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**CABINET MOUNTAIN COOPERATIVE**  
(Name change effective July 1, 2020)

**1000 SERIES**  
**THE BOARD OF REPRESENTATIVES**

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# Cabinet Mountain Cooperative

Adopted on: May 10, 2018

Reviewed on:

Revised on: July 1, 2020

1000 - R

## THE MANAGEMENT BOARD

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### Legal Status, Operation and Organization

The legal name of this Cooperative is the **Cabinet Mountain Cooperative**. The Cooperative organization consists of the following member schools and their representatives: **Hot Springs School District; Noxon School District; St. Regis School District; Thompson Falls School District; Trout Creek School District; Libby School District; Troy School District; Yaak School District; and McCormick School District.**

The Board of Trustees of the Cabinet Mountain Cooperative is the governmental entity established by the state of Montana to plan and direct all aspects of the Cooperative's operations, to the end that students shall have ample opportunity to achieve their individual and collective learning potentials.

To achieve its primary goal of providing each child with a basic system of free quality education as required by Montana Law, the Board shall exercise the full authority granted to it by the laws of the state. Its legal powers, duties, and responsibilities are derived from the Montana Constitution and state statutes and administrative rules.

Policies of the Cooperative define and frame the manner via which the Cooperative conducts its official business. The policies of the Cooperative are modified/updated from time to time to reflect the operation of the Cooperative.

Legal Reference:	§ 20-3-323, MCA	District policy and record of acts
	§ 20-3-324, MCA	Powers and duties
	§ 20-7-451, MCA	Authorization to create full service education Cooperatives
	§ 20-9-309, MCA	Basic system of free quality public elementary and secondary schools defined – identifying educationally relevant factors – establishment of funding formula and budgetary structure – legislative review
	Article X, Section 8,	MT Constitution

## Cabinet Mountain Cooperative

Adopted on: May 10, 2018

Reviewed on:

Revised on: July 1, 2020

1105

### THE MANAGEMENT BOARD

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#### Membership

The Cooperative is governed by a Management Board consisting of seven members. One (1) representative shall be appointed from each of the following: Hot Springs School District; Noxon School District; St. Regis School District; Thompson Falls School District; and Trout Creek School District. Libby and Troy School Districts shall have one shared vote; and Yaak and McCormick School Districts shall have one shared vote. The powers and duties of the Board include the broad authority to adopt and enforce all policies necessary for the management and government of the Cooperative.

All representatives shall participate on an equal basis with other members in all business transactions pertaining to the Cooperative.

# Cabinet Mountain Cooperative

Adopted on: May 10, 2018

Reviewed on:

Revised on:

1240

## THE MANAGEMENT BOARD

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### Duties of Individual Representatives

The authority of individual representatives is limited to participating in actions taken by the Board as a whole when legally in session. Representatives shall not assume responsibilities of the Director or other staff members. The Board or staff shall not be bound by an action taken or statement made by an individual representative, except when such statement or action is pursuant to specific instructions and official action taken by the Board.

Each representative shall review the agenda and attendant materials in advance of a meeting and shall be prepared to participate in discussion and decision making for each agenda item.

All representatives are obligated to attend Board meetings regularly. Whenever possible, a trustee shall give advance notice to the Chairperson or Director, of the trustee's inability to attend a Board meeting.

Representatives, as individuals, have no authority over cooperative affairs, except as provided by law or as authorized by the Board.

Legal References:   § 20-3-324(22), MCA  
                          § 20-3-332, MCA

Powers and duties  
Personal immunity and liability of trustees

# Cabinet Mountain Cooperative

Adopted on: May 10, 2018

Revised on: 6/1/21; 12/7/21

1310

## THE MANAGEMENT BOARD

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Revised on:

### Cooperative Policy

#### Development, Adoption and Amendment of Policies

Proposed new policies and proposed changes to existing policies shall be presented in writing for reading and discussion at a regular or special Board meeting. Proposals for new policies or changes to existing policies may be initiated by any Board member, student, or patron of the Cooperative or by any employee of the Board, by submitting the proposal to the Board in writing. The policy proposals shall be referred to the Director for detailed study prior to consideration by the Board. The final vote for adoption shall take place not earlier than at the second (2<sup>nd</sup>) reading of the particular policy. [New or revised policies that are required, or have required language changes based on State or Federal law, or are required changes by administrative rule, may be adopted after the first (1<sup>st</sup>) reading if sufficient notice has been given through the board agenda.] Adoption shall require a majority vote of the Board.

