

HOUSE BILL NO. 400

INTRODUCED BY GILLAN, FORRESTER, GALVIN-HALCRO, GOLIE, A. OLSON

A BILL FOR AN ACT ENTITLED: "~~AN ACT ALLOWING~~ REQUIRING SCHOOL TRUSTEES TO ~~CANCEL A SPECIAL~~ ADOPT A POLICY ESTABLISHING PROCEDURES FOR CANCELING A REGULAR OR SPECIAL TRUSTEE MEETING ONLY IF ALL OF THE TRUSTEES ARE NOTIFIED OF THE CANCELLATION; REQUIRING THE POLICY TO INCLUDE PROCEDURES AND TIMELINES FOR NOTIFYING VOTING AND NONVOTING TRUSTEES AND MEMBERS OF THE PUBLIC; AND AMENDING SECTION 20-3-322, MCA."

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

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

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

- (a) an organization meeting, as prescribed by 20-3-321;
- (b) a final budget meeting, as prescribed by 20-9-131; and
- (c) in first-class elementary districts, not less than one regular meeting each month; or
- (d) in any other district, regular meetings during the months of April, August, October, and January.

(2) The trustees of the district shall:

(A) ADOPT A WRITTEN POLICY ESTABLISHING PROCEDURES FOR CANCELING A REGULAR OR SPECIAL TRUSTEE MEETING CALLED PURSUANT TO SUBSECTION (1) OR (3), INCLUDING BUT NOT LIMITED TO PROCEDURES AND TIMELINES FOR NOTIFYING VOTING AND, IF APPLICABLE, NONVOTING TRUSTEE MEMBERS AND FOR NOTIFYING MEMBERS OF THE PUBLIC, WHICH MUST INCLUDE, AT A MINIMUM, A WRITTEN NOTICE POSTED CONSPICUOUSLY AT THE ENTRANCE OF THE MEETING PLACE; AND

(B) adopt a policy setting the day and time for the minimum number of regular school meetings prescribed in subsection (1)(c) or (1)(d) and, in addition, any other regular meeting days the trustees wish to establish. Except for an unforeseen emergency, meetings must be conducted in school buildings or in a publicly owned building located within the district.

(3) ~~(a)~~ Special meetings of the trustees may be called by the presiding officer or any two members of the trustees by giving each member a 48-hour written notice of the meeting, except that the 48-hour notice is waived in an unforeseen emergency.

~~(b) Except for a meeting called for an unforeseen emergency, a special meeting of the trustees may be canceled by the two members who called the meeting and the presiding officer if each member of the trustees is officially notified of the cancellation at least 4 hours prior to the meeting.~~

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

(5) For the purposes of subsection (3), "unforeseen emergency" means a storm, fire, explosion, community disaster, insurrection, act of God, or other unforeseen destruction or impairment of school district property that affects the health and safety of the trustees, students, or district employees or the educational functions of the district."

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