



October 21, 2026 Agenda Regular Meeting of Trustees

The regular meeting of the Board of Trustees of School District #35 has been scheduled for **10.21.26** at **6 PM** in the library and via **Google Meet**: meet.google.com/whu-hitz-rhr .

Call to Order

Pledge of Allegiance

Presiding Trustee's Explanation of Procedures

Public Comment- Non Agenda Items

Consent Agenda

Minutes, Finance, Personnel

Superintendent Report

District Clerk Report

Business Manager Report

Old Business

Discussion Items:

Committee Meeting Dates

Open Ed Updates

Administration Position Discussion

Action Items:

Policy Series 1000 - Second Reading

Designee Contact MTSBA Organization of Strategic Planning and County Planning

New Business

Discussion Items:

MTSBA Legislative Agenda

Policy Series 2000 - First Reading

Action Items:

MTSBA Policy Updates

MOU for TPRG Replacement

Endowment Fund 85

Tentative Executive Session, Superintendent Evaluation Discussion

Article II, Section 10 of the Montana Constitution permits an executive session for evaluative purposes for all individuals regarding right to privacy.

Adjournment

The Core Purpose of Gallatin Gateway School is to embrace an engaging learning culture in a safe, nurturing environment where each student thrives now and into the future.

Excerpt from GGS Policy #1441- Audience Participation

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 comments to ensure an orderly progression of the meeting. If public comment will be taken on discussion items, the public will be notified on the agenda.

Individuals wishing to be heard by the Chairperson shall first be recognized by the Chairperson. Individuals, after identifying themselves, will proceed to make comments as briefly as the subject permits. Each person wishing to speak will be limited to two minutes. The Chairperson may interrupt or terminate an individual’s statement when appropriate, including when statements are out of order, too lengthy, personally directed, abusive, obscene, or irrelevant. The Board as a whole shall have the final decision in determining the appropriateness of all such rulings. It is important for all participants to remember that Board meetings are held in public but are not public meetings. Members of the public shall be recognized and allowed input during the meeting, at the discretion of the Chairperson.

Cross Reference: 1420 School Board Meeting Procedure

Legal Reference: Article II, Section 8, Montana Constitution – Right of participation
Article II, Section 10, Montana Constitution – Right of privacy
§§ 2-3-101, et seq., MCA Notice and Opportunity to Be Heard

Call to Order
Pledge of Allegiance
Presiding Trustee's Explanation of Procedures
Public Comment- Non Agenda Items

Consent Agenda

Minutes:  RBM 9.16.26.pdf ;  October Agenda Setting and Special Meeting Minutes.docx

Finance:  September Claim Approval List.pdf  Oct Claim Approval List.pdf

 October BMO Claim.pdf  FY27 Monthly Budget Report

Personnel: None

Superintendent Report

Strategic Goals

Individual Student Success

- Special Education students - 16
- Students with 504's - 24
- Check In/Check Out - no students on formal check in check out process
- One suspension for two days for one student
- Current Enrollment - 129

Staff and Volunteers

- PLC meeting topics: Standards based grading and instruction, data compilation and analysis, planning for fall and winter events.
- Ms. Barry (3rd) and Mrs. Phelps (2nd) were finalists in the Best of Bozeman.

Student Events

- Our middle school students are attending presentations at MSU focusing on science fields as well as visiting West Yellowstone for science and social studies curriculum support.

Projects and Work:

- IRS Reconciliation
- OPI Accreditation report
- ESEA Monitoring
- Open Ed
- Daily - emails, phone calls, and meeting and staff support
- Completed the first month of school grade band meetings
- MTSS scheduling and compilation of data
- MAST Assessment data, scheduling, and issues around the grades not being recorded correctly. I'm currently working with OPI on a 5th grade issue.
- Migrating the library inventory to a new, less expensive program
- Committee Work
- MSGIA Insurance Claim
- STAR data focusing on the 3rd grade proficiency assessment, to include a staff meeting with grades K-5
- IEP's and 504's
- Organizing bank statements, revenue vouchers and information, monthly claims and warrants from the 25-26 school year in preparation for the 25-26 audit

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- WIDA data analysis and data entry into the 26-27 data spreadsheet, working on plans and curriculum to support our English Language learners.
- Verifying and compiling all MEA replacement certificates for teachers
- Updating processes and procedures as needed (Business Office) to include the audit findings and corrective action plan.

