School board handbook for third class districts in Montana

Carlton Elwood Naugle
The University of Montana

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A SCHOOL BOARD HANDBOOK FOR THIRD CLASS DISTRICTS IN MONTANA

by

CARLTON E. NAUGLE

B. A. Montana State University, 1949

Presented in partial fulfillment of the requirements for
the degree of Master of Arts

MONTANA STATE UNIVERSITY
1953

Approved by:

[Signatures]

Chairman, Board of Examiners

Dean, Graduate School

Aug 20 1953

Date
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CHAPTER I

THE PROBLEM

I. STATEMENT OF THE PROBLEM

This study has been an attempt to construct a school board handbook which would aid trustees of third class school districts of Montana in the performance of their many duties.

II. IMPORTANCE OF THE PROBLEM

According to the American Association of School Administrators in their twenty-fourth yearbook, School Boards in Action, the school trustee is performing a trust of the highest order. And, they point out,

His is no easy task. Service on a board of education is not for the faint of heart! Seldom will the public take notice of his work. Yet in this seeming quiet there is ever present the brewing storm which, because of the very infrequency with which it swells to tempest force, calls for extraordinary strength and strategy. Almost without warning, the school board must be ready to meet pressures of innumerable varieties and to protect the schools from their attempted inroads. Disgruntled taxpayers, frustrated individuals, superpatriots, and reformers—among all these, and more, the school board must steer a carefully chosen, courageous course. . . .

Because school board service well performed does consume much time, busy men and women often feel after a few years of service that they must retire from the board. As a result, there is a constant

---


2 Ibid., pp. 14-15
stream of new members coming on boards of education throughout the country. Hubley\(^3\), in his study of Montana school boards, points out that the median tenure of office of a member of a third class town school board is 3.6 years, while that of a member of a third class rural school board is 4.2 years. This would suggest 3.9 years as a median tenure of office for all third class school board members. Since school board members in Montana are elected for a period of three years\(^4\), this would seem to indicate a rather regular turnover among the third class school board members. Reeder\(^5\) complains that too often, new members are left to find their duties with little or no help from anyone.

Davies and Prestwood\(^6\) point out that frequently boards permit newly elected or appointed members to begin their work without attempting to familiarize them with their responsibilities and ways of meeting them. These authors go on to say that even after these newcomers become regular members, they are often left to themselves to learn as best they can what they should know and what their duties and powers are. This, Davies and Prestwood claim, results in a considerable waste of talent.\(^7\)

---


\(^7\)Davies and Prestwood, op. cit., p. 7.
The importance of the problem in Montana can be ascertained by examining some facts concerning Montana school boards. In the 1951-52 school year, Montana had 1,221 school districts. Of these, 1,006 operated schools. Montana districts are divided into three classes: first, second, and third, on the basis of the population of the district. Of the total number of districts operating schools in the 1951-52 school year, 918, or 91 per cent, were third class school districts. Since these third class districts normally have a three-man board plus a clerk, a total of approximately 3,600 individuals in this group were confronted with the problems of operating schools. These individuals were responsible, in varying degrees, for the legal, financial, and social aspects attendant to the operation of a public school.

Reeder calls the school board member the "forgotten man" of school administration. He says

... Thousands of books and articles have been written to guide teachers, principals, and other school employees, but relatively little has been published in behalf of the more than 400,000 school board members of the nation.

---

8These figures computed from information contained in Montana Educational Directory, 1952-53, (State Department of Public Instruction, Helena, Montana).


10These figures computed from information contained in Montana Educational Directory, 1952-53.


12Reeder, op. cit., p. iv.

13Loc. cit.
On the state level, Mr. C. R. Anderson, Administrative Assistant, State Department of Public Instruction, has this to say.

I have gone over the outline of the Master's thesis with great interest and believe that when completed it will be of invaluable help to trustees of third class districts. If you could be here in this office for just a few days you would be able to see the value such a booklet would be to a trustee in these districts. We have been contemplating such an outline for the past few years, but have not had the time nor the help to be able to complete it. Such a booklet, we feel, would give the answers to possibly as much as 75% of the inquiries which come to this and to the county superintendent's offices.  

That a majority of the third class district trustees of Montana who were queried agreed on the inadequacy of reference material available to them will be shown in a later chapter of this thesis.

III. DEFINITIONS OF TERMS USED

No attempt will be made here to define all terms that may be used in the handbook proper. If necessary, definitions will be placed therein. In this section, only definitions necessary for a complete understanding of the preliminary work will be included.

School trustee, trustee, school board member, board member. These terms are used interchangeably throughout this paper to mean individual members of a board of trustees, or a school board.

Board of trustees, school board. These terms are used interchangeably throughout this paper to mean a school governing body authorized and created by the laws of the State of Montana and/or the state to which reference is being made.

School district. That territory under the jurisdiction of a single board, designated as "board of trustees."

First class district. Any Montana school district having a population of eight thousand or more, governed by a board of trustees consisting of seven members.

Second class district. Any Montana school district having a population of one thousand or more, and less than eight thousand, governed by a board of trustees consisting of five members.

Third class district. Any Montana school district having a population of less than one thousand, governed by a board of trustees consisting of three members.

Common school district. A school district created for the support, operation, and maintenance of an elementary school.

High school district. A school district created for the support, operation, and maintenance of a secondary school. A high school district may contain within its boundaries one or more common school districts.

Joint school district. Any school district, common or high school, a portion of which lies in each of two or more counties. There may be a joint common school district as well as a joint high school district.

District clerk. A school district employee, not a member of the board of trustees, whose duty it is to disburse funds and to keep the official records of school district business.

School board handbook. A publication, duplicated or printed, designed to supplement state school codes and to provide trustees with information. This handbook should contain basic information, be non-technical as far as possible, and be usable.
Briefly, the procedure involved was: (1) to discover whether such a handbook was desirable, (2) to discover what should be included in such a handbook, (3) to examine handbooks from other states for content and format, and (4) to construct a handbook for third class districts of Montana from the information gleaned in the previous steps.

In the summer of 1952, the author completed a questionnaire which was approved by the School of Education of Montana State University. This preliminary questionnaire was submitted to a group of third class district superintendents, three county superintendents, the Secretary of the Montana School Boards Association, Mr. J. L. Gleason, Livingston, Montana, and Mr. C. R. Anderson, Administrative Assistant, State Department of Public Instruction, Helena, Montana. These people were asked to evaluate the questionnaire and make any suggestions as to its form and/or content which they felt necessary for the success of the project. The only major change suggested related to the position of the eight objective questions included in the questionnaire. As a result of the comments made by the evaluating group, these questions were moved from the beginning to the end of the questionnaire. A sample copy of the final questionnaire may be found in Appendix A.

Since it was not feasible to survey all third class district trustees, clerks, and superintendents, the following method was used to select those to be polled. The third class districts were arranged alphabetically by town and grouped according to county. Then every other district was checked until ten from each county were obtained. This accounted for a total of 560 third class districts. Questionnaires were sent out in a ratio of three trustees to one district clerk.
District superintendents' names were obtained from the *Montana Educational Directory, 1952-53*. Since there were only about ninety-five altogether, there was no problem of selection. Tables I and II show an analysis of the distribution of the questionnaire.

After the determination of the mailing list, the questionnaire, letter of explanation (see sample copy in Appendix B), and a stamped, self-addressed envelope were sent to each contact. The geographic distribution and the distribution to various groups proved to be satisfactory. Map I, Appendix C, shows the extent of coverage from trustees. Map II, Appendix C, shows the extent of coverage from clerks. Map III, Appendix C, shows the extent of coverage from superintendents. Map IV, Appendix C, shows the extent of coverage from county superintendents.

In an effort to discover what school board handbooks were in use in other states, a letter was written to Mr. Edward M. Tuttle, Executive Secretary of the National School Boards Association, Inc. Mr. Tuttle sent an annotated list of the state school board association handbooks of which he had knowledge, and a directory of state association presidents and secretaries. Mr. Tuttle's list contained eighteen entries. Further correspondence revealed several other publications. A total of eighteen handbooks was finally gathered together by the author. An analysis of these publications will be presented in a later chapter of this thesis.

Finally, the services of the Montana State Department of Public Instruction were offered through the person of Mr. C. R. Anderson, Administrative Assistant. In his position, Mr. Anderson is keenly aware of the problems which confront various districts in Montana.
### TABLE I

**NUMBER OF THIRD CLASS SCHOOL DISTRICT TRUSTEES, CLERKS, SUPERINTENDENTS, AND COUNTY SUPERINTENDENTS CONTACTED AND RESPONDING IN THIS STUDY**

<table>
<thead>
<tr>
<th>Classification</th>
<th>Number Contacted</th>
<th>Number Responding</th>
<th>Per Cent Responding</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Trustees</td>
<td>350</td>
<td>252</td>
<td>72.0</td>
</tr>
<tr>
<td>2. Clerks</td>
<td>110</td>
<td>86</td>
<td>78.1</td>
</tr>
<tr>
<td>3. Superintendents</td>
<td>90</td>
<td>62</td>
<td>68.8</td>
</tr>
<tr>
<td>4. County Superintendents</td>
<td>56</td>
<td>47</td>
<td>83.9</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>606</strong></td>
<td><strong>447</strong></td>
<td><strong>75.7</strong></td>
</tr>
</tbody>
</table>

### TABLE II

**DISTRIBUTION OF RETURNS AMONG THIRD CLASS DISTRICTS TRUSTEES, CLERKS, SUPERINTENDENTS, AND COUNTY SUPERINTENDENTS**

<table>
<thead>
<tr>
<th>Classification</th>
<th>Number Responding</th>
<th>Per Cent Of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Trustees</td>
<td>252</td>
<td>56.4</td>
</tr>
<tr>
<td>2. Clerks</td>
<td>86</td>
<td>19.2</td>
</tr>
<tr>
<td>3. Superintendents</td>
<td>62</td>
<td>13.9</td>
</tr>
<tr>
<td>4. County Superintendents</td>
<td>47</td>
<td>10.5</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>447</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>
Mr. Anderson suggested that his office could probably offer some ideas as to breakdown of material to be included in the handbook from the many inquiries received by that office. His offer was accepted and close contact has been maintained with his office throughout this entire project.

The proposed handbook will be distributed to several interested persons in the Montana School Boards Association and the Montana State Department of Public Instruction for final evaluation, revision, and/or approval.

