

What is the Relationship between the Statutory Authority of a County Superintendent of Schools and a Locally Elected Boards of Trustees?

With over four hundred recognized independent school districts across fifty-six counties in the State of Montana, a majority of which are located in rural areas and relatively small communities, the misunderstood relationship between County Superintendent of Schools and locally elected community School Boards of Trustees often creates an opportunity for confusion as to who has what authority and to what end do the two systems compete with or complement one another. To better understand the mechanizations at work when these two systems inevitably intersect, it is imperative to explore the actual statutory and legal frameworks from where both derive their authority, and the scope of their defined Powers and Duties.

Powers and Duties of County Superintendent of Schools as Defined by State Statute

It should be noted that the narrowly proscribed powers and duties of the office of County Superintendent of Schools in the State of Montana are clearly articulated in code annotations outlined in Title 20 (Education), Chapter 3 (Elected Officials), and Part 2. (County Superintendent of Schools) of the State Statutes.

*More specifically, **MCA 20-3-205 Powers and Duties**, outlines that unless expressly proscribed by the Title provisions, that the general supervisory powers of the schools of the county delegated to County Superintendents of Schools within the county wherein they were elected, are intentionally limited by state law.*

Below are the clearly enumerated statutory powers and duties of County Superintendent of Schools in the State of Montana.

20-3-205. Powers and duties. (1) The county superintendent has general supervision of the schools of the county within the limitations prescribed by this title and shall perform the following duties or acts:

- (a) determine, establish, and reestablish trustee nominating districts in accordance with the provisions of 20-3-352, 20-3-353, and 20-3-354;
- (b) administer and file the oaths of members of the boards of trustees of the districts in the county in accordance with the provisions of 20-3-307;

- (c) register the teacher or specialist certificates or emergency authorization of employment of any person employed in the county as a teacher, specialist, principal, or district superintendent in accordance with the provisions of 20-4-202;
- (d) file a copy of the audit report for a district in accordance with the provisions of 20-9-203;
- (e) classify districts in accordance with the provisions of 20-6-201 and 20-6-301;
- (f) keep a transcript of the district boundaries of the county;
- (g) fulfill all responsibilities assigned under the provisions of this title regulating the organization, alteration, or abandonment of districts;
- (h) act on any unification proposition and, if approved, establish additional trustee nominating districts in accordance with 20-6-312 and 20-6-313;
- (i) estimate the average number belonging (ANB) of an opening school in accordance with the provisions of 20-6-502, 20-6-503, 20-6-504, or 20-6-506;
- (j) process and, when required, act on school isolation applications in accordance with the provisions of 20-9-302;
- (k) complete the budgets, compute the budgeted revenue and tax levies, file final budgets and budget amendments, and fulfill other responsibilities assigned under the provisions of this title;
- (l) monthly, unless otherwise provided by law, order the county treasurer to apportion state money, county school money, and any other school money subject to apportionment in accordance with the provisions of 20-9-212, 20-9-347, 20-10-145, or 20-10-146;
- (m) act on any request to transfer average number belonging (ANB) in accordance with the provisions of 20-9-313(1)(c);
- (n) calculate the estimated budgeted general fund sources of revenue in accordance with the general fund revenue provisions of the general fund part of this title;
- (o) compute the revenue and compute the district and county levy requirements for each fund included in each district's final budget and report the computations to the board of county commissioners in accordance with the provisions of the general fund, transportation, bonds, and other school funds parts of this title;
- (p) file and forward bus driver certifications, transportation contracts, and state transportation reimbursement claims in accordance with the provisions of 20-10-103, 20-10-143, or 20-10-145;
- (q) for districts that do not employ a district superintendent or principal, recommend library book and textbook selections in accordance with the provisions of 20-7-204 or 20-7-602;