District Clerk Report

- Food Service Update

Business Manager Report

- MCEL Update  MCEL - Billings
- I will be working with BMS next week to get the Student Activities accounting program up and running. I am hoping we will have it all ready, including the new account, by the middle of November
- MASBO is still working on getting the books balanced from last year. I am working with them on this as there are several documents that need to be adjusted.
- I am still working on cancelling the checks and a few of the double entry credit card documents. This will affect the process of balancing mentioned above so I am working slowly to make sure nothing gets missed. Many of these will have to be adjustments from a prior period so I have gotten some guidance from our auditor to make sure it is being done the best way possible.
- We do not have Fall count information at this time. I have checked the MAEFAIRS program daily and the error pops up: ***“Due to a system error, please do not import student count for ANB into MAEFAIRS. School Finance will update this message when the system is working again.”*** I will be checking everyday to see if it has been updated. The due date is October 23rd so hopefully it will be ready for import before the board meeting and I can give a verbal update. Once we have the numbers, I get a beginning draft budget together for review in November.
- A big “thank you” to Kelly and Kailtlyn. It has taken some time, but we are getting information uploaded and organized so that process makes sense to all of us. I really appreciate the help they have both given me and I believe great strides have been made to streamline processes.

Old Business
DISCUSSION ITEM

Committee Updates

Presented by: Kelly Henderson

Background: (Include funding sources as appropriate)

Facilities Committee:  Facilities CommitteeMinutes.docx

Safety Committee:  Safety Meeting 9.29.26.docx.pdf

We will be scheduling the Whole Child Committee and preparing for the PDAC Committee starting in January.

Old Business
DISCUSSION ITEM

Open Ed Updates

Presented by: Kelly Henderson and Grant Hewitt

Background: (Include funding sources as appropriate)

Oct 13, 2026 | 📅 Open Ed Meeting

Attendees: Grant Hewitt, Kelly Henderson

Notes

- Corvallis - has developed courses for each grade level - they hold a one day in person course somewhere within the district - they are now not enrolled remotely, they are enrolled hybrid as they attended the in person course. OPI has defined in the meeting that a course is not time limited. It can be an hour one time yearly. Once the student attends the meeting they are enrolled in our district. An alternative assignment will be provided for the students who are absent.
- Possibly signing Somers in Flathead Valley as an additional district to assist in meeting the geographical needs of the enrollees and their families.
- Hold on a saturday
- Wait list right now has about 700 students
- In writing from OPI
 - Enroll in one course - not time limited, but if they are enrolled in an in person course they have access to all virtual offerings
 - Funding
 - Still working on getting payment for last years students
- Opi indicates that the students can test virtually for the MAST, per the state superintendent.
- My concerns focus on meeting the needs of the students. We would likely need to hire a SPED teacher on an itinerant basis to assess and assist with evaluations and writing IEP's for the students. We would also need to discuss this with the Special Education Cooperatives within the state where the students reside as evaluations cannot be completed virtually. The funding for this would come through our IDEA grant, but how that would be disbursed to other coops needs to be determined.

Old Business
DISCUSSION ITEM

Administration Position

Presented by: Aaron Schwieterman

Background: (Include funding sources as appropriate)

The board will investigate options for hiring an administrator for the 27-28 school year.

Old Business
ACTION ITEM

Policy Series 1000 - Second Reading

Presented by: Kelly Henderson

Background: (Include funding sources as appropriate)

 Policy Series 1000.pdf

Every four years, the Board should review all policies for relevance, accuracy, and implementation.

Recommendation: Administration recommends approval of Policy Series 1000 and the changes and additions made within the document.