V. ORGANIZATION OF THE REMAINDER OF THE THESIS

Chapter II is devoted to a presentation of the findings of the present survey of third class district trustees, clerks, superintendents, and county superintendents. Chapter III presents an analysis of handbooks published in other states. Chapter IV consists of a discussion of the Montana third class district board member and a table of contents of the proposed handbook. The handbook itself will be found in Appendix D.
CHAPTER II

RESULTS OF THE SURVEY

The purpose of surveying third class district trustees, clerks, superintendents, and county superintendents was (1) to discover whether these people thought that a handbook was desirable, and (2) to discover what these people thought should be included in such a handbook in the light of their own experience. The first section of this chapter will be devoted to the first item listed above, while the second section will be devoted to the second item.

I. IS A HANDBOOK DESIRABLE?

Eight objective type questions were included in the questionnaire sent to respondents. These people were asked to answer each question by drawing a circle around the word or symbol which best described their reaction. The words and symbol offered were: yes, no, i. (See sample copy of the questionnaire, Appendix A.) The first six questions were related directly to the proposition, "Is this handbook desirable?"

In tabulating the replies to the questionnaire, the original objective questions proved to be too lengthy to place conveniently in a table. For that reason, these questions were paraphrased in Table III, pages 12 and 13. The original meaning of each question was retained, however, and the paraphrasing in no way disturbed the meaning or the results of the survey.

A substantial majority of the responses to these questions
indicated that the persons queried thought that a handbook was desirable (See Table III, column 7).

The first question, "Do you feel that such a handbook for trustees would serve a useful purpose?" was answered by most of the respondents (94.9 per cent) in the affirmative (Table III, column 7). No significant deviation was discovered among the groups of respondents.

The second question, "Do you feel that such a handbook would lighten the work load in your office, or in your position?" was an attempt to check on the accuracy of Mr. C. R. Anderson's estimate that a handbook of this type would give the answers to as many as 75 per cent of the inquiries which came to the State Department of Public Instruction and county superintendents' offices.¹ Again the respondents answered in the affirmative by a large majority (89.6 per cent). However, 10.4 per cent of the trustees were undecided, while 13.2 per cent of the county superintendents did not think this would be the case (Table III).

The third question, "Do you feel that there is now available to trustees adequate reference material which would make such a handbook an unnecessary item?" showed a large majority of the respondents answering no (Table III, p. 12). Here again, the county superintendents seemed to be slightly more in doubt than the other groups, with 7.5 per cent of their group answering yes to this question (Table III, column 6, p. 12). However, the figure does not seem too significant since the trustees themselves answered overwhelmingly in the negative with 96.3

¹C. R. Ar'erson, Administrative Assistant, State Department of Public Instruction, Helena, Montana, personal letter to the author, July 29, 1952.
<table>
<thead>
<tr>
<th>Questions</th>
<th>Answer Reported</th>
<th>PER CENT OF CLASSIFICATION REPORTING EACH ANSWER</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Trustees</td>
<td>Clerks</td>
</tr>
<tr>
<td>1. Serve a useful purpose?</td>
<td>Yes</td>
<td>97.2</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>1.3</td>
</tr>
<tr>
<td></td>
<td>?</td>
<td>1.5</td>
</tr>
<tr>
<td>Number reporting</td>
<td>249</td>
<td>85</td>
</tr>
<tr>
<td>2. Lighten work load in your office?</td>
<td>Yes</td>
<td>86.9</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>2.7</td>
</tr>
<tr>
<td></td>
<td>?</td>
<td>10.4</td>
</tr>
<tr>
<td>Number reporting</td>
<td>237</td>
<td>81</td>
</tr>
<tr>
<td>3. Be unnecessary—enough material now available?</td>
<td>Yes</td>
<td>1.4</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>96.3</td>
</tr>
<tr>
<td></td>
<td>?</td>
<td>2.3</td>
</tr>
<tr>
<td>Number reporting</td>
<td>250</td>
<td>86</td>
</tr>
</tbody>
</table>
TABLE III (continued)

<table>
<thead>
<tr>
<th>Questions¹</th>
<th>Answer</th>
<th>Per cent of classification reporting each answer</th>
<th>County</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Reported</td>
<td>Trustees</td>
<td>Clerks</td>
</tr>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>SCHOOL BOARD HANDBOOK WOULD:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Aid new trustees in their work?</td>
<td>Yes</td>
<td>99.2</td>
<td>96.2</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>0.0</td>
<td>1.4</td>
</tr>
<tr>
<td></td>
<td>?</td>
<td>0.8</td>
<td>2.4</td>
</tr>
<tr>
<td></td>
<td>Number reporting</td>
<td>252</td>
<td>83</td>
</tr>
<tr>
<td>5. Aid experienced trustees in their work?</td>
<td>Yes</td>
<td>95.6</td>
<td>98.4</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>3.4</td>
<td>1.2</td>
</tr>
<tr>
<td></td>
<td>?</td>
<td>1.0</td>
<td>0.4</td>
</tr>
<tr>
<td></td>
<td>Number reporting</td>
<td>250</td>
<td>82</td>
</tr>
<tr>
<td>6. Aid district clerks in their work?</td>
<td>Yes</td>
<td>91.8</td>
<td>97.1</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>1.9</td>
<td>1.5</td>
</tr>
<tr>
<td></td>
<td>?</td>
<td>6.3</td>
<td>1.4</td>
</tr>
<tr>
<td></td>
<td>Number reporting</td>
<td>235</td>
<td>86</td>
</tr>
</tbody>
</table>

¹For complete questions as they appeared on the questionnaire, see sample copy of the questionnaire on page 52.
The fourth question, "Do you feel that such a handbook would aid new trustees in the performance of their duties?" enjoyed the highest percentage of agreement of any question thus far. A large majority (97.3 per cent) of the respondents answered in the affirmative. No significant deviation was discovered among the groups of respondents.

The fifth question, "Do you feel that trustees now holding office would find such a handbook valuable?" met with almost the same response as question number four with a comfortable majority (96.2 per cent) answering in the affirmative. No significant deviation was discovered here.

The sixth question, "Do you feel that district clerks would find such a handbook useful?" disclosed no significant deviations. A majority (92.8 per cent) answered in the affirmative.

In summarizing the responses to these six questions, the factor which stands out is the lack of major disagreement. In each case, a substantial majority of the respondents indicated that a handbook seemed desirable. No serious deviation among the groups queried seemed to show itself. If anything, the county superintendents' group would seem to be a little more cautious in accepting the idea of a handbook than the other groups. However, even the majority of this group seemed to agree with the idea.

11. WHAT SHOULD THE HANDBOOK INCLUDE?

Six subjective questions, plus two of the objective questions in the questionnaire, were devoted to the proposition, "What should the handbook include?" Based on a tentative outline of the proposed
handbook, the six subjective sections of the questionnaire were broken down into the following areas: (see sample copy of the questionnaire, Appendix A.)

A. Personnel functions of the board  
B. Finance functions of the board  
C. School plant functions of the board  
D. Curricular functions of the board  
E. Transportation functions of the board  
F. Public-Relation functions of the board

Respondents were asked to jot down under each of these headings specific problems which they had faced in the previous year, or which they remembered as having caused them concern in their district or office. Suggestions of topics which could be included under each heading, plus an example of a question, were given under each topic. (see DIRECTIONS: on sample copy of the questionnaire, Appendix A).

The responses received on this section of the questionnaire were far less in number than those received on the objective type questions. Whether this was due to the fact that the persons concerned had no problems to offer, or to the fact that this type response required more writing than the objective type response, is difficult to determine. Problems, human nature, and questionnaires being what they are, the latter reason is highly suspect.

A number of respondents attempted to answer the example questions instead of jotting down questions of their own. Many of the attempted answers revealed a lack of understanding of the problems involved.

Perhaps the most valuable contribution of this section of the questionnaire was the fact that the six tentative headings of the handbook proved to be inadequate in the light of the responses received.
Two additional headings: (1) Legal Interpretation, and (2) Board Procedure were added to take care of the questions that could not be properly assigned to another heading. (see Table IV.)

Table IV merely shows the per cent of questions jotted down under the specified problem areas by respondents. Since some respondents included two or three questions under one or more headings, while others did not include any, there has been no attempt to indicate any more than the per cent of questions appearing under each problem area.

The problem areas as listed in Table IV, page 17, may be further illustrated by listing some of the questions which were returned under each area. The following list, quoted verbatim, is representative, not exhaustive.

**Personnel**

1. How can class skip days be stopped?

2. May Montana teachers holding life certificates teach in Montana without having attended school recently?

3. How does a board dismiss a teacher when they have a contract and aren't satisfactory to everyone in the community?

4. What is the ideal relationship of board members to individual teachers in a school system employing a superintendent?

5. Should teacher-superintendent relationships be discussed by board in conference with the teacher?

6. What should be the relationship between superintendent and clerk in regard to control and management of the budget?

**Finance**

1. Explain how to examine the clerk's books and tell why frequent examination is desirable.

2. Explain the basic steps in preparing a school budget.

3. What is the cash reserve and how may it be increased?
### TABLE IV

PROBLEM AREAS AND PER CENT OF REFERENCES TO THESE AREAS MADE BY THIRD CLASS DISTRICT TRUSTEES, CLERKS, SUPERINTENDENTS, AND COUNTY SUPERINTENDENTS.

<table>
<thead>
<tr>
<th>Problem Area</th>
<th>Per Cent of References to Problem Areas Made by</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Trustees</td>
<td>Clerks</td>
<td>Superintendents</td>
<td>County Superintendents</td>
<td>Total</td>
<td></td>
</tr>
<tr>
<td>1. Personnel</td>
<td>14.2</td>
<td>7.1</td>
<td>9.6</td>
<td>11.4</td>
<td>11.4</td>
<td></td>
</tr>
<tr>
<td>2. Finance</td>
<td>17.4</td>
<td>17.0</td>
<td>17.3</td>
<td>21.4</td>
<td>17.7</td>
<td></td>
</tr>
<tr>
<td>3. School Plant</td>
<td>16.2</td>
<td>18.2</td>
<td>11.0</td>
<td>6.5</td>
<td>14.2</td>
<td></td>
</tr>
<tr>
<td>4. Curricular</td>
<td>8.8</td>
<td>9.1</td>
<td>15.2</td>
<td>15.0</td>
<td>11.1</td>
<td></td>
</tr>
<tr>
<td>5. Transportation</td>
<td>17.1</td>
<td>20.2</td>
<td>14.1</td>
<td>20.7</td>
<td>17.3</td>
<td></td>
</tr>
<tr>
<td>6. Public Relations</td>
<td>3.8</td>
<td>6.3</td>
<td>8.7</td>
<td>8.6</td>
<td>6.0</td>
<td></td>
</tr>
<tr>
<td>7. Legal Interpretations</td>
<td>10.3</td>
<td>7.5</td>
<td>12.8</td>
<td>12.1</td>
<td>10.7</td>
<td></td>
</tr>
<tr>
<td>8. Board Procedures</td>
<td>12.2</td>
<td>14.6</td>
<td>11.3</td>
<td>4.3</td>
<td>11.6</td>
<td></td>
</tr>
<tr>
<td>Totals</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>

1 To be read as follows: Trustees wrote 14.2 per cent of all their questions under Personnel, 17.4 per cent of their questions under Finance, 16.2 per cent under School Plant, etc.
4. How might the board plan for financing the building of a modern teacherage without bonding the district?

