

**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 § 5-1-102 (2)(a)(b), MCA, 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, appointed by the Montana Association of Student Councils. The term 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-elect 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, participating 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 § 20-2-112, MCA, 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.

The Board of Public Education and the Board of Regents shall meet yearly as the State Board of Education per § 20-2-101, MCA.

Meetings 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.

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.

## **Article VII. Quorum**

A majority of the appointed members shall constitute a quorum for the transaction of business.

## **Article VIII. Organization**

### **Section A. Officers**

The Board shall select, by a majority vote, a Chairperson and Vice Chairperson from its appointed members each September. The term of elected office shall be for one year. The Chairperson shall be the presiding officer and shall preside over all regular, special, and public meetings of the Board. The Vice Chairperson shall perform the functions of the Chairperson in their absence.

## **Section B. 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 Montana School for the Deaf and Blind Committee
5. A Legislative Committee
6. An Assessment Committee
7. A Charter School Committee

The Board may create special committees as deemed necessary to carry out the responsibilities of the Board. Members of the special committees shall be appointed by the Chairperson.

Duties of the committees shall be to review, report on, and make recommendations concerning any item referred to them and alert the Chairperson and Executive Director on any matters which should be placed on the agenda for Board discussion or action. The Chairperson shall serve as a member of all committees, unless otherwise determined by the Chairperson. The Executive Director shall attend all committee meetings and provide support as determined by the committee chairperson.

The Board shall establish a Montana School for the Deaf and Blind Committee. Due to the uniqueness of the operations of the Montana School for the Deaf and Blind, the Committee is expected to meet more regularly than other committees of the Board. As required under § 20-8-101, MCA, the Montana School for the Deaf and Blind is under general supervision, direction, and control of the Board. This relationship requires more regular oversight and involvement in the maintenance and governance of the school.

## **Article IV. 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 X. Communications**

All official communications should come to the attention of the Board through the Executive Director of the Board.

### **Article XI. Parliamentary Procedure**

The Board will use Robert's Rules of Order as a guide on questions of parliamentary procedure.

### **Article XII. 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.

### **Article XIII. Professional Development**

The Board of Public Education offers professional development opportunities for Board members whenever possible. Board members may attend at least one professional development conference each year, when funding is available. All requests must be submitted to the Executive Director at least one month prior to the conference. Board members should submit the request using the Request and Justification for Travel Form. All out of state travel and travel that exceeds \$1,000 must be approved by the Executive Committee prior to participation.

[Request and Justification for Travel Form \(mt.gov\)](https://mt.gov)