Old Business
ACTION ITEM

Trustee Designee MTSBA

Presented by: Aaron Schwieterman

Background: (Include funding sources as appropriate)

At the Board Orientation, discussion took place around a community strategic planning event in the spring as well as a meeting with Gallatin county small school superintendent and board member to solve the issue around administration of all districts. Deb Silk has indicated that she could facilitate both events. Mr. Nickolay has indicated his willingness to facilitate these conversations with MTSBA.

Recommendation: Administration recommends appointing Brian Nickolay as the board's designee to facilitate the two meetings and contact MTSBA on the Board's behalf.

New Business
Discussion ITEM

MTSBA Legislative Agenda

Presented by: Kelly Henderson

Background: (Include funding sources as appropriate)

MTSBA sent out their legislative agenda.

 MTSBA Legislative Doc.pdf

Highlights:

FUND IT: CAMPS Coalition Funding Bill

The CAMPS Coalition has developed a comprehensive school funding proposal designed to modernize Montana's funding system, strengthen adequacy and equity, increase state responsibility, reduce dependence on local property taxes, support students with greater needs, invest in educators, recognize the circumstances of schools of different sizes and improve the inflation mechanism.

FREE IT AND CONNECT IT: Student Opportunity Act

Adequate funding gives public schools the resources necessary to succeed ensuring that Montana's public education system has the flexibility, innovation and statewide connections necessary to use those resources to create meaningful educational opportunities for individual children. Montana law already contains much of the foundation. Districts can use proficiency-based education, personalized and transformational learning, part-time enrollment, remote instruction, the Montana Digital Academy, dual credit and postsecondary instruction, advanced opportunities, career and technical education, work-based learning, industry-recognized credentials, culturally rooted instruction and collaboration among districts and other educational partners. Board of Public Education standards likewise recognize proficiency, strategic planning, learner-centered education and multiple ways for students to demonstrate learning. The Student Opportunity Act brings those authorities together around a clear operating principle: the locally governed public school can serve as both an educational provider and a hub of educational opportunity. A district can provide an opportunity directly. It can connect a student to the Montana Digital Academy or, when authorized by law, another public district. It can work with postsecondary institutions, employers and work-based learning partners. It can recognize legitimate learning acquired elsewhere and award credit based on demonstrated proficiency. A student can participate full time or part time, and a child educated partly through a home school or nonpublic school can access the public school opportunities Montana law makes available without surrendering that educational arrangement. The resident district remains the natural first point of connection. Local trustees remain responsible for determining the district's educational program and exercising the supervision and control assigned to them by Article X.

CONNECT IT. The Student Opportunity Act would strengthen the ability of locally governed public schools to connect children with educational opportunities across Montana's public education system while preserving the local district as the center of that relationship. The CAMPS Coalition is helping develop and refine both efforts, just as our members directed.

New Business
Discussion ITEM

Policy Reading 2000 - First Reading

Presented by: Kelly Henderson

Background: (Include funding sources as appropriate)

 Board Policy 2000 Series.pdf

New Business
Discussion ITEM

MTSBA Policy Updates - First Reading

Presented by: Kelly Henderson

Background: (Include funding sources as appropriate)

1. **Model [Policy 1512](#) and [1512-P\(2\)](#) – Conflict of interest:** The amendments to Model Policy 1512 and the addition of a new Model Policy 1512-P(2) are intended to address the applicability of a 1986 Opinion of the Montana Attorney General (41 Mont. Op. Atty. Gen. 233 (Mont. A.G.), 41 Mont. Op. Atty. Gen. No. 57, 1986) to § 2-2-302, MCA, and specifically in reference to tenured teachers.