5. Should an essential payment belonging in an already depleted budget item be taken from another budget item?

**School Plant**

1. May any party or parties be denied the use of the school building?

2. What type hedge is best to border the school grounds?

3. What are the specifications for building indoor lavatories?

4. Are there any written standards for heating or plumbing in an isolated rural school with less than 20 pupils?

5. What heating and ventilating systems are best for a one-room rural school?

6. Should a schoolhouse be locked at all times when not in use?

**Curricular**

1. To what extent should pupils be expected to buy their own workbooks and other expendable items?

2. What is permitted in Montana regarding the teaching of any course concerning religion?

3. Where can we find out about "progressive education," what it is and what it is not?

4. Where can you get a copy of a state textbook list?

5. What is the board's responsibility toward initiating new courses of study in the schools?

6. Is it permissible to teach about communism in order that students might become acquainted with its shortcomings?

**Transportation**

1. Which is cheaper, contract or district-owned busses?

2. What is the procedure for determining whether a bus should be authorized to travel a new route?

3. We'd like all laws pertaining to money paid in lieu of transportation clarified.

4. If new pupils move into the district after school starts, how do you get the money to pay their transportation as the budget is made out in June?
5. How can we get roads fixed so that bus drivers can lower their contract price?

6. How do you figure the state has any objection because our high school students receive state transportation money and then pay to ride a bus from another district which passes through?

Public-Relations

1. Can the board hold a "closed" meeting?

2. What do you mean by a "closed" meeting?

3. Is the hearing granted a student who has been expelled, a public meeting?

4. Who is responsible for keeping the public informed, the superintendent or the board?

5. May isolated districts have annual meetings with interested parents called "Planning Parents" to discuss important needs of the district for the coming year?

6. Should the board use the school paper to editorialize and rationalize for its deeds?

Legal Interpretations

1. May a third class district hold more than the usual four board meetings per year?

2. May two members of the board be related?

3. If the board signifies by letter that they desire the services of a teacher, is this as good as a contract?

4. Can a contractor be held liable for defective materials and workmanship if under bond even if paid in full for the job?

5. What other governmental agencies (or units) can tax school districts?

Board Procedures

1. Are the clerk and board chairman required to sign the minutes of each meeting?

2. How does the board adopt an accounting system for the school's activity funds?

3. What reports should the board require from the superintendent?
4. What is the best program to follow when attempting to swing the public "for" a building program?

5. How can the board train new members?

The results obtained from the subjective section of the questionnaire did not seem to be particularly revealing. The preceding representative list of questions indicates the general type problems which confronted the respondents. The per cent with which questions were included in the various problem areas is shown on Table IV, page 17. The rank of the problem areas according to per cent of mention is shown on Table X, page 41.

If nothing else, these findings would seem to confirm the general problem areas which should be included in a school board handbook. The addition of two problem areas which had not been previously considered was a definite result of the findings of this section.

The two remaining objective type questions were concerned with the inclusion in the handbook of certain examples of reports and forms, and certain legal procedures and practices. Respondents were asked to answer yes, no or 2 to the questions concerning these items. Table V, shows the results obtained.

The first question, "Do you feel that the handbook should contain examples of various reports and forms commonly used in the operation of a school?" had 43.8 per cent answering yes, and 47.1 per cent answering no. Undecided were 9.1 per cent. Superintendents and county superintendents answered no in general, while trustees and clerks seemed to want these items included (see Table V, p.21).

The second question, "Do you feel that the handbook should contain examples of certain legal procedures and practices used by some
TABLE V

QUESTIONS, ANSWERS REPORTED, NUMBER REPORTING, AND PER CENT OF EACH CLASSIFICATION REPORTING EACH ANSWER ON WHAT SHOULD BE INCLUDED IN A HANDBOOK

<table>
<thead>
<tr>
<th>Questions</th>
<th>Answer</th>
<th>Per cent of classification reporting each answer</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>County Trustees Clerks Superintendents Superintendents</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>1. Do you feel that the handbook should contain examples of various reports and forms commonly used in the operation of a school?</td>
<td>Yes</td>
<td>61.3</td>
<td>57.4</td>
<td>31.4</td>
<td>22.3</td>
<td>43.8</td>
<td></td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>20.8</td>
<td>32.3</td>
<td>63.8</td>
<td>71.4</td>
<td>47.1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>?</td>
<td>17.9</td>
<td>10.3</td>
<td>4.8</td>
<td>6.3</td>
<td>9.1</td>
<td></td>
</tr>
<tr>
<td>Number reporting</td>
<td>251</td>
<td>86</td>
<td>60</td>
<td>47</td>
<td>444</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Do you feel that the handbook should contain examples of certain legal procedures and practices used by some of the various districts in Montana.</td>
<td>Yes</td>
<td>41.7</td>
<td>47.1</td>
<td>28.2</td>
<td>15.4</td>
<td>33.6</td>
<td></td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>32.6</td>
<td>24.7</td>
<td>71.5</td>
<td>81.2</td>
<td>53.8</td>
<td></td>
</tr>
<tr>
<td></td>
<td>?</td>
<td>25.7</td>
<td>28.2</td>
<td>0.3</td>
<td>3.4</td>
<td>12.6</td>
<td></td>
</tr>
<tr>
<td>Number reporting</td>
<td>252</td>
<td>83</td>
<td>62</td>
<td>47</td>
<td>444</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


of the various districts in Montana: " was answered even more decisively in the negative. A majority (53.8 per cent) of the respondents answered no, only 33.6 per cent answered yes, while 12.6 per cent were undecided. Again, superintendents and county superintendents were strong in their opposition to this item.

Remarks written on the questionnaire under or near these questions indicated that the major fear was confusion. Superintendents and county superintendents seem to be afraid that if such items were included, the tendency would be to have too many districts trying to change from established practices to different ones. Questions of the legality of some practices were also raised.

Summary

The results obtained from the six objective type questions on the questionnaire dealing with the proposition "Is this handbook desirable?" indicated beyond any doubt that a majority of the respondents wanted such a handbook. No significant deviations were discovered among the four groups queried.

The results obtained from the two objective type questions on the questionnaire dealing with the proposition, "What should the handbook include?" seemed to indicate that the items in question (example of reports and forms, examples of certain legal procedures used by Montana boards) be omitted from the handbook. However, there is reasonable doubt as to whether the second of these questions (concerning legal procedures) was completely understood by the respondents. Just what was meant by "certain legal procedures" may not have been clear. Certainly some of the procedures used by some boards in Montana could not be classified as legal. Then, some of the respondents may have
questioned the decision of the author as to what was legal and what was not legal. On this basis, respondents may have decided they would rather have these items omitted altogether.

The results obtained from the subjective questions on the questionnaire dealing with the proposition, "What should the handbook include?" did not seem to be too satisfactory. The large number of respondents who failed to complete this section of the questionnaire is one factor which leaves the issue in doubt.

The questions, or problems, which the respondents included in their replies contained many local problems which a handbook of this type could not possibly answer satisfactorily. If such a handbook is to be of any value, it must not be so specific that it becomes massive and/or quickly outmoded.
CHAPTER III

AN ANALYSIS OF CERTAIN EXISTING SCHOOL BOARD HANDBOOKS

In the preceding chapter, the results of a survey seemed to indicate conclusive agreement among third class district trustees, clerks, superintendents, and county superintendents on the desirability of having a school board handbook in Montana. The aim of this chapter will be to analyze eighteen existing handbooks from various states in order: (1) to discover the agencies responsible for the publication of the handbooks, (2) to discover the prevalent format and style of the handbooks, and (3) to discover the nature of the contents of the handbooks.

The collection of eighteen handbooks were from the following states: (see Bibliography, page 48)

California    New Jersey
Florida       New York
Illinois      Oregon
Indiana       South Dakota
Kansas        Tennessee
Kentucky      Texas
Louisiana     Utah
Minnesota     Vermont
Nebraska      Washington

These handbooks were obtained by writing to each state school board secretary whose name appeared on the Directory of State School Boards Associations, a duplicated list furnished by the National School Boards Association, Inc. through the kindness of Mr. Edward M. Tuttle, Executive Secretary. In addition to the Directory, Mr. Tuttle also furnished a list of school board handbooks in which eighteen titles were mentioned. Copies of all handbooks on Mr. Tuttle's list were obtained with the exception of those from Oklahoma and Virginia. However, hand-
TABLE VI

STATES OF ORIGIN AND AGENCIES PUBLISHING EIGHTEEN SCHOOL BOARD HANDBOOKS ANALYZED IN THIS STUDY

<table>
<thead>
<tr>
<th>State of Origin</th>
<th>Published by</th>
<th>State School Board Association</th>
<th>State Department of Public Instruction</th>
<th>Other Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. California</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Florida</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Illinois</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Indiana</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Kansas</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Kentucky</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>7. Louisiana</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Minnesota</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. Nebraska</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. New Jersey</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11. New York</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12. Oregon</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13. South Dakota</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>14. Tennessee</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>15. Texas</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>16. Utah</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17. Vermont</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18. Washington</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>12</strong></td>
<td><strong>4</strong></td>
<td><strong>4</strong></td>
<td></td>
</tr>
</tbody>
</table>

1 Other agency includes: KANSAS - League of Kansas Municipalities, KENTUCKY - University of Kentucky, TENNESSEE - University of Tennessee, TEXAS - A committee of five administrators and five members of the Texas State School Board Association called the TEXAS COMMITTEE OF TEN working in collaboration with the SOUTHWEST COOPERATIVE PROGRAM IN EDUCATIONAL ADMINISTRATION (A joint committee of the Texas Association of School Boards and the Texas Association of School Administrators).
books were obtained from South Dakota and Washington, which were not included on the list of handbooks. The collection of handbooks examined in this chapter would appear to represent an adequate sampling of handbooks of this type in existence in the United States.