- (r) notify the superintendent of public instruction of a textbook dealer's activities when required under the provisions of 20-7-605 and otherwise comply with the textbook dealer provisions of this title;
 - (s) act on district requests to allocate federal money for indigent children for school food services in accordance with the provisions of 20-10-205;
 - (t) perform any other duty prescribed from time to time by this title, any other act of the legislature, the policies of the board of public education, the policies of the board of regents relating to community college districts, or the rules of the superintendent of public instruction;
 - (u) administer the oath of office to trustees without the receipt of pay for administering the oath;
 - (v) keep a record of official acts, preserve all reports submitted to the superintendent under the provisions of this title, preserve all books and instructional equipment or supplies, keep all documents applicable to the administration of the office, and surrender all records, books, supplies, and equipment to the next superintendent;
 - (w) within 90 days after the close of the school fiscal year, publish an annual report in the county newspaper stating the following financial information for the school fiscal year just ended for each district of the county:
 - (i) the total of the cash balances of all funds maintained by the district at the beginning of the year;
 - (ii) the total receipts that were realized in each fund maintained by the district;
 - (iii) the total expenditures that were made from each fund maintained by the district; and
 - (iv) the total of the cash balances of all funds maintained by the district at the end of the school fiscal year; and
 - (x) hold meetings for the members of the trustees from time to time at which matters for the good of the districts must be discussed.
- (2) (a) When a district in one county annexes a district in another county, the county superintendent of the county where the annexing district is located shall perform the duties required by this section.
- (b) When two or more districts in more than one county consolidate, the duties required by this section must be performed by the county superintendent designated in the same manner as other county officials in 20-9-202.

In addition to the specific powers and duties outlined in MCA 20-3-205, additional annotations within Title 20, Chapter 3, Part 2 which identify the scope of responsibilities of the County Superintendent of Schools, include:

20-3-207. Assist trustees with school supervision. The county superintendent shall assist the trustees of any district that does not employ a district superintendent or principal with the supervision of their schools by:

- (1) visiting each school of the district at least once a school year while pupil instruction is being conducted to observe the instructional methods, ability of the teacher, progress and discipline of the pupils, and the general conditions of the school;
- (2) special visits to the schools on request of the trustees;
- (3) advising and directing teachers on instruction, pupil discipline, and other duties of the teacher;
- (4) consulting with the trustees on all school matters that may be found during the observation of the school or may otherwise come to the attention of the county superintendent.

20-3-208. Authority to Request, Accept, and Distribute Money. (1) A county superintendent may, with the advice and consent of the appropriate school boards, request and accept money made available from federal, state, or private sources for purposes of public education.

(2) Subject to applicable federal and state guidelines and, in the case of money received from private sources, subject to any guidelines fixed by the donor, a county superintendent may disburse money received under this section to one or more public elementary or high school districts according to their needs. The county superintendent shall supervise the use of the money with the approval of the appropriate school boards.

(3) The county superintendent may establish a fund, for which the county treasurer shall maintain a separate accounting, for the deposit of money received under this section.

20-3-209. Annual report. The county superintendent of each county shall submit an annual report to the superintendent of public instruction on or before September 15. The report must be completed on the forms supplied by the superintendent of public instruction and must include:

- (1) the final budget information for each district of the county, as prescribed by 20-9-134(1);
- (2) the revenue amounts used to establish the levy requirements for the county school fund supporting school district transportation schedules, as prescribed by 20-10-146, and for the county school funds supporting elementary and high school district retirement obligations, as prescribed by 20-9-501;
- (3) the financial activities of each district of the county for the immediately preceding school fiscal year as provided by the trustees' annual report to the county superintendent under the provisions of 20-9-213(6); and

(4) any other information that may be requested by the superintendent of public instruction that is within the superintendent's authority prescribed by this title.

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.

20-3-211. Disqualification of county superintendent. A county superintendent may not hear or decide matters of controversy pursuant to 20-3-210 when:

- (1) the county superintendent is a party to or has an interest in the controversy;
- (2) the county superintendent is related to either party in the controversy by consanguinity or affinity within the sixth degree, computed according to the rules of law;
- (3) either party to the controversy makes and files with the county superintendent of schools an affidavit that the party has reason to believe and does believe that the party cannot have a fair and impartial hearing before the county superintendent by reason of the bias or prejudice of the county superintendent; or
- (4) the controversy involves the education or possible identification of a child with a disability.

Powers and Duties of The Board of Trustees as Defined by the Montana Constitution and Related State Statutes.