Model Policy 1512-P(2) contains two options to be considered by Boards of Trustees, the first of which includes a provision setting forth a process for renewal of the contract of a tenured teacher who is connected or related to one or more Trustees by consanguinity within the fourth degree or by affinity within the second degree. The second available option set forth in the model policy does not include this provision. When choosing which option to adopt, Boards of Trustees should consider the following:

The provision in Option 1 applying the exceptions in § 2-2-301, MCA, to the renewal of tenured teachers is supported by the above-referenced AG opinion in which it was determined that § 2-2-301, MCA, "prohibit[s] the rehiring of a tenured teacher where the teacher is within one of the prohibited relationships to a member of the school district board of trustees." The opinion also provides (in effect) that the nepotism statutes (§§ 2-2-301 through 2-2-304, MCA) constitute good cause for termination of a tenured teacher. Please be aware that a formal opinion of the Montana Attorney General issued pursuant to § 2-15-501, MCA, has the force and effect of law unless overturned or overruled by a subsequent formal AG opinion, by a court of competent jurisdiction, or by subsequent legislation.

Sec. 2-2-302, MCA, was amended by the Montana Legislature after the 1986 AG opinion was issued to include a few exceptions to the general prohibition set forth in the statute. One such exception provides that the prohibition in the statute does not apply in relation to the renewal of an employment contract of a person who was initially hired before the member of the board to whom the person is related assumed the duties of the office. An additional exception was added indicating the prohibition does not apply under circumstances where a school district Board of Trustees publishes 15 days' notice in a newspaper of its intended action; the Trustee or Trustees related to the individual abstain from voting; and ALL remaining Trustees vote in favor of the appointment.

To be clear, the statute provides that "it is unlawful" for a Board of Trustees to appoint to a position of trust or emolument any individual who is connected or related to one or more Trustees by consanguinity within the fourth degree or by affinity within the second degree unless one of the statutory exceptions applies. The Montana Attorney General determined in 41 Mont. Op. Atty. Gen. 233 (1986) that it was simply unlawful for a school board to renew the employment of a tenured teacher connected or related to a Trustee within the prohibited degrees of relationship, but the statutory exceptions had not yet been adopted. Applying the AG opinion to a situation where a tenured teacher is related to a member of the Board of Trustees, and taking into consideration the subsequent amendments to the statute, the current status of the law is very arguably that a Board of Trustees may not renew the contract of a tenured teacher who is related to a member of the Board of Trustees within the identified degrees of relationship UNLESS the tenured teacher was initially hired before their relative assumed the duties of the office of school district trustee; OR unless the Board of Trustees publishes the required 15 days' notice, the related Trustee(s) abstain from voting, and all remaining Trustees vote in favor of renewal of employment.

That being said, the possibility exists that the current or a future Attorney General could disagree and render a different interpretation of the statute. It is also entirely possible that a court could disagree and interpret the statute differently in the context of litigation challenging nonrenewal of a tenured teacher based on § 2-2-302, MCA, and the 1986 AG opinion. For example, if a Board of Trustees published the required 15 days' notice, and the related Trustee abstained from voting, but not all remaining Trustees voted in favor of renewal of employment, the tenured teacher's employment with the school district would conclude. That teacher and/or the union could then challenge what amounts to termination of a tenured teacher under various legal theories, and in various venues, including, but not necessarily limited to, binding arbitration, Montana District Court, Federal Court, before the Montana Board of Personnel Appeals, etc.

Alternatively, if a Board of Trustees renews the employment of a tenured teacher who is related to a member of the Board without following the process set forth in Sec. 2-2-302, MCA, the possibility exists that the renewal of employment could be challenged by some third party alleging that the Board violated Sec. 2-2-302, MCA. Also certainly worth noting is that a violation of § 2-2-302, MCA, constitutes a crime punishable by imprisonment not to exceed 6 months and/or a fine not to exceed \$1,000.00 pursuant to Sec. 2-2-304, MCA.

One final concern is that implementing a new process by which the employment of tenured teachers might be terminated via application of § 2-2-302, MCA, would likely be considered a change in conditions of employment which would need to be negotiated with the impacted bargaining unit.

In summary, the outcome of any litigation related to either path a Board of Trustees may choose to follow, i.e., follow the nepotism processes when renewing the employment of tenured teachers, or not, is uncertain at best. Currently, the referenced AG opinion remains the most recent official interpretation of the statute, but as noted above, it is subject to reversal by the courts or a subsequent attorney general.