All new or amended policies shall become effective on adoption; unless a specific effective date is stated in the motion for adoption.

Policies, as adopted or amended, shall be made a part of the minutes of the meeting at which action was taken and also shall be included in the Cooperative's policy manual. Policies of the Cooperative shall be reviewed annually by the Board.

#### Suspension of Policies

Under circumstances that require waiver of a policy, the policy may be suspended by a majority vote of the representatives present. To suspend a policy, however, all representatives must have received written notice of the meeting, which includes the proposal to suspend a policy and an explanation of the purpose of such proposed suspension.

Legal References:     § 20-3-323, MCA     District policy and record of acts  
                          10.55.701, ARM     Board of Trustees

# Cabinet Mountain Cooperative

Adopted on: May 10, 2018

Reviewed on:

Revised on: Sept. 27, 2023

1400

## THE MANAGEMENT BOARD

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### Board Meetings

Meetings of the Board must occur at a duly called and legally conducted meeting. "Meeting" is defined as the convening of a quorum of the constituent membership of the Board, whether in person or by means of electronic equipment, to hear, discuss, or act upon a matter over which the Board has supervision, control, jurisdiction, or advisory power.

### Notice of Meetings

Unless otherwise required by law and policy, the Cooperative shall publish an agenda for each type of meeting included in this policy with a minimum of 48 hour's notice to the public as follows:

- A. if a newspaper of general circulation in the county where the Cooperative is located publishes electronic notices and links to meeting agendas free of charge to the Cooperative on the newspaper's website, the Cooperative shall provide the notice and agenda to the newspaper to post on the newspaper's website;
- B. if the Cooperative does not have an option to post notices and links to meeting agendas free of charge, the Cooperative shall provide adequate notice of a meeting by doing at least one of the following:
  1. posting a link to the meeting agenda on the Cooperative's primary website; or
  2. posting the agenda on the social media site of the Cooperative.
- C. In addition to the above-noted electronic postings, the Cooperative shall post a physical copy of the meeting agenda at the entrance to each school in the Cooperative, and at the following location in the community: entrance to Cooperative offices.

### Regular Meetings

Unless otherwise specified, all meetings will take place in the Thompson Falls Schools Board Room. Regular meetings shall take place at least three (3) times during the school year, and at other times and places determined by a majority vote. Except for an unforeseen emergency, meetings must be held in a publicly accessible building. If regular meetings are scheduled at places other than as stated above or are adjourned to times other than the regular meeting time, notice of the meeting shall be made in the same manner as provided for special meetings. When a meeting date falls on a school holiday, the meeting may take place the next business day.

### Emergency Meetings

In the event of an emergency involving possible personal injury or property damage, the Board may meet immediately and take official action without prior notification.

### Committee Meetings

Each Cooperative committee with a trustee as a member; and each Cooperative committee made up of Cooperative employees, administrators, or officials deliberating on matters for report to the Board for final decision shall meet as needed in accordance with the directive issued to the committee or trustees and noticed to the public consistent with the requirements of this policy.

### Special Meetings

Special Board meetings may be called by the Chairperson or by any two (2) representatives. A written notice of a special meeting, stating the purpose of the meeting, shall be delivered to every representative and noticed to the public consistent with the requirements of this policy. The forty-eight-(48)-hour notice is waived in an unforeseen emergency as stated in § 20-3-322(5), MCA. Business transacted at a special meeting will be limited to that stated in the notice of the meeting.