Beyond those powers, duties and responsibilities clearly outlined, proscribed and limited by state statute that are delegated to the office of County Superintendent of Schools, the Board of Trustees for each school district located within the county in question, retains all the constitutional authority given to them through recognition of the legal authority known as "Local Control" (Article X Section 8 The Constitution of the State of Montana).

ARTICLE X EDUCATION AND PUBLIC LANDS

Section 8. School district trustees. The supervision and control of schools in each school district shall be vested in a board of trustees to be elected as provided by law.

These Constitutional protections are further codified and outlined in specific statutory annotations including the following:

TITLE 20. EDUCATION

CHAPTER 3. ELECTED OFFICIALS

Part 3. School District Trustees

20-3-321. Organization and officers. (1) The trustees of each district shall annually organize as a governing board of the district after the regular school election day and after the issuance of the election certificates to the newly elected trustees, but not later than 25 days after the election. In order to organize, the trustees of the district must be given notice of the time and place where the organization meeting will be held, and at the meeting they shall choose one of their number as the presiding officer. In addition, except for the trustees of a high school district operating a county high school, the trustees shall employ and appoint a competent person, who is not a member of the trustees, as the clerk of the district. The trustees of a high school district operating a county high school shall appoint a secretary, who must be a member of the board.

(2) The presiding officer of the trustees of any district shall serve until the next organization meeting and shall preside at all the meetings of the trustees in accordance with the customary rules of order. The presiding officer shall perform the duties prescribed by this title and any other duties that normally pertain to a presiding officer.

(3) The presiding officer of a board of trustees of an elementary district may be any trustee of the board, including an additional trustee as provided for in 20-3-352(2). If an additional trustee is chosen to serve as the presiding officer of the board of trustees of an elementary district described in 20-3-351(1)(a), the additional trustee may not vote on issues pertaining only to the elementary district.

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) (i) in first-class elementary districts, not less than one regular meeting each month; or
(ii) in any other district, regular meetings at least quarterly.

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

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

(3) 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 or to consider a violation of the student code of conduct, as defined in accordance with district policy, within a week of graduation.

(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 this section, "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.

20-3-323. District policy and record of acts. (1) The trustees of each district shall prescribe and enforce policies for the government of the district. In order to provide a comprehensive system of governing the district, the trustees shall:

(a) adopt the policies required by this title; and

(b) adopt policies to implement or administer the requirements of the general law, this title, the policies of the board of public education, and the rules of the superintendent of public instruction.

(2) The trustees shall keep a full and permanent record of all adopted policies and all other acts of the trustees. Minutes of each regular and special board meeting shall include wording of motions, voting records of each trustee present, and all other pertinent information, including a detailed statement of all expenditures of money with the name of any person or business to whom payment is made and showing the service rendered or goods furnished. A written copy of the minutes shall be made available within 5 working days following the approval of the minutes by the board at a cost of no more than 15 cents a page to be paid by those who request such a copy. One free copy of the minutes shall be provided to the local press within 5 working days following the approval of the minutes by the board. The board shall approve the minutes of each special and regular meeting no later than 1 month following the meeting if it meets on a regular monthly basis. If a board does not regularly meet on a monthly basis, it shall approve the minutes of each special and regular meetings at the next regular or special meeting. The approval of the minutes of a prior meeting shall not occur more than 40 days after the meeting, except that no board shall be required to meet to approve the minutes of a meeting at which no substantive business was conducted.

20-3-324. Powers and duties. As prescribed elsewhere in this title, the trustees of a district shall exercise supervision and control of the schools of the district in providing its educational program pursuant to Article X, section 8, of the Montana constitution, and shall:

- (1) employ or dismiss a teacher, principal, or other assistant upon the recommendation of the district superintendent, the county high school principal, or other principal as the board considers necessary, accepting or rejecting any recommendation as the trustees in their sole discretion determine, in accordance with the provisions of Title 20, chapter 4;
- (2) employ and dismiss administrative personnel, clerks, secretaries, teacher's aides, custodians, maintenance personnel, school bus drivers, food service personnel, nurses, and any other personnel considered necessary to carry out the various services of the district;
- (3) administer the attendance and tuition provisions and govern the pupils of the district in accordance with the provisions of the pupils chapter of this title;
- (4) call, conduct, and certify the elections of the district in accordance with the provisions of the school elections chapter of this title;
- (5) participate in the teachers' retirement system of the state of Montana in accordance with the provisions of the teachers' retirement system chapter of Title 19;
- (6) participate in district boundary change actions in accordance with the provisions of the school districts chapter of this title;
- (7) organize, open, close, or acquire isolation status for the schools of the district in accordance with the provisions of the school organization part of this title;
- (8) adopt and administer the annual budget or a budget amendment of the district in accordance with the provisions of the school budget system part of this title;
- (9) conduct the fiscal business of the district in accordance with the provisions of the school financial administration part of this title;
- (10) establish the ANB, BASE budget levy, over-BASE budget levy, additional levy, operating reserve, and state impact aid amounts for the general fund of the district in accordance with the provisions of the general fund part of this title;
- (11) establish, maintain, budget, and finance the transportation program of the district in accordance with the provisions of the transportation parts of this title;
- (12) issue, refund, sell, budget, and redeem the bonds of the district in accordance with the provisions of the bonds parts of this title;
- (13) when applicable, establish, financially administer, and budget for the tuition fund, retirement fund, building reserve fund, adult education fund, nonoperating fund, school food services fund, miscellaneous programs fund, building fund, lease or rental agreement fund, traffic education fund, impact aid fund, interlocal cooperative fund, and other funds as authorized by the state superintendent of public instruction in accordance with the provisions of the other school funds parts of this title;

- (14) when applicable, administer any interlocal cooperative agreement, gifts, legacies, or devises in accordance with the provisions of the miscellaneous financial parts of this title;
- (15) hold in trust, acquire, and dispose of the real and personal property of the district in accordance with the provisions of the school sites and facilities part of this title;
- (16) operate the schools of the district in accordance with the provisions of the school calendar part of this title;
- (17) set the length of the school term, school day, and school week in accordance with 20-1-302;
- (18) establish and maintain the educational program of the schools of the district in accordance with the provisions of the instructional services, textbooks, K-12 career and vocational/technical education, and special education parts of this title. In undertaking its duties related to the district's educational program, the board of trustees may:
- (a) waive any specific course requirement otherwise required for graduation based on individual student needs and performance levels, age, maturity, interest, and aspirations of the pupil, in consultation with the pupil's parents or guardians; and
- (b) provide credit for a course satisfactorily completed in a period of time shorter or longer than normally required as set forth in 20-9-311(4)(d) or through content proficiency gained through alternative means. Examples of alternative means by which content proficiency may be achieved include but are not limited to correspondence, extension, and distance learning courses, adult education, summer school, work study, work-based learning partnerships, and other experiential learning opportunities, custom-designed courses, and challenges to current courses. Montana schools shall accept units of credit taken with the approval of the accredited Montana school in which the student was then enrolled and which appear on the student's official school transcript.
- (19) establish and maintain the school food services of the district in accordance with the provisions of the school food services parts of this title;
- (20) make reports from time to time as the county superintendent, superintendent of public instruction, and board of public education may require;
- (21) retain, when considered advisable, a physician or registered nurse to inspect the sanitary conditions of the school or the general health conditions of each pupil and, upon request, make available to any parent or guardian any medical reports or health records maintained by the district pertaining to the child;
- (22) for each member of the trustees, visit each school of the district not less than once each school fiscal year to examine its management, conditions, and needs, except that trustees from a first-class school district may share the responsibility for visiting each school in the district;

(23) procure and display outside daily in suitable weather on school days at each school of the district an American flag representing the United States and manufactured in the United States that measures not less than 3 feet by 5 feet;

(24) provide that an American flag representing the United States and manufactured in the United States that measures at least 16 inches by 24 inches be prominently displayed in each classroom in each school of the district no later than the beginning of the school year, except in a classroom in which the flag may get soiled. Districts are encouraged to work with military organizations and civic groups to acquire flags through donation, and this requirement is waived if the flags are not provided by a military organization or civic group.