I. AGENCIES PUBLISHING THE HANDBOOKS

Table VI indicates the agencies which published the eighteen handbooks being examined in this chapter. By published is meant the preparation and printing of the handbook.

School board associations have taken the lead in publishing these handbooks. Twelve of the eighteen handbooks were published by these associations. Four of the handbooks were published by the state department of education of the state concerned, while four were published by other agencies. Two of the handbooks, South Dakota and Texas, had two agencies involved in their publication.

The fact that school board associations have taken the lead in the publication of school board handbooks might indicate a healthy awareness of the need for such a publication by these organizations. On the other hand, it could also indicate that state departments of education were short of staff and/or funds to undertake such a project.

The Texas handbook was published under a unique arrangement whereby a Committee of Ten (five administrators from the Texas Association of School Administrators, and five board members from the Texas Association of School Boards) worked under the auspices of the Southwestern Cooperative Program in Educational Administration to produce a tentative handbook for Texas school board members.

In two states, Kentucky and Tennessee, the handbooks were
published by their state universities.

The Kansas handbook was published by The League of Kansas Municipalities, an organization which provides local government research services and publications for governmental units of Kansas. This handbook proved to be the most detailed of those examined.

II. FORMAT AND STYLE

In speaking of format, reference is made to the general physical appearance of the handbook—manner of printing, (printed or duplicated), size, number of pages, arrangement of printed matter, etc. In speaking of style, reference is made to the characteristic mode of writing—formal, informal, or legal.

All of the handbooks were printed with the exception of Texas' and Indiana's which were reproduced directly from typewritten material.

The size of the majority of the handbooks was approximately six by nine inches. The only deviations were Nebraska's, which was five and one-half by three inches; and Washington's, which was six and three-quarters by five and one-quarter inches.

Illinois and Washington publish a series of handbooks on selected subjects instead of one general handbook. For this reason, the number of pages in their handbooks is not included in Table VII. Table VII shows the number of pages in each handbook under discussion and the median number of pages for all handbooks (minus Illinois and Washington). The median number of pages in all handbooks is 67.5 pages.

A majority of the handbooks were printed in the manner of most books—type extending entirely across the page as this page is written. Kansas, however, used a double column arrangement.
<table>
<thead>
<tr>
<th>State</th>
<th>Number of Pages in Handbook</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. California</td>
<td>144</td>
</tr>
<tr>
<td>2. Florida</td>
<td>138</td>
</tr>
<tr>
<td>3. Illinois</td>
<td>(*)</td>
</tr>
<tr>
<td>4. Indiana</td>
<td>32</td>
</tr>
<tr>
<td>5. Kansas</td>
<td>153</td>
</tr>
<tr>
<td>6. Kentucky</td>
<td>46</td>
</tr>
<tr>
<td>7. Louisiana</td>
<td>50</td>
</tr>
<tr>
<td>8. Minnesota</td>
<td>142</td>
</tr>
<tr>
<td>9. Nebraska</td>
<td>35</td>
</tr>
<tr>
<td>10. New Jersey</td>
<td>63</td>
</tr>
<tr>
<td>11. New York</td>
<td>108</td>
</tr>
<tr>
<td>12. Oregon</td>
<td>103</td>
</tr>
<tr>
<td>13. South Dakota</td>
<td>70</td>
</tr>
<tr>
<td>14. Tennessee</td>
<td>35</td>
</tr>
<tr>
<td>15. Texas</td>
<td>64</td>
</tr>
<tr>
<td>16. Utah</td>
<td>75</td>
</tr>
<tr>
<td>17. Vermont</td>
<td>30</td>
</tr>
<tr>
<td>18. Washington</td>
<td>(*)</td>
</tr>
</tbody>
</table>

**Median** 67.5

(*) Indicates that more than one handbook or pamphlet was involved, hence no pages were counted.
Wherever emphasis was desired, boldface type and italics were used. No marginal headings were noted in any handbook.

With the exception of Vermont's, all handbooks were paper bound in the usual booklet fashion. Vermont used a prong fastener binder which proved to be most unwieldy as the pages were smaller than the outside dimensions of the binder.

In speaking of formal and informal style, a comparison might be made between scholarly writing appearing in a college education textbook and journalistic writing appearing in a newspaper. The textbook style could be considered formal, while the newspaper style might be considered informal. Legal style is that type of writing which appears on legal documents, legal codes, and legal decisions.

None of the handbooks examined were written in the highly informal style of a newspaper. On the other hand, none were written entirely in a legal style. An examination of several passages from various handbooks will serve to illustrate the typical style of writing used.

**California**

Whenever no other legal provisions for the destruction of records is authorized, the governing board may (with the approval of the Superintendent of Public Instruction) destroy such records as are five years old and are deemed to have served their purpose. (E.C. 1553)

**Illinois**

Insofar as the School Board Reference Library is concerned, helpful and easily accessible reading material for board members is the Association's objective. This is especially true for new members. At present very few school systems provide much reading aid to school boards. Most of the forward-looking boards and administrators, therefore, will welcome this assistance as a benefit to education in Illinois.
Kansas

371. Bonds; Attestation of. Bonds issued by a board of education, common-school district or high school district are attested by the Clerk or Secretary (G.S. 10-105). The seal is attached, if there is a seal (G.S. 10-105). Boards of education may have a seal (Chap. 395, Sec. 26, L. 1951).

Minnesota

Plans and specifications for contemplated school building projects must be submitted to the State Board of Education for its examination and approval before public funds legally can be spent or contracts let for the proposed construction. Matters relating to water supply, sewage disposal, and plumbing should be approved by the Division of Sanitation, State Board of Health.

Oregon

Blind and Deaf. The district clerk is required to take a census of the blind and deaf at the time of the annual census, and report to the county superintendent. (O.S.L. 35-1208; O.C.L.A. 111-1121.) Where blind or deaf children are not being educated adequately at home, the county judge may send them to the state institutions. Cost of transportation is borne by the county. (O.S.L. 35-2112; O.C.L.A. 111-1812.)

Vermont

The following is a simplified version of the calculations involved:
A.D.A. equals total number of days attendance of all pupils during the school year divided by the number of days school was in session. State aid is paid:
- $70.00 for each of the first 100 in A.D.A.
- $40.00 for each of the next 200 in A.D.A.
- $30.00 for each of the next 200 in A.D.A.
- $25.00 for each one over 500.
From this sum subtract 5% of the total taxes paid in the town.
Add:
- 25% of the first $1,000.00 of school tax.
- 15% of the next $10,000.00 of school tax.
- 5% of all school tax over $20,000.00

Washington

The insurance register should preferably be a bound book specifically designed for this purpose and which can be maintained as a permanent record. Bound books for recording insurance policies can be purchased from companies specializing in school supplies. However, mimeographed or printed form sheets will serve the purpose very well. . . .
From the preceding examples, the typical style (if there is such a thing) of a school board handbook might be ascertained. The very material which is being presented seems to prevent the use of a more informal style, and a style shading from formal to legal seems to be necessary.

Seven of the eighteen handbooks made use of the question-and-answer method of presentation of material. In this method, questions were asked and answers given immediately beneath the question.

Only two of the seven handbooks employing this method of presentation provided an index to the handbook. Without an adequate index, the reader is forced to read many questions-and-answers before he discovers the material for which he is looking.

A summary of the findings of this section reveals that the typical school board handbook is approximately six by nine inches in size, 67.5 pages in length, paper bound, and printed in the usual manner—type extending entirely across the page. The typical handbook was not written in a question-and-answer manner, nor did it contain an index (see Table VIII, p. 24). Where emphasis was desired, the typical handbook made use of boldface type and italics.

III. NATURE OF CONTENTS

The contents of the handbooks range from the highly detailed Kansas handbook to the sweeping generalizations of the Nebraska handbook. The treatment of the subject of Finance in each of these books illustrates the point. Kansas' handbook treats the subject with 73 detailed items, while Nebraska's handbook makes such statements as:

1. Be familiar with the financial resources of the district. Know about all indebtedness, if any. Know about our current attempts to secure legislation to equalize the tax load for educational purposes.
2. Plan a budget carefully and adopt and follow it.

3. Be acquainted with the laws governing the financing of schools.

4. Avoid contracting for education with other districts for less than cost.

5. Require financial reports from Secretary-Treasurer and Superintendent.

6. Know about all bills presented to board and allowed for payment.

7. Study possibilities of saving money by refinancing bonds, securing better insurance premiums, and devising more economical plans of maintenance and repair.

One of the items appearing in the Kansas handbook will immediately show the contrast between these two extremes.

540. Charging Wrong Fund. An expenditure which should be credited to a particular fund cannot be charged against another fund. Each fund is separate and distinct. The fact that there may be a surplus of money in one fund does not authorize the charging of an expenditure which should be paid from the fund which is short to the fund which is long. (See Section 502 as to funds.)

The other handbooks range in degree of completeness of coverage between these two examples. In general, they are more complete than the Nebraska handbook, but not as detailed as the Kansas handbook.

In all of the handbooks, tables of contents were provided (with the exception of Illinois, Tennessee, and Washington handbooks). These listed the titles of chapters or they listed also the main subheadings or divisions of the chapters. Several selections from tables of contents are given below to illustrate the two types and the various headings found in the handbooks.

The Indiana handbook illustrates the use of only titles of
chapters in the table of contents:

Table of Contents

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>1</td>
</tr>
<tr>
<td>The School Board and the Superintendent</td>
<td>2</td>
</tr>
<tr>
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The Kentucky handbook also makes use of this type of table of contents:

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The Kansas handbook has a table of contents in which both chapter titles and main divisions of chapters are listed. This type of table of contents proved to be the most widely used (see Table VIII). Chapter II of the Kansas handbook Table of Contents is reproduced below to illustrate the use of this type of table of contents:


### TABLE VIII

THE NATURE OF TABLES OF CONTENTS AND INDEXES OF SCHOOL BOARD HANDBOOKS EXAMINED

<table>
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**Totals**

| 3 | 12 | 6 | 9 |

(*&) Indicates handbooks which do not have items indicated.
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Chapter III of the South Dakota handbook further illustrates the use of this type table of contents:

TABLE OF CONTENTS

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  Which Apply to All Types of Districts.          23
Laws Governing the Various Types of School
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Budgeting.                                       28
Accounting.                                      29
Paying Warrants.                                 29

Those handbooks which did not use tables of contents (Illinois, Tennessee, and Washington) were either smaller pamphlets or booklets.

