  
2 meeting or a properly called special meeting. A quorum for any meeting is a majority of the ~~trustees'~~ membership  
3 of the board of trustees, excluding an elected trustee position that is vacant under 20-3-308 at the time the  
4 meeting is held. All trustee meetings must be public meetings, as prescribed by 2-3-201, except that the trustees  
5 may recess to an executive session under the provisions of 2-3-203.

6           (5) For the purposes of this section, "unforeseen emergency" means a storm, fire, explosion, community  
7 disaster, insurrection, act of God, or other unforeseen destruction or impairment of school district property that  
8 affects the health and safety of the trustees, students, or district employees or the educational functions of the  
9 district."

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11           NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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