(25) for grades 7 through 12, provide that legible copies of the United States constitution, the United States bill of rights, and the Montana constitution printed in the United States or in electronic form are readily available in every classroom no later than the beginning of the school year. Districts are encouraged to work with civic groups to acquire the documents through donation, and this requirement is waived if the documents are not provided by a civic group.

(26) adopt and administer a district policy on assessment for placement of any child who enrolls in a school of the district from a nonpublic school that is not accredited, as required in 20-5-110;

(27) upon request and in compliance with confidentiality requirements of state and federal law, disclose to interested parties school district student assessment data for any test required by the board of public education;

(28) consider and may enter into an interlocal agreement with a postsecondary institution, as defined in 20-9-706, that authorizes 11th and 12th grade students to obtain credits through classes available only at a postsecondary institution;

(29) approve or disapprove the conduct of school on a Saturday in accordance with the provisions of 20-1-303; and

(30) perform any other duty and enforce any other requirements for the governance of the schools pursuant to the constitutional power of supervision and control of schools vested in elected school boards pursuant to Article X, section 8, of the Montana constitution as prescribed by this title, the policies of the board of public education, or the rules of the superintendent of public instruction.

20-3-363. Multidistrict agreements -- fund transfers. (1) The boards of trustees of any two or more school districts may enter into a multidistrict agreement to create a multidistrict cooperative to perform any services, activities, and undertakings of the participating districts and to provide for the joint funding and operation and maintenance of all participating districts upon the terms and conditions as may be mutually agreed to by the districts subject to the conditions of this section. An agreement must include provisions for dissolution of the cooperative, including the conditions under which dissolution may occur and the disposition of any remaining funds that had been transferred to

an interlocal cooperative fund in support of the cooperative. An agreement must be approved by the boards of trustees of all participating districts and must include a provision specifying terms upon which a district may exit the multidistrict cooperative. The agreement may be for a period of up to 3 years.

(2) All expenditures in support of the multidistrict agreement may be made from the interlocal cooperative fund as specified in 20-9-703 and 20-9-704. Each participating district of the multidistrict cooperative may transfer funds into the interlocal cooperative fund from the district's general fund, budgeted funds other than the retirement fund or debt service fund, or nonbudgeted funds other than the compensated absence liability fund. Transfers to the interlocal cooperative fund from each participating school district's general fund are limited to an amount not to exceed the direct state aid in support of the respective school district's general fund. Transfers from the retirement fund and debt service fund are prohibited. Transfers may not be made with funds restricted by federal law unless the transfer is in compliance with any restrictions or conditions imposed by federal law.

(3) Expenditures from the interlocal cooperative fund under this section are limited to those expenditures that are permitted by law and that are within the final budget for the budgeted fund from which the transfer was made.

(4) The intent of this section is to increase the flexibility and efficiency of school districts without an increase in local taxes. In furtherance of this intent, if transfers of funds are made from any school district fund supported by a nonvoted levy, the district may not increase its nonvoted levy for the purpose of restoring the amount of funds transferred.

(5) As used in this title, "multidistrict cooperative" means a public entity created by two or more school districts executing a multidistrict agreement under this section or any school district or other public entity participating in an interlocal cooperative agreement under the provisions of Title 20, chapter 9, part 7, as either a coordinating or a cooperating agency.

Analysis / Conclusion:

When addressing the specific statutory roles and responsibilities of both the County Superintendent of Schools and School District Boards of Trustees it is critical to recognize that each have specific, delegated authority for the oversight of the schools and school districts under their guidance and governance. Critical to understanding the relationship of each to the other is the awareness that locally elected Boards of Trustees are the only entity of the two which retains constitutional authority granted by and through the Constitution of the State of Montana, along with the vested authority to control schools in each school district under the direction of the board of trustees. In this sense, the authority of the Boards of Trustees (Article 10 Section 8 of the MT Constitution and Title

20 Chapter 3 Part 3 of the State Statutes) in comparison to that which is clearly outlined, proscribed and limited by state statute (MCA 20-3-205), supersedes that of the County Superintendent of Schools within the recognized political boundaries of the individual school districts. This determination is further supported and bolstered by the language outlined in Montana Administrative Rule (ARM) 10.55.704 (1) (a) which states:

10.55.704 ADMINISTRATIVE PERSONNEL: ASSIGNMENT OF DISTRICT SUPERINTENDENTS

(1) The assignment of licensed superintendents for all configurations of school systems shall be based upon full-time equivalency (FTE) and shall be assigned as follows:

(a) School systems with 14 or fewer FTE licensed staff and without a licensed superintendent employed may use a supervising teacher and the services of the office of the county superintendent to satisfy administrator requirements.