The topics included in the various handbooks can best be illustrated by a list (see Table IX). The topics included in Table IX were compiled by going through each handbook and recording the major topics that appeared at least once in any handbook. The list is selective inasmuch as it includes only those items considered main headings according to the handbook in which the item was discovered.
The items appearing in Table IX were broken down into nine major topic headings: (1) Finance, (2) Transportation, (3) School Plant, (4) Board Procedure, (5) Personnel, (6) Curricular, (7) Legal, (8) Public Relations, and (9) All Others. In Table X, page 41, the per cent of items appearing under each major topic heading is reported. Also reported in the same table is the percent of questions written under each major topic heading by Montana school personnel in response to the questionnaire mentioned earlier in this study.

To determine the degree of relationship existing between topics mentioned in all handbooks and the questions asked under the same major headings by Montana personnel, rank correlations were computed by the rank-difference method. A coefficient of correlation of .10 was obtained. This would seem to indicate no marked agreement between the frequency of items appearing in the handbooks and the questions asked by Montana personnel. The contents of a school board handbook would appear to be based on the desires and situations existing in the state for which the handbook was being made.
<p>| 1.  | Absences       | 41. College Entrance Requirements   |
| 2.  | Accounting     | 42. Common School Districts          |
| 3.  | Accreditation  | 43. Compulsory School Attendance     |
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| 6.  | Agenda         | 46. Contracts                       |
| 7.  | Agriculture, vocational | 47. Corporal Punishment |
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RANKS AND FREQUENCY WITH WHICH TOPICS AND QUESTIONS WERE REPORTED UNDER NINE MAJOR HEADINGS BY MONTANA SCHOOL PERSONNEL AND EIGHTEEN SCHOOL BOARD HANDBOOKS FROM VARIOUS STATES

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<td>9. ALL OTHERS</td>
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1 Includes HEALTH, INSURANCE, AND SAFETY
In addition to factual material, such as references to specific laws, board procedures, and methods of figuring fiscal items; many of the more recent handbooks contain statements on policy, background material, and discussions of educational objectives. Whether or not this material is read by all board members is not important. What is important, is that this type material constitutes an attempt at an in-service training program for board members. Perhaps this might indicate a trend toward attempting to do a better job of educating our school boards.

The results obtained from an analysis of the contents of the eighteen handbooks under study were not startling. Each state has tried to meet the needs of its board members in a manner that the agencies preparing the handbooks deemed adequate for their state. Factual material was used most widely. There seemed to be a tendency for the more recent handbooks to add to the factual material by including broader discussions of certain aspects of education, such as guidance, board-superintendent relations, and objectives of education.
CHAPTER IV
A PLAN FOR A MONTANA SCHOOL BOARD HANDBOOK

The purpose of this chapter is to discuss the person for whom the handbook will be written—the Montana school board member—to present a summary of the contents of the proposed handbook, and to discuss the selection of the topics included in the handbook.

I. MONTANA'S THIRD CLASS DISTRICT BOARD MEMBER

Hubley, in his study of the economic and social composition of Montana school boards, has pictured the typical third class (town) board as follows:

The typical third class (town) board is composed of three male members with a median age of 42.6 years. All are married and have families of three to four children of which two to three are attending school. Two of the three are farmers, the other being either a proprietor, professional man, or a member of the laboring group. From these vocations they receive incomes of about five thousand one hundred dollars per year. From the standpoint of formal education, two have a high school education, while one may either have an elementary or college education with a greater chance of it being of the former. All are of Northwestern European ancestry, two having been born in Montana and the other coming from the North Central states. Residence in the district ranges from one to seventy years with the median being 24.5 years. In length of service on the board, two have served about two years while one has served about eight years. All the members own some real estate and only one holds some other public office.


His account of the typical third class (rural) board is similar:

The typical third class (rural) board is composed of three members. Two are men and one a woman. The median age is 41.2 years. All are married and have three to four children of which two are attending school. All are farmers with incomes averaging five thousand dollars per year. From the standpoint of formal education, two of the members have attended elementary schools and one has a high school education. All are of Northwestern European ancestry. Two were born in Montana and one in the North Central states. Residence in the district ranges from one to sixty years with the median 20.1 years. In the length of service on the board, two have served about two years while the remaining members have served about seven years. All members own real estate and none hold any other public office.3

With these pictures in mind, the writer of a school board handbook for third class districts in Montana has several items to consider. The fact that farmers seem to be in the majority as board members might influence the content of a handbook inasmuch as the style of writing is concerned. An attempt should be made to write in a manner that would be understandable to persons of this background.

The educational level of these board members might also be a factor to be considered. However, care should be taken to avoid any note of condescension. The handbook should be written in plain language, devoid of any professional trade talk which has not been fully explained.

II. THE CONTENTS OF A PROPOSED MONTANA HANDBOOK

The body of the proposed handbook is presented under ten major headings. The first topic, Introduction, deals with how to read the handbook, sources of information and abbreviations used, and a discussion of the attributes of a good school board member.

3Ibid., pp. 83-84.
The second topic, The Montana School System, shows a bit of the background of the Montana school system and discusses the three levels of administration, (1) state, (2) county, and (3) local.

The third topic, School District Organization, treats the election of trustees, board organization, and district organization.

The fourth topic, The School Board in Action, mentions the general function of the school board, treats extensively the matter of school board meetings, and touches on the matter of school building construction and the use of the school building by outside agencies.

The fifth topic, Montana School Finance, gives a picture of the financial organization of the Montana school system. Sources of revenue, budgeting, summary of laws authorizing school taxes, accounting, auditing, bonding, and miscellaneous financial data are discussed in this section.

The sixth topic, Transportation and Tuition, mentions the administration of a transportation program, school bus administration and tuition.

The seventh topic, School Insurance, treats the insurance program of a school district and also treats briefly fire protection.

The eighth topic, School Personnel, deals with school board relationships with the superintendent, the principal, the teacher, other personnel, the pupil, and the community.

The ninth topic, Legal Interpretations, is a collection of Attorney General's opinions grouped together under the headings mentioned here.

The tenth topic, School Boards and Other Agencies, contains a bibliography of recommended reading for trustees and a list of sources.
of information found in several Montana departments, and a discussion of several agencies with which trustees have dealings.

III. THE SELECTION OF TOPICS

In general, the basis on which topics were selected for inclusion in the proposed handbook was the frequency with which Montana personnel asked questions about certain items. Table X, page 41, shows the rank assigned nine major headings on the basis of the number of questions asked under each heading by Montana personnel. The topics and their rank order are: (1) Finance, (2) Transportation, (3) School Plant, (4) Board Procedure, (5) Personnel, (6) Curricular, (7) Legal Interpretation, (8) Public Relations, and (9) All Others.

All topics received treatment in separate chapters except "school plant," "curricular," and "public relations." Questions asked under "school plant" were concerned largely with the school insurance program and the use of the building by outside agencies. These are treated under Insurance and the School Plant.

The item "public relations" is treated in each of several chapters when appropriate.

No chapter is devoted to "curricular" problems since the author felt that this topic needed further study before being presented to a school board in a handbook of this type.

Conclusions

The proposed school board handbook for third class districts in Montana as presented in this thesis represents one person's efforts.
The results speak for themselves—the task is too great for one person. However, the proposed handbook does represent a start. If the proposed handbook is distributed to a select group of trustees and administrators on a trial basis, if a committee of that group is willing to revise and add to the handbook after a year's trial use, if constructive criticism is given and taken wisely, a good, usable handbook for Montana trustees can be the result.
BIBLIOGRAPHY
A. BOOKS


B. SCHOOL BOARD HANDBOOKS


*Pamphlet No. 1*, "So You Are a School Board Member," 1944.

*Pamphlet No. 3*, "Treating Pupils as Individuals," 1945.

*Pamphlet No. 4*, "Salary Schedules for Teachers," 1946.


C. LEGAL REFERENCES

D. UNPUBLISHED MATERIALS

Attorney General's Opinions in mimeographed form as distributed by Mildred B. Crosby Service, P. O. Box 773, Helena, Montana (obtained at County Attorney's office, Courthouse, Missoula, Montana) Most recent opinions.


E. PAMPHLETS

State Department of Public Instruction, Montana Educational Directory, 1951-52. Helena, Montana: the Department, 1951

Your name: _________________________________ 2. County: ________________________________

District No. ______ 4. Name of School: ________________________________

Your position (please check one of the following)

( ) Trustee ( ) County Superintendent ( ) District Clerk

( ) State Department Official ( ) District Superintendent ( ) Other: __________

DIRECTIONS: In order to determine problem areas which should be included in this handbook, it is important to know the problems which you have had difficulty solving without outside help. For example, you may have had to write to your county superintendent, county attorney, or a state department official, for a ruling, more information, or a clarification of an existing rule or regulation.

On the other hand, little or no information may have been available to you on a certain subject (such as bonding procedure, evaluating your school, planning a new school building, board-superintendent relationships, etc.).

Under each heading given below, would you please jot down any specific problem(s) which you have faced in the last year or which you remember as having caused you concern in your district or office. An example is given under each heading as a guide for your convenience.

PERSONNEL FUNCTIONS OF THE BOARD: Here might be included any problems pertaining to board-pupil relationships, board-teacher relationships, board-superintendent relationships, board-other employee (janitor, clerk, etc.) relationships, certification of teachers, bus driver qualifications, etc.

Example: May teachers under contract be released before the expiration of that contract?

FINANCE FUNCTIONS OF THE BOARD: Here might be included any problems pertaining to school budgets, salaries, joint district division of funds, payment of contractors, bonding procedure, extra levies, payment for extra duties, receipt of money for rental of school property, buying or selling school property, assessment of taxes on school district property by other governmental agencies, bonding of employees, auditing of school books, handling of activity funds, insuring school property, foundation program, etc.

Example: How is the expense of operation divided between the two parts of a joint district?
SCHOOL PLANT FUNCTIONS OF THE BOARD: Here might be included any problems related to the building of school plants, repair and maintenance of the present plant, use of the plant by outside agencies, lighting, heating, ventilating, playground use and equipment, fire protection of the plant, equipment used in the plant (boiler, type heating used, etc.).

Example: May any party or parties be denied the use of a public school plant?

CURRICULAR FUNCTIONS OF THE BOARD: Here might be included any problems related to the subjects taught in your school, the manner of teaching such subjects, the teaching of controversial issues, the use of textbooks, supplies for instructions, special courses such as Americanization classes, adult education, kindergartens, religious teaching, etc.

Example: Could a course entitled, "The History of Religion," be taught in a Montana school?