### Closed Sessions

Under Montana law, the Board may meet in closed sessions to consider matters of individual privacy. The possibility of a closed session shall be noted on the respective agenda item appearing on the public noticed published in accordance with this policy. The individual whose right of privacy will be considered during the possible closed session shall be notified in writing of the meeting. Before closing a meeting, the presiding officer must determine that the demands of individual privacy exceed the merits of public disclosure and so state publicly before going into closed session. The Board also may go into closed session to discuss a strategy to be followed with respect to litigation, when an open meeting would have a detrimental effect on the litigating position of the Cooperative or a participating District. This exception does not apply if the litigation involves only public bodies or associations as parties. Before closing a meeting for litigation purposes, the Cooperative may consult legal counsel on the appropriateness of this action. No formal action shall take place during any closed session. Closed session meeting minutes shall be completed in accordance with Policy 1420.

Legal References:	§ 2-3-103, MCA	Public participation – governor to ensure guidelines adopted
	§ 2-3-104, MCA	Requirements for compliance with notice provisions
	§ 2-3-105, MCA	Supplemental notice by radio or television
	§ 2-3-201, MCA	Legislative intent – liberal construction
	§ 2-3-203, MCA	Meetings of public agencies and certain associations of public agencies to be open to public – exceptions
	§ 20-3-322, MCA	Meeting and quorum
	§ 20-9-115, MCA	Notice of final budget meeting
	§ 20-9-131, MCA	Final budget meeting
	10.55.701, ARM	Board of Trustees
	Chapter 396 (2023)	Revise public notice requirements

# Cabinet Mountain Cooperative

Adopted on: May 10, 2018

Revised on: Nov. 19, 2019

Revised on: Dec. 07, 2021

1420

## THE MANAGEMENT BOARD

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### Special Education Cooperative Board Meeting Procedure

#### Agenda

The authority to set the board agenda lies with the Board Chair in consultation with board members and the administration. The act of preparing the board meeting agendas can be delegated to the Director.

Any topics requested by Board members or members of the public must first be approved by the Board Chair before being placed on the agenda.

Citizens wishing to make brief comments about school programs or procedures will follow the public comment procedures in cooperative policy.

The agenda also must include a "public comment" portion to allow members of the general public to comment on any public matter under the jurisdiction of the Cooperative which 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 Chairperson may place reasonable time limits on any "public comment" period to maintain and ensure effective and efficient operations of the Board. The Board shall not take any action on any matter discussed, unless the matter is specifically noticed on the agenda, and the public has been allowed opportunity to comment.

Copies of the agenda for the current Board meeting, minutes of the previous Board meeting, and relevant supplementary information will be prepared and distributed to each trustee at least forty-eight (48) hours in advance of a Board meeting and will be available to any interested citizen at the Cooperative office forty-eight (48) hours before a Board meeting. An agenda for other types of Board meetings will be prepared if circumstances require an agenda.

#### Minutes

Appropriate minutes of all meetings required to be open must be kept and must be available for inspection by the public. [(Optional) If an audio recording of a meeting is made and designated as official, the recording constitutes the office record of the meeting. If an official recording is made, a written record of the meeting must also be made and must also include:

- Date, time, and place of the meeting;
- Presiding officer;
- Board members recorded as absent or present;
- Summary of discussion on all matters discussed (including those matters discussed during the "public comment" section), proposed, deliberated, or decided, and a record of any votes taken;
- Detailed statement of all expenditures;
- Purpose of recessing to closed session; and
- Time of adjournment.



If the minutes are recorded and designated as the official record, a log or time stamp for each main agenda item is required for the purpose of providing assistance to the public in accessing that portion of the meeting.

Unofficial minutes shall be delivered to Board members in advance of the next regularly scheduled meeting of the Board. Minutes need not be read publicly, provided that Board members have had an opportunity to review them before adoption. A file of permanent minutes of Board meetings shall be maintained in the office of the Clerk, to be made available for inspection upon request. A written copy shall be made available within five (5) working days following approval by the Board.