As indicated, Boards of Trustees in the State of Montana, even in the smallest school districts wherein they employ fewer than 14 full-time licensed professional staff, are not mandated by state statute to enlist the services of a County Superintendent of Schools to satisfy administrative requirements, but rather, “may” elect to use that county office in the delivery of these services. This authority clearly establishes that it is at the discretion of the Board of Trustees as to when and if they choose to enter into a formal arrangement with a County Superintendent of Schools to provide administrative support to their individual school district, as well as acknowledging that it is also within the authority of the Board of Trustees to determine the scope of responsibilities which again, may be delegated for specific, limited purposes.

Comparing the Statutory Authority of a County Superintendent to that of a County Superintendent Acting Through Agreement with a Local District Board of Trustees.

Unlike the statutory authority outlined in the Powers and Duties annotations (MCA 20-3-205) which guide and govern the scope of actions, roles and responsibilities of an elected County Superintendent of Schools, when engaged by a local school district Board of Trustees to provide specific and limited administrative services as defined by school district policy, a County Superintendent of Schools acting in this capacity does so only as defined and authorized by the local Board of Trustees.

Most school districts who elect to use administrative support services provided by a County Superintendent of Schools adopt a variety of policies to address the specific roles, responsibilities, tasks and outcomes of these engagements. Specific examples of the types of policy guidance put in place by Boards of Trustees to ensure compliance with their expectations may include the following:

<i>Model Policy 6XXX</i>	<i>Role of the County Superintendent</i>
<i>Model Policy 6XXX</i>	<i>Administration in Policy Absence</i>
<i>Model Policy 6XXX</i>	<i>Supervising Teacher or Principal - Stipend and Benefits, Professional Growth, Professional Associations</i>
<i>Model Policy 6XXX</i>	<i>Duties and Evaluation of the Supervising Teacher or Principal</i>
<i>Appendix F-1</i>	<i>Duties of the County Superintendent or Principal Stated in These Policies</i>
<i>Appendix F-2</i>	<i>Duties of the Supervising Teacher or Principal as Stated in These Policies</i>

Model Policy 6XXX Role of the County Superintendent

ADMINISTRATION

Role of the County Superintendent of Schools

The Board of Trustees recognizes that the _____ County Superintendent of Schools shall assist it with the general supervisory responsibility of the school since there is no full-time school administrator, unless the Trustees choose to contract with another school administrator, educational specialist or educational consultant.

Specifically, the County Superintendent will:

- In accordance with MCA Administer the oath of office to incoming Board of Trustee members.*
- Compute the annual district budgeting in revenues realized from tax levies;*
- Provide the Board with appropriate teacher supervision and annual written evaluation in accordance with the State of Montana Office of Public Instruction (OPI) EPAS Guidelines as well as annual curriculum review and recommended*

revisions in alignment with State of Montana Office of Public Instruction (OPI) Standards.

In addition, the County Superintendent may:

- *Assist with the interviewing and/or hiring of teachers;*
- *Organize professional development for the district's classified and certified staff;*
- *Coordinate ongoing curriculum review and assessment;*
- *Coordinate the receipt of special funds from grants and federal sources;*
- *Provide opportunities for group purchasing of educational material and supplies.*
- *Other duties as agreed to by Resolution of the Board of Trustees.*

Model Policy 6XXX Administration in Policy Absence

ADMINISTRATION

Administration in Policy Absence

In the absence of a policy where immediate action is required, the Supervising Teacher or the County Superintendent (the most senior professional) is authorized to act in accordance with the best-established practices consistent with law. However, it is the Supervising Teacher's or County Superintendent's (the most senior professional's) duty to inform the Board of Trustees, at the next regularly scheduled Board meeting, if there is a need for an official policy.