TRANSPORTATION FUNCTIONS OF THE BOARD: Here might be included any problems arising from the transportation of pupils either by school bus, public carrier, or private automobile; money paid in lieu of transportation; determining the residence of the student for transportation purposes; and the use of school busses in general.

Example: May students be transported anywhere except to and from school in privately owned school busses?
THE PUBLIC-RELATION FUNCTION OF THE BOARD: Here might be included any problems relating to the board’s relationship with the lay public. Conducting local board meetings, handling school news releases, inviting community participation in solving school problems, election of board members from certain areas of the local district, holding open and closed meetings of the board, building good school-community relationships, etc.

Example: What is the difference between a meeting of the "committee of the whole" and a regular board meeting?

PRINTED OR DUPLICATED MATERIAL: If you have any printed or duplicated material which you feel is helping your office or district do a better job for public education in your community, please send whatever you would like to see included in this handbook. All material used will be labeled as to source and acknowledgement given to individuals.

Example: You may have a form for handling the collection of extra-curricular funds which some other district would welcome.

SECTIONS: Draw a circle around the word or symbol which BEST answers the following questions for you. Use the question mark only if you cannot decide how to answer.

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<td>1. Do you feel that such a handbook for trustees would serve a useful purpose?</td>
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<td>Yes No ?</td>
<td>2. Do you feel that such a handbook would lighten the work load in your office, or in your position?</td>
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<td>3. Do you feel that there is now available to trustees adequate reference material which would make such a handbook an unnecessary item?</td>
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<td>4. Do you feel that such a handbook would aid new trustees in the performance of their duties?</td>
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<td>Yes No ?</td>
<td>5. Do you feel that trustees now holding office would find such a handbook valuable?</td>
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<td>Yes No ?</td>
<td>6. Do you feel that district clerks would find such a handbook useful?</td>
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<td>Yes No ?</td>
<td>7. Do you feel that the handbook should contain examples of various reports and forms commonly used in the operation of a school?</td>
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| Yes No ? | 8. Do you feel that the handbook should contain examples of certain legal procedures and practices used by some of the various districts?
APPENDIX E
SCHOOLBOARD HANDBOOK QUESTIONNAIRE
Bigfork Public Schools
Bigfork, Montana

January, 1953

Trustees and School Officials:

The enclosed questionnaire is to aid in the construction of a handbook for trustees of
districts in Montana. The need for such a handbook has been expressed by the
School Boards Association and certain members of the State Department of Public
Education. Perhaps you have had situations arise where such a handbook might have been
useful.

Ntative outline of the contents of the proposed handbook includes the following items:

A. Personnel Functions of the Board
B. Finance Functions of the Board
C. School Plant Functions of the Board
D. Curricular Functions of the Board
E. Transportation Functions of the Board
F. Public-Relation Functions of the Board

Jotting down specific problems under the appropriate heading on the questionnaire, you
will help to determine the contents of this handbook.

Questionnaires are being distributed on three levels—local, county, and state—in an ef-
t to discover what trustees, board clerks, district superintendents, county superinten-
ds, and various state department officials feel should be included in such a handbook.

It is hoped that this handbook can become a useful instrument to trustees and school officials by offering, under a single cover, the answers to the more common questions with which you are often confronted, plus a quick and accurate reference to the sources of an-
swers for the more complex ones.

The state department official estimated that approximately 75% of all questions asked in-
ers to his office could be answered by a handbook of this type. If this is true, it
is conceivable that the work of one in your office, or your position, could be lightened by
such a handbook.

Very truly yours,

C. E. Naugley
Superintendent of Schools
Bigfork, Montana

It's short! Only six questions require short written answers. Only eight questions
in which you merely encircle your answer.
APPENDIX C: Map I - Counties from which replies were received from District Trustees
APPENDIX C: Map II - Counties from which replies were received from District Clerks
APPENDIX C: Map III - Counties from which replies were received from District Superintendents.
APPENDIX C: Map IV - Counties from which replies were received from County Superintendents
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A SCHOOL BOARD HANDBOOK FOR THIRD CLASS DISTRICTS IN MONTANA
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CHAPTER I
INTRODUCTION

No other community activity which is more dignified or worthy of public esteem than that of being a school board member. When an individual accepts his election to a school board, he indicates to the community that he is willing, without any pay whatsoever, to give his time and energy to performing a public service.

A. How to Read this Handbook

The purpose of this handbook is to provide district trustees with a background of information on Montana school affairs. The handbook is not designed to replace existing legal publications, publications of the State Department of Public Instruction, and other official material. Rather, it is designed to provide the trustee with a foundation of information upon which he can build as the occasion demands.

An ideal way to read this handbook would be for trustees to digest a chapter at a time at their leisure and then gather together with their county superintendent or district superintendent for discussion. This procedure is especially recommended for new trustees.

Experienced trustees may wish to read specific chapters according to the demands of situations arising in their respective districts.

B. Sources and Abbreviations

Sources of material and the bases for the subjective selection of content and organization were (1) results of a questionnaire sent to third class district trustees, clerks, and administrators and county superintendents, (2) examination of literature, state school board
handbooks and pamphlets, and (3) Montana School Laws and other legal references, plus State Department of Public Instruction publications.

Where references are made to school law, the following abbreviations are used:

1. (117:172.43) The 117 refers to Chapter 117, the 1721.43 refers to Section 1721.43 of School Laws of the State of Montana.

Since a new school law book will be published sometime in the fall of 1953, no page references are given as they would undoubtedly be changed in the new edition.

2. R.C.M. stands for Revised Codes of Montana, 1947.


Not all of the laws concerned with education could be included in this handbook. Before a board member places complete reliance upon the wording of any legal reference in this handbook, it is urged that he study the exact wording as carried in the legal reference cited.

C. Better Schools for Our Children

Any citizen interested in the schools of his community needs to devote some attention to the kind of school he wishes to have his children attend. It is especially important that a school district trustee think about what it takes to have good schools.

It is doubtful if any school system can rise above the level of its board of trustees for any considerable time. This is particularly

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ly true of the smaller school districts in which administrative turn-
over is very great, or where no administrator is employed. Montana is
essentially a state of small school districts. Because of this, it is
very important that efforts be made to provide the local district trus-
ttees with information leading to an understanding of what is required in
good schools. A few suggestions regarding these requirements are given
below.

The School Staff. The quality of education in any community
is directly related to the personnel who work in the schools. Of major
concern to the board of trustees is the kind of superintendent (if one
is employed) chosen to provide leadership. It is now recognized that in
many communities the schools are really the biggest business of the com-
munity. Thus the board should choose a highly trained and capable lead-
er. Generally, the board of trustees may well call on colleges and uni-
versities of the state and the State Department of Public Instruction to
recommend persons who could provide the leadership needed. Certainly
the board should select a superintendent who has had successful teaching
experience, who has had advanced training in education, and who will de-
vote his full energies to educational leadership. The board should also
provide a salary sufficient to attract well qualified persons.

The classroom teacher is also a concern of the board of trustees.
The board must support the superintendent in his efforts to improve the
level of training of teachers, principals, supervisors and other educa-
tional personnel.

During the past ten years the problem of providing good teachers
for the schools has become increasingly serious. Because of poor pay,
poor living conditions, lack of community support and interest, teachers
have left the classroom by the thousands. Until parents can honestly advise their children to take up teaching as a profession, instead of turning them to other professions where the compensation is more attractive, the teaching shortage will persist. How many high school seniors in your local district have taken up teaching as a career in the past three years? Trustees should examine the salary schedule now in existence in their own systems.

The Teaching Load. The community may provide a well trained teacher to each classroom and still not have a good school. In many instances the teacher has to teach so many children that he cannot give any individual attention. In some schools, teachers must work daily with 35 to 60 boys and girls. The community, and the board members particularly, should give sufficient support to education that teachers will have to teach no more than 25 to 35 pupils. Boys and girls are the greatest resource of the community; their best possible development is the best guarantee of the community for its future.

Materials of Instruction. The first essential of a good school is without doubt a good teacher. But the good teacher can actually be a good teacher only if he has materials of instruction with which to work. No businessman would think of employing a worker and not giving him the necessary tools for the job. Similarly, the good teacher must have art materials, science materials, books and other printed matter, globes, charts, maps, and films.

Supervisory services. Another need which must be recognized is supervisory services for teachers. Where no superintendent or principal is employed, efforts should be made to obtain the services of the county superintendent or other supervisory personnel to visit the school occasion-
ally. Where superintendents and principals are employed, it is a waste of the taxpayer's money not to provide them with time to supervise.

D. The Good Board Member

Successful school board members rate the following practices as very desirable: The good board members

1. Recognize that their responsibility is not to run the schools, but to see that they are well run.

2. Work through the properly appointed administrative officers according to organization previously planned.

3. Function as a part of a policy-forming and control group rather than as part of an administrative board.

4. Familiarize themselves in a broad and non-technical manner with the problems of the school system.

5. Refer, as far as possible, all complaints and requests to the appropriate administrative officer.

6. Try to interpret to the school staff the attitudes, wishes, and needs of the people of the district, and try to interpret to the people of the district the needs, problems, and progress of the school.

7. Voice opinions frankly in board meetings and vote for what seems best for the children of the district.

8. Help to frame policies and plans only after considering the recommendations of the appropriate administrative officer, together with his reasons for making such recommendations.

9. Require oral and written reports for the purpose of keeping properly informed on school matters.

10. Support and protect school officials in the performance of their duties.

Experience has shown that board members lose effectiveness to the degree that they:

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1. Interfere with the day-by-day routine details of school administrative problems and supervision.

2. Refuse to support worthwhile school programs because of personal reasons.

3. Make promises and commitments before the questions are fully discussed in the board meetings.

4. Indulge in petty criticism of the administration of their schools.

5. Assume authority in school matters when the board is not in session.

All trustees are urged to think about the following statement and how it might apply to their own particular situation:

A school board is a school board only when it is in session, and it is disastrous to try to administer a whole school system within the few hours in which it wields power.
CHAPTER II

THE MONTANA SCHOOL SYSTEM

A. Background

"...A self-governing people must be educated or anarchy and destruction will soon follow and usurp the authority of government. Hence, one of the highest and most solemn duties of the state is to provide for the education of its children. It is easier to educate the boy than to punish the man. If the education of the boy is neglected, the punishment of the man will be necessary, for crime and ignorance go hand in hand."

--message of the Honorable Sidrey Edgerton, First Territorial Governor, to the first legislative assembly meeting at Bannack, Territory of Montana, December 15, 1864.