### Quorum

No business shall be transacted at any meeting of the Board unless a quorum of its members is present. A majority of the full membership of the Board shall constitute a quorum, whether the individuals are present physically or electronically. A majority of the quorum may pass a resolution, except as provided in § 20-4-203(1), MCA, and § 20-4-401(4), MCA.

### Electronic Participation

The Board may allow members to participate in meetings by telephone or other electronic means. Board members may not simply vote electronically but must be connected with the meeting throughout the discussion of business. If a Board member electronically joins the meeting after an item of business has been opened, the remotely located member shall not participate until the next item of business is opened.

If the Board allows a member to participate electronically, the member will be considered present and will have his or her actual physical presence excused. The member shall be counted present for purposes of convening a quorum. The Clerk will document it in the minutes, when members participate in the meeting electronically.

Any Board member wishing to participate in a meeting electronically will notify the Chairperson and Director as early as possible. The Director will arrange for the meeting to take place in a location with the appropriate equipment so that Board members participating in the meeting electronically may interact, and the public may observe or hear the comments made. The Director will take measures to verify the identity of any remotely located participants.

Meeting Conduct and Order of Business

General rules of parliamentary procedure are used for every Board meeting. *Robert's Rules of Order* may be used as a guide at any meeting. The order of business shall be reflected on the agenda. The use of proxy votes shall not be permitted. Voting rights are reserved to those trustees in attendance. Voting shall be by acclamation or show of hands.

Rescind a Motion

A motion to rescind (cancel previous action) may be made anytime by any trustee. A motion to rescind must be properly noticed on the Board's agenda for the meeting. It is in order any time prior to accomplishment of the underlying action addressed by the motion.

Cross Reference: 1441 Audience Participation

Legal References:

- §2-3-103, MCA Public participation - governor to ensure guidelines
- § 2-3-202, MCA adopted
- §2-3-212, MCA Meeting defined
- § 20-1-212, MCA Minutes of meetings -public inspection
- § 20-3-322, MCA Destruction of records by school officer
- § 20-3-323, MCA District policy and record of acts
- Jones and Nash v. Missoula Co., 2006 MT2, 330 Mont 2005*

# Cabinet Mountain Cooperative

Adopted on: May 10, 2018

Reviewed on:

Revised on: November 19, 2019

**1420F**

## **THE MANAGEMENT BOARD**

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### Notice Regarding Public Comment

Montana law requires school districts and other public agencies to include on the agenda for public meetings an item allowing public comment on any public matter not otherwise specifically listed on the agenda that is within the jurisdiction of the agency. The public comment portion of the agenda is not the time designated to hear items that are specifically listed/identified on the agenda.

For those individuals who desire to address the Board during the public comment portion of the meeting, if you haven't already done so, please sign your name to the sheet and indicate the general topic on which you will be commenting. The Board Chairperson will call individuals to speak in the order listed on the sheet provided. Please state your name prior to beginning your comment. There will be an opportunity for citizens who have not signed in to comment at the conclusion of the comment period. The Board would like to remind everyone in attendance to avoid violations of individual rights of privacy when providing comment. The Board is not authorized to hear comments on contested cases or other adjudicative proceedings.

By law, the Cooperative cannot take any action on any matter discussed during the public comment portion of the meeting as those matters are specifically noticed on the agenda. The Board may take a matter raised during the public comment period under consideration for inclusion on a future agenda.

In accordance with Montana law, citizens have the right to comment on an item that is specifically listed on the agenda. Citizens will be permitted to do so when the item comes up for discussion and action. The board chair will indicate when the public has the opportunity to comment prior to board action on a particular agenda item.

The Board Chair has the authority to manage all public comment periods and will do so in accordance with state law and Cooperative policy.

# Cabinet Mountain Cooperative

Adopted on: May 10, 2018

Reviewed on:

Revised on: November 19, 2019

1441

## THE MANAGEMENT BOARD

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### Audience Participation

The Board recognizes the value of public comment on educational issues and the importance of involving members of the public in its meetings. The Board also recognizes the statutory and constitutional rights of the public to participate in governmental operations. To allow fair and orderly expression of public comments, the Board will permit public participation through oral or written comments during the “public comment” section of the Board agenda and prior to a final decision on a matter of significant interest to the public. The Chairperson may control such comment to ensure an orderly progression of the meeting in the manner described in Policy 1420F.