**Model Policy 6XXX Supervising Teacher or Principal - Stipend and Benefits,
Professional Growth, Professional Associations**

ADMINISTRATION

Supervising Teacher or County Superintendent (the most senior professional) Stipend and Benefits

The Board will establish the terms and conditions of employment including if and when appropriate, an additional Supervising Teacher stipend for the Supervising Teacher.

Where and when there is a certified administrator, educational specialist or educational consultant hired by the district, the Board of Trustees will establish a specific salary or

contract for services amount appropriate to the individual's education, experience and expected responsibilities. The Board of Trustees may also provide at its sole discretion benefits such as a teacher longevity with the district or mileage as it sees fit. Merit pay as a means to award excellence may also be incorporated into the salary system for the Supervising Teacher or County Superintendent (the most senior professional).

Professional Growth and Development

The Board of Trustees recognizes that training and study for the Supervising Teacher or County Superintendent contributes to skill development necessary to better serve the needs of the District. Professional development shall be based on the needs of the District, as well as in consideration of the needs of the individual classroom teacher.

Professional Association Memberships

The Supervising Teacher or County Superintendent is encouraged to be a member of and participate in professional associations that have as their purposes the continued improvement of education in general. The cost of any such memberships shall be the sole financial responsibility of the individual teacher, unless expressly provided for in writing by the District with approval by the Board of Trustees.

Model Policy 6XXX *Duties and Evaluation of the Supervising Teacher or Principal*

ADMINISTRATION

Duties and Evaluation of the Supervising Teacher or County Superintendent

Duties of the Supervising Teacher or County Superintendent (the most senior professional)

The day-to-day operation of the school shall be under the supervision of the classroom teachers working in cooperation with the County Superintendent. They are governed by the policies of the District and are responsible for implementing the administrative procedures that relate to his/her assigned responsibilities.

The classroom teachers or County Superintendent's duties shall include but not be limited to:

- 1. Planning for the improvement of the program for which she/he is responsible;*

- 2. Evaluating that program regularly;*
- 3. Recommending to the Board of Trustees budgetary, program, staff and other changes that will enhance the program;*
- 4. Advising the Board of Trustees of the impact of proposed policies or other administrative actions on the programs for which he/she is responsible;*
- 5. Assisting his/her subordinates to improve their performance;*
- 6. Promoting effective working relationships with students, staff and patrons of the District;*
- 7. Maintaining a progressive community/staff relations program within his/her building or assigned area.*
- 8. Providing leadership for the function of the school in addition to his/her teaching duties;*
- 9. Keeping and depositing of student and program records;*
- 10. Acting as purchasing agent of the board for the purchase and management of instructional and program materials;*
- 11. Acting as the agent of the board and carrying out its dictates.*

(For a complete list of the duties as stated in these policies of the Supervising Teacher or County Superintendent, see Appendix F-2.)

Evaluation of Supervising Teacher or County Superintendent

It is the goal of the district that the Supervising Teacher or County Superintendent (the most senior professional) be evaluated annually in order to provide guidance and direction to him/her in the performance of his/her assignment. Such evaluation shall be based on his/her job description, accomplishment of annual goals and performance objectives, and established evaluative criteria including staff, student and parent comments.

The Board of Trustees shall establish procedures for the conduct of the evaluation of the Supervising Teacher. The Trustees may ask for assistance from the County Superintendent in establishing these procedures. Near the beginning of the school year, the Supervising Teacher should be informed of the criteria to be used for evaluation purposes, including the adopted goals for the District.

Those involved in the evaluation conference shall sign the written report and retain a copy for their records. The person being evaluated may have the right to submit and attach a written statement to his/her evaluation following the conference.

The information and analysis contained herein has been compiled by Todd A. Hanson, Managing Partner at 4 Poles Educational Consulting Group and is the proprietary and intellectual property of the aforementioned. Any use of or citation to this document or the analysis contained therein is subject to prior approval of the author.