2. **Model [Policy 3122](#) – Attendance Policy:** The intent of the amendments to this model policy are to resolve potential conflicts with statutes covering and allowing for proficiency-based learning, and to make the policy more consistent with these statutes, including (but not necessarily limited to §§ 20-7-1601 & 1602, 20-9-311, 20-3-324, and 20-1-301, MCA).

3. **Model [Policy 2410-P\(1\)](#) – High School Graduation Requirements:** The amendment to this model policy is intended to eliminate an expectation that successful completion of IEP goals automatically equates to the award of a high school diploma.

4. **Model [Policy 3231](#) – Searches and Seizures:** The amendment to this model policy will require a reasonable attempt to notify a parent prior to conducting a search of a student in a non-emergency situation, with the intent of consistency with Montana parental rights statutes and Montana privacy laws.

5. **Model [Policy 3414](#) – Cardiac Arrest Response for Youth Athletes:** This is a new model policy developed for compliance with § 20-7-1339, MCA.

6. **Model [Policy 3420](#) – Head Lice:** The amendments to this model policy are intended to eliminate an internal inconsistency and for consistency with administrative rules.

7. **Model [Policy 5120-P\(1\)](#) – Hiring Process and Criteria:** The purpose of the amendment to this model policy is to eliminate the limitation on background checks to individuals 18 years of age or older.

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8. **Model [Policy 5223](#) – Personal Conduct:** The amendments to this policy consist of professional conduct guidelines/requirements for employees.

9. **Model [Policy 5228-P\(1\)](#) – Drug and Alcohol Testing:** The amendment to this model policy is intended to clarify that districts are obligated to provide to drivers educational materials that explain the requirements of the Code of Federal Regulations, Title 49, Part 382.

New Business
ACTION ITEM

MOU TPRG Replacement

Presented by: Kelly Henderson

Background: (Include funding sources as appropriate)

TPRG MOU

Per the Master Agreement, certified staff must complete the TPRG goal setting form. As we are engaging in self-directed professional development, a new form is needed to document the process and goals. In order to meet the requirements of the Master Agreement, the MFPE and district requires the MOU for the 26-27 school year.

Recommendation: Administration recommends approval of the MOU for TPRG replacement.

New Business
ACTION ITEM

Endowment Fund 85

Presented by: Heather Mumby

Background: (Include funding sources as appropriate)

Fund 85 is an endowment fund that allows us to use the principal and interest from donations. We received a \$20,000 donation for the summer lunch program this past summer. The donor wants this to be used for summer lunches. The remaining balance on this donation is \$16,250.

Recommendation: Administration recommends the opening of fund 85 Endowment Fund and the remainder of \$16,250 be deposited into the account for summer lunch program use.

New Business
ACTION ITEM

Tentative Executive Session Superintendent Evaluation Discussion

Presented by: Governing Board

Background: (Include funding sources as appropriate)

[W 25-26 Superintendent Evaluation.docx](#)

The governing board would like to discuss the superintendent's performance evaluation. Mrs. Henderson has been notified in writing of this agenda item and is not waiving her rights to privacy. Following the Montana Constitution: The individuals' right of privacy under Article II, Section 10:

“Section 10. **Right of privacy.** The right of individual privacy is essential to the well-being of a free society and shall not be infringed without the showing of a compelling state interest.” Evaluation of an employee's performance. *The Missoulian v. Board of Regents of Higher Education* (1984), [207 Mont. 513, 529, 675 P.2d 962, 971.](#)

The outcome of the superintendent's evaluation will be completed at the December Board Meeting and shared at the public meeting.

If the board determines that the right to privacy outweighs the public interest, the meeting will be recessed and the board will move to another room.

Recommendation:

Option 1: The presiding officer determines that the demands of individual privacy clearly exceeds the merits of public disclosure. There is an issue of individual privacy regarding the superintendent's evaluation.

OR

Option 2: The presiding officer determines that there is no right to individual privacy prohibiting an Executive Session.