Cross Reference: 1420 Special Education Cooperative Board Meeting Procedure

Legal Reference: Article II, Section 8, Montana Constitution – Right of participation  
Article II, Section 10, Montana Constitution – Right of privacy  
Chapter 2, Part 1, MCA Notice and Opportunity to Be Heard

# Cabinet Mountain Cooperative

Adopted on: May 10, 2018

Reviewed on:

Revised on:

1513

## THE MANAGEMENT BOARD

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### Management Rights

The Board retains the right to operate and manage its affairs in such areas as but not limited to:

1. Direct employees;
2. Employ, dismiss, promote, transfer, assign, and retain employees;
3. Relieve employees from duties because of lack of work or funds under conditions where continuation of such work would be inefficient and nonproductive;
4. Maintain the efficiency of Cooperative's operations;
5. Determine the methods, means, job classifications, and personnel by which Cooperative's operations are to be conducted;
6. Take whatever actions may be necessary to carry out the missions of the Cooperative in situations of emergency;
7. Establish the methods and processes by which work is performed.

The Board reserves all other rights, statutory and inherent, as provided by state law.

The Board also reserves the right to delegate authority to the Director for the ongoing direction of all Cooperative programs.

Legal Reference: § 20-3-324, MCA Powers and duties  
§ 39-31-303, MCA Management rights of public employers  
*Bonner School District No. 14 v. Bonner Education Association,*  
*MEA-MFT, NEA, AFT, AFL-CIO, (2008), 2008 MT 9*

# Cabinet Mountain Cooperative

Adopted on: May 10, 2018

Reviewed on:

Revised on:

1521

## THE MANAGEMENT BOARD

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### Board-Director Relationship

The Board-Director relationship is based on mutual respect for their complementary roles. The relationship requires clear communication of expectations regarding the duties and responsibilities of both the Board and the Director.

The Board hires, evaluates, and seeks the recommendations of the Director as the Cooperative's chief executive officer. The Board adopts policies necessary to provide the general direction for the Cooperative. The Director develops plans, programs, and procedures needed to implement the policies.

# Cabinet Mountain Cooperative

Adopted on: May 10, 2018

Reviewed on:

Revised on:

**1610**

## **THE MANAGEMENT BOARD**

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### Annual Goals and Objectives

Each year the Cooperative Board will formulate or review the annual objectives for the Cooperative and will have available a written comprehensive philosophy of education with goals that reflect the Cooperative's philosophy of education. The philosophy of education and goals shall be in writing and shall be available to all.

At the conclusion of the year, the Director shall submit a report to the Cooperative Board which reflects the degree to which annual objectives have been accomplished.

Legal Reference: 10.55.701, ARM Board of Trustees

# Cabinet Mountain Cooperative

Adopted on: May 10, 2018  
Revised on: September 10, 2019;  
11/19/2019; 4/13/2021; 9/27/2023

1700

## THE MANAGEMENT BOARD

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### Uniform Complaint Procedure

The Board establishes this Uniform Complaint Procedure as a means to address complaints arising within the Cooperative. This Uniform Complaint Procedure is intended to be used for all complaints except those governed by a specific process in state or federal law that supersedes this process or collective bargaining agreement. Matters covered by a collective bargaining agreement will be reviewed in accordance with the terms of the applicable agreement.

This grievance procedure shall be made available on the Cooperative's website and the location of which shall be included in all handbooks issued by the Cooperative.

The Cooperative requests individuals to use this complaint procedure to resolve concerns within the Cooperative when an individual believes the Board or its employees or agents have violated the individual's rights under state or federal law or Board policy. Complaints against the Director shall be filed with the Board. Attempts to bypass this Uniform Complaint Procedure at any of its Levels shall be redirected by Cooperative officials at the appropriate Level.