With the vivid and exciting history which Montana has to offer, the story of the development of Montana's public school system often goes unnoticed. However, school trustees should have a glimpse, even though brief, of the efforts of the early inhabitants of the state to deal with education.

As evidenced by the message of the first Territorial Governor given above, early Montanans were concerned about education. The first Territorial Legislative Assembly at Bannack, in 1864, created the office of Superintendent of Public Instruction. Thomas J. Dimsdale seems to have been the first person to serve in this capacity. This same assembly also created the office of county superintendent of schools, made provisions for organizing counties into school districts, electing trustees, and provided for the office of district clerk. All of this in 1864.¹

¹All material concerning early Montana education is from Frank J. Burney, "The Evolution of School Administration in Montana," (unpublished Master's Thesis, Montana State University, Missoula, 1924)
The first school district appears to have been organized at Virginia City in 1864, while the first public school in the territory was opened in this district in the summer of 1865.

The first high school was established at Helena in September, 1867. In November of that year, a three-year course was adopted by the trustees. In 1880, the course was extended to four years, and in 1881 two graduates became the first to complete a four-year high school course in the state.

At this early date, there were three distinct curricula offered in Helena High School: (1) Classical, (2) Scientific, (3) Normal Training.

Helena also had the first graded school in Montana which opened January 5, 1867.

The present Montana school system had its roots firmly established in the Enabling Act of 1889 in which the Congress of the United States cordially invited the Territory of Montana to join the Union as a state. The Union, at that time, had certain membership requirements and the Enabling Act carefully set forth the condition which a prospective state would have to meet before being admitted. Among those provisions was one that said:

Fourth. That provision shall be made for the establishment and maintenance of systems of public schools, which shall be open to all the children of said states, and free from sectarian control.

To show that it was serious about this provision, the Union also offered to provide a portion of the finance necessary to support such a system of education. Two sections of land from every township (sections 16 and 36) were given to Montana (and other states qualifying at the time) for the support of the schools (elementary and high schools). The grant
of land to the Montana public schools amounted to 5,188,000 acres.

The people of the Territory of Montana hastened to comply with the provisions of the Enabling Act. On the 17th day of August, 1889, the constitution of Montana was drawn up and signed by the members of a constitutional convention in Helena.

Article XI, of the Constitution of the State of Montana is devoted to "Education." Section 1 of that Article reads as follows:

It shall be the duty of the legislative assembly of Montana to establish and maintain a general, uniform and thorough system of public, free common schools.

From these twenty-six words is derived most of the legal authority of Montana school boards, for all subsequent legislation pertaining to education is based on the mandate contained in that section. Today, the Montana school board has as a basis of its authority, the Constitution of Montana, subsequent constitutional amendments, acts of legislatures, and court decisions.

The state, in our form of government, is the responsible agent for setting up and administering the public school system. Courts have built up a great body of data on the subject. These data constitute what may be thought of as the legal concept of public education. This legal concept consistently recognizes that education is a function of the state, not the federal government, the county, or the municipality. A school trustee is an agent of the State of Montana, as well as a representative of the people of the district.

The administration of the Montana school system involves three levels: (1) state, (2) county, (3) local. While the state has supreme control over education, it has allotted certain powers and duties to the county, through its officials, and the local school district, through the
board of trustees. School trustees should have an understanding of the agencies involved and the relationships that exist between these agencies.

B. State Administration

1. The State Board of Education is provided for in the Constitution of the State of Montana (Article XI, Section 11). The State Board of Education consists of eleven members, eight of whom are appointed. Not more than four of these members may be of any one political faith. The governor, state superintendent of public instruction, and the attorney-general are ex-officio members of this group. In general, the State Board of Education may be thought of as the policy making body for the Montana public school system. The board has the power to make rules and regulations, not inconsistent with the constitution and the laws of Montana, necessary for the operation of the Montana school system. The main powers and duties of this body may be found in School Laws of the State of Montana, Chapter 79, Section 836.

2. The State Superintendent of Public Instruction is also provided for in the constitution (Article VII, Section 1). The State Superintendent of Public Instruction is elected by the people of Montana for a four-year term. This officer is responsible for the general supervision of the public schools of the state. The powers and duties of this officer may be found in Chapter 91, School Laws of the State of Montana.

3. The State Department of Public Instruction consists of the official staff of the State Superintendent of Public Instruction (91: 933). This group, with headquarters in Helena, has personnel and facilities to aid school boards in their many problems. An excellent description of the services available and the duties performed by this group is
contained in the **Biennial Report of the Superintendent of Public Instruction of Montana, 1950**. This 1950 issue of the report is devoted entirely to a discussion of state department services, and may be obtained by writing to the State Department of Public Instruction in Helena, if your school does not already have a copy. A list of the titles of personnel will give some idea of the range of activities and services available from this department.

State Superintendent
Deputy Superintendent
Administrative Assistant
High School Supervisor
Rural School Supervisor
Music Supervisor
Supervisor of Visual Education (Film Library)
Director of School Lunch Program
Supervisor of Physical Education, Health, and Recreation
Supervisor of Indian Education
Supervisor of Transportation
Director of State Correspondence School, Missoula
Director of Certification
Textbook Librarian
Nutritionist
State Director of Vocational Education
Supervisor of Vocational Agricultural Education
Assistant Supervisor of Vocational Agricultural Education
Supervisor of Trade and Industrial Education
Supervisor of Apprenticeship Training
Supervisor of Home Economics
Supervisor of Occupational Information and Guidance
Supervisor of Distributive Education
Supervisor of Donable Property Program
Fiscal Accountant
Fireman Trainer
Director of Job Safety and Training Program

4. The **State Board of Land Commissioners** is a constitutional body having direct control of all the school lands of the state. This body consists of the governor, superintendent of public instruction, secretary of state, and the attorney general (Article XI, Section 4).

If you will recall, the federal government gave Montana two sections of land in every township for the support of the public schools of the state.
This is a portion of the land which the State Board of Land Commissioners controls.

5. The Attorney General is a constitutional officer elected by the people for a period of four years (Article VII, Section I). In addition to being a member of the State Board of Land Commissioners, he often renders opinions on certain acts of the legislature, makes interpretations of existing laws, and answers other legal questions. Although his opinions do not have the force of law, trustees will find themselves legally safe abiding by them. The attorney general's opinions concerning education are usually distributed by the state department of public instruction through the county superintendents.

C. County Administration

1. The County Superintendent of Schools is a constitutional officer (Article XVI, Section 5) elected by the people of the county for a period of four years. The State has granted the county superintendent the power of general supervision of the public schools in his county (92:955). In all matters of controversy arising from the administration of school laws, the county superintendent is the first person to whom appeal is made (92:966). If the decision rendered does not appear to be satisfactory, an appeal may be made to the state superintendent of public instruction by following a prescribed procedure (92:966).

2. The County Attorney, a constitutional officer (Article VIII, Section 19), is the legal adviser of the county superintendent and all school trustees. It is his duty to prosecute and defend all suits to which a school district may be a party (121:1328), and to assist in
bonding proceedings. All transcripts of bonding proceedings must bear his opinion that the proceedings are in full compliance with the statutes (115:1224.23).

3. The County Commissioners are constitutional officers (Article XVI, Section 4) elected by the people of the county for a period of six years. The county commissioners have been granted wide powers connected with the schools of their county. They approve emergency budgets (94:1010.16(2)), furnish blank forms for school districts (95:1039.10), lease property to public schools (93:1015.2), plus many other powers and duties granted to them.

Perhaps the function of the county commissioners which most frequently affects local school districts is their power (and duty) as Board of Budget Supervisors to adopt a final budget for each school district and fix and determine the amount to be raised by tax levies for each school district (94:1019.12). The law also provides that the county superintendent of schools is the clerk of the Board of Budget Supervisors (94:1019.2).

The Board of Budget Supervisors may raise or lower any item in the budget of the elementary school, but must notify the clerk and the board of trustees of that district of its intention of so doing. The board of trustees must be granted an opportunity to appear and in case of disagreement, the local board of trustees may, by a majority vote of all members, finally fix and determine the amount of the budget item or items in question. The amount thus determined cannot be changed by the board of budget supervisors (94:1019.13). Of course, expenditures must not exceed the anticipated receipts (94:1019.13).

The procedure for a high school budget is similar except that in
the event of a disagreement upon any high school budget item, no action can be taken until a hearing has been held on the first Monday in August after the first submission of the budget in question. At that hearing, the chairman (or member appointed by him) of the Board of Budget Supervisors, the chairman (or a member appointed by him) of the board of trustees of the district or county high school submitting such budget, and the county superintendent of schools shall constitute a board of review. This board of review has the power and it is its duty to review the rejected budget and arrive at a budget by a majority vote. This action is final and no further review may be taken (118:1263.13).

4. The County Treasurer, a constitutional officer (Article XVI, Section 5), also plays an important role in the administration of the public schools of Montana. The duties of the county treasurer as related to school money are set forth in the school laws (113:1213). In addition, the county treasurer plays an active part in matters of bonding, keeping records of school funds, prescribing the bookkeeping method for use by school districts (where the county has no auditor), and keeping track of school registered warrants.

5. The County Auditor, in counties having an auditor, is required by law (95:1039.7) to prescribe the method of keeping books in school districts of the third class and to make an examination of these books at least once every year. The district clerk must deliver all material to the auditor (or treasurer, if there is no auditor) between the 15th day of June and the 15th day of July. The books must be returned to the district not later than August 15th (95:1039.7). The auditor (or treasurer, where there is no auditor) must report the results of his examination by sending the chairman of each board of trustees a written report of such
examination and file a copy with the county superintendent of schools (95:1039.7).

6. The **County Transportation Committee** was created by the Legislative Assembly to facilitate and administer the policies relating to the transportation of school pupils in the county. Membership consists of the county superintendent of schools and one or more representatives chosen by each high school board of trustees from among their own members, including the superintendent of schools. The committee shall never have less than five members (189:75-3412).

Other county officials also take part in the administration of Montana public schools. However, unless an unusual situation arises, the officials discussed thus far are those whose function a school board member would do well to understand.

D. Local Administration

The United States is unique in that its educational system is administered largely by a local unit— the school district governed by the school board. No other country in the world enjoys the degree of local control of its educational system that the United States does. No state attempts to operate its schools completely from the state capitol.