The Cooperative will seek to respond to and resolve complaints without resorting to this formal complaint procedure and, when a complaint is filed, to address the complaint promptly and equitably. The right of a person to prompt and equitable resolution of a complaint filed hereunder will not be impaired by a person's pursuit of other remedies. Use of this complaint procedure is not a prerequisite to pursuit of other remedies, and use of this complaint procedure does not extend any filing deadline related to pursuit of other remedies.

Deadlines requiring Cooperative action in this procedure may be extended for reasons related but not limited to the Cooperative's retention of legal counsel and Cooperative investigatory procedures.

#### Level 1: Informal

An individual with a complaint should first attempt to discuss it with the appropriate employee or supervisor, with the objective of resolving the matter promptly and informally. If such resolution is not possible, the individual may choose to file a formal written complaint in accordance with specifications at Level 2. An exception to attempts at informal resolution is that a complaint of sexual harassment should be discussed directly with an administrator not involved in the alleged harassment.

#### Level 2: Director

When a complaint has not been or cannot be resolved at Level 1, an individual may file a signed and dated written complaint stating: (1) the nature of the complaint, including the complaining



individual's position to assert legal rights; (2) a description of the event or incident giving rise to the complaint, including any school personnel involved; and (3) the remedy or resolution requested. This written complaint must be filed within thirty (30) calendar days of the event or incident or from the date an individual could reasonably become aware of such event or incident. The applicability of the deadline is subject to review by the Director to ensure the intent of this uniform complaint procedure is honored.

When a complaint alleges violation of Board policy or procedure, the Director will investigate and attempt to resolve the complaint. The Director will respond in writing to the complaint, within thirty (30) calendar days of the Director's receipt of the complaint.

If the complainant has reason to believe the Director's decision was made in error, the complainant may request, in writing, that the Board review the Director's decision. (See Level 3.) This request must be submitted to the Board within fifteen (15) calendar days of the Director's decision.

When a complaint alleges sexual harassment or a violation of Title IX of the Education Amendments of 1972 (the Civil Rights Act), Title II of the Americans with Disabilities Act of 1990, or Section 504 of the Rehabilitation Act of 1973, the Director shall turn the complaint over to the applicable Cooperative nondiscrimination coordinator. The coordinator shall ensure an investigation is completed in accordance with the applicable procedure. In the case of a sexual harassment or Title IX complaint, the applicable investigation and appeal procedure is Policy 5012P. In the case of a disability complaint, the coordinator shall complete an investigation and file a report and recommendation with the Director for decision. Appeal of a decision in a disability complaint will be handled in accordance with this policy.

### Level 3: The Board

Upon written appeal of a complaint alleging a violation of the individual's rights under state or federal law or Board policy upon which the Board of Trustees has authority to remedy, the Board may consider the Director's decision in Level 2. Upon receipt of written request for appeal, the Chair will either: (1) place the appeal on the agenda of a regular or special Board meeting; (2) appoint an appeals panel of not less than three (3) trustees to hear the appeal and make a recommendation to the Board; or (3) respond to the complaint with an explanation of why the appeal will not be heard by the Board of Trustees in accordance with this policy. If the Chair appoints a panel to consider the appeal, the panel will meet to consider the appeal and then make written recommendation to the full Board. The Board will report its decision on the appeal, in writing, to all parties, within thirty (30) calendar days of the Board meeting at which the Board considered the appeal or the recommendation of the panel. A decision of the Board is final, unless it is appealed pursuant to Montana law within the period provided by law.

Cross Reference: 5010 – Equal Employment Opportunity and Nondiscrimination  
5012-5012P – Sexual Harassment of Employees  
Legal Reference: Title IX of the Education Amendments of 1972 (Civil Rights Act)  
Title II of the Americans with Disabilities Act of 1990  
§ 504 of the Rehabilitation Act of 1973  
20-3-323, MCA District policy and record of acts  
Chapter 305 (2023) Require trustees to adopt a grievance policy