1. The **school district** is legally defined in Montana as "the territory under the jurisdiction of a single board known as board of trustees" (95:1020). You may think of a school district as an area of land, the wealth of which is taxed for the support of the public school (or schools) located in the district. A more complete discussion of school districts will be found in Chapter III.
2. The **Board of Trustees** is the governing body of a school district. Boards of trustees are agencies of the state, created in accordance with the laws of the state, for the purpose of carrying into effect the state's educational program.

Although trustees are appointed or elected within the district, it should be emphasized that boards of trustees perform a state function at a local level, and that their powers are derived not from the people of the district, but from the State Legislature.

Boards of trustees can, therefore, perform only those acts for which some authority exists, expressly stated or implied, in the law or in the rules and regulations of the State Board of Education. The Supreme Court of Montana has ruled that a school district is a political subdivision of the state and that the board of trustees constitutes a board of directors...and that school boards have no powers except those expressly granted or necessarily implied from those granted. *(McNair versus School District No. 1 of Cascade County - 1930 Montana Reports, Volume 87, pages 423-432.)*

The balance that exists between state control and local control may be illustrated by the following examples:

Local boards of trustees may hire teachers (93:1015), BUT they may employ only those teachers who have been certified by the State Board of Education (79:836).

Local boards of trustees may prescribe courses of study (93:1015(17)), BUT the State Board of Education prescribes the standards for such courses (117:1262.70) and may withhold state equalization money from schools which fail to meet the standards prescribed by refusing to accredit such schools (79:836(4) and 199:2).

Local boards of trustees may, if their communities make available the necessary funds, erect and equip buildings (93:1015(8)), BUT the State Board of Health must approve the plans and specifications thereof before the building may be erected (108:1174).
A local board of trustees may decide to establish a high school (117:1262.37), BUT the State Superintendent of Public Instruction must approve such a move (117:1262.37).

The status of an individual serving as a member of a board of trustees has been clearly defined. THE POWERS AND DUTIES GRANTED TO A SCHOOL BOARD ARE GRANTED TO THE BOARD AS A WHOLE, AND NOT TO ANY INDIVIDUAL MEMBER OF THE BOARD. (Montana Supreme Court Decision: School District No. 29 of Flathead County versus Cooney - 1936, Montana Reports, Volume 102, pages 521-532).

The individual trustee is absolutely stripped of authority unless he is at a legally convened meeting of the board of trustees. Individually, he can take no action, make no promises which legally bind the board, nor presume in any manner to exercise any authority whatsoever. The fact that many trustees are either ignorant of this fact, or refuse to recognize it, accounts for many of the legal snarls in which trustees often find themselves.

Trustees who allow themselves to be "mousetrapped" into making decisions individually when not at regularly convened board meetings, trustees who meet one or several (or all, for that matter) members of the board informally to decide upon some issue, trustees who agree or disagree with wily agents or other "axe-grinders" who know it is inconvenient to call a board meeting, and trustees who disregard the fact that they have no power or authority as an individual or outside of a regularly convened board meeting can expect nothing but trouble.

The Supreme Court of Montana has ruled that a contract let by a majority of members of a school board acting as individuals, and not as a board in a meeting duly called for that purpose, is void (School District No. 2 of Silver Bow County versus Richards - 1922, Montana Reports,
1. Keep the records of the board and perform duties imposed by the board.
2. Sign all orders of the board and see that they are countersigned by the chairman.
3. Act as custodian of all securities, documents, title papers, and other papers of the board.
4. Make available to the superintendent upon request all records and all information needed.

The importance of keeping accurate and adequate census records of children residing in the district between the ages of six to twenty-one is significant. This is because it allows for accurate planning and resource allocation for educational programs. The duties of the clerk and the importance of the district clerk position underscore the critical role of accurate records in the smooth functioning of the school district.
one cannot be overemphasized. If the clerk shall fail to take the census as provided in school law, or fail in some other manner and cause the district to lose its apportionment of school money, then the clerk is individually responsible to the district for the full amount lost and it may be recovered on a suit by any citizen of the district in the name and for the benefit of the district (97:1051).

Another important duty of the clerk is to keep the minutes of the board meetings. The actions of the school board are reflected in the accuracy of its minutes. A board of education can speak only through its records; therefore it is important that the records of the board of trustees of any school district are complete, truthful, and legal. Generally speaking, if the record of the action doesn't appear in the minutes, the board took no legal action.

4. The District Superintendent (where one is employed) is the executive officer of the board of trustees (117:1262.41) and has the general supervision of all the schools of his district under the direction and control of the board of trustees.

It is generally conceded that the school board makes the policies, selects a competent person to head the school, and sees that the policies are carried out.

5. The Principal (where one is employed) is usually concerned with a specific building. He serves directly under the superintendent and is responsible to him and through him to the board of trustees.

6. The Teacher, where neither a principal or superintendent is employed, may be considered by the board of trustees as the head-of-school. Trustees should grant the teacher the necessary authority to allow him (or her) to do the job.
CHAPTER III

SCHOOL DISTRICT ORGANIZATION

A. General Provisions

The Constitution of the State of Montana recognizes the existence of school districts in several sections. Chapter 95, School Laws of Montana, is devoted entirely to the subject of school districts. The legal definition of a school district in Montana is:

...the territory under the jurisdiction of a single board, designated as "board of trustees," organized in the form and manner as hereinbefore provided, and shall be known as District No. _____ of ______ county; provided that all school districts now existing, as shown by the records of the county superintendents, are hereby recognized as legally organized districts (95:1020).

Every school district constituted and formed as provided by law is a body corporate which may sue and be sued, contract and be contracted with, and may acquire, purchase, hold and use personal or real property for school purposes and sell and dispose of the same (95:1022).

Montana has two kinds of school districts: (1) common school districts, and (2) high school districts. Variations of these two districts exist, but the general classification remains the same.

1. The **common school district** is the land area taxed for the support of the elementary school (or schools) of the district. These schools usually contain grades one through eight.

2. The **high school district** is the land area which is taxed for the support of the high school (or schools) of the district. A high school contains some one or more of the grades of school work intermediate between the elementary schools and colleges and universities. A high school district may include within its boundaries one or more common school districts.

Montana has three classes of school districts.
1. **First class districts** have a population of eight thousand (8,000) or more and are entitled to a board of trustees of not less than seven (7) members (95:1021).

2. **Second class districts** have a population of more than one thousand (1,000) and less than eight thousand (8,000) and are entitled to a board of trustees of not less than five (5) members (95:1021).

3. **Third class districts** have a population of less than one thousand (1,000) and are entitled to a board of trustees of not less than three (3) members (95:1021).

Recently, the Legislatures made provisions for the election of additional members to the board of trustees of those districts maintaining high schools. Under the provisions of this law (188:75-4601), first and second class districts may add not more than four (4) trustees, and third class districts may add not more than two (2) trustees to the board.

Montana has several variations of the kinds of school districts listed above:

1. A **joint school district** is one in which a portion of the district lies partly in one county and partly in another county (95:1035). There may be joint common school districts (95:1035) and joint high school districts (237:75-4602).

2. **Consolidated school districts** are formed when two or more adjacent districts lying in one county are consolidated by the formation of a new district or by the annexation of one or more districts to an existing district (95:1034). High school districts may also consolidate (117:1262.3).

3. **County High Schools** may also be established (117:1262.3). Such high schools are governed by a board of trustees of county high schools (117:1262.3).

The laws governing the operation of public schools in Montana vary according to the **class** and **type** of district and the school being operated by the district. Trustees should be aware of the difference in the requirements and regulations governing their particular school district.

In general, laws vary among the first, second, and third class school districts; and between common (elementary) and high school districts.
B. Election of Trustees

The qualifications of trustees and electors at an election for trustee in Montana are the same for all school districts (93:985 and 1002). A person, to be a trustee or to vote at an election for a trustee, must be:

1. A citizen of the United States
2. Twenty-one years of age
3. A resident of Montana for one year
4. A resident of the school district for thirty days immediately before the election.

The annual election of trustees is held in each school district in Montana on the first Saturday in April (93:987). The steps for conducting an election for trustees are as follows: (93:988)

Second and Third Class Districts

Step 1: Clerk must post notice at least fifteen (15) days before the election stating: (1) time and place of the election, (2) the hours during which the polls shall be open (usually 2 to 6 p.m.).

Step 2: Trustees must appoint three qualified electors of the district to act as judges of the election. Such action must be entered in the minutes of the meeting at which it took place.

Step 3: Clerk must notify judges of their appointment.

Step 4: Names of all nominees must be received and filed by the clerk five days prior to the election and posted at each polling place.

Step 5: If the judges named are not present when the polls open, the electors present may appoint judges and the judges so appointed shall name one of their number to act as clerk.

Step 6: Judges and clerk shall tally votes.

Step 7: Board of trustees must canvass the votes and cause the district clerk to issue a certificate of election to the person or persons elected. A copy must also be sent to the county superintendent of schools.
First Class Districts

Step 1: No person shall be voted for unless he has been nominated at a bonafide public meeting held in the district not more than sixty (60) days nor less than forty (40) days before the day of election at which twenty (20) qualified voters were present, a chairman and secretary were elected and certificate of nomination (giving place where meeting was held, names of candidates in full, and if there are different terms to be filled, the term for which the candidate was nominated) duly certified by the chairman and the secretary of such meeting within ten (10) days after such public meeting.

Step 2: At least thirty (30) days before the annual election, the board of trustees must designate a suitable number of polling places and create an equal number of election precincts to correspond and define the boundaries of same. Such action must be entered on the minutes of the meeting at which such action was taken.

Step 3: If there be only one (1) such public meeting and only one (1) candidate be nominated for each term to be filled, then no election need be held and the clerk of such district shall certify such facts to the board of trustees of the district, which board, acting as board of canvassers, shall certify the election of such persons to the county superintendent.

Step 4: The district clerk shall, at least fifteen days before the election, give notice of the election to be held by posting a notice thereof in three public places in the district, and in incorporated cities and towns in each ward. Such notices must specify the time and place of election, the number of trustees and terms for which they are to be elected and the hours during which the polls will be open (usually from 12:00 noon until 8:00 p.m.). Trustees may, if they deem it necessary, publish such notices in a newspaper published in the county. Such action must be entered in the minutes of the meeting at which the action is taken.

Step 5: The board of trustees shall, at least ten (10) days before the day of the annual election, appoint three qualified electors of the district for each polling place established to act as judges of the election. The district clerk shall notify each person of his appointment by mail. If the judges appointed, or any of them, are not present at the time the polls open, electors present may appoint judges who are qualified electors to act in their places.
Ballots

The form prescribed for ballots is found in Chapter 93, Section 995 of School Laws of the State of Montana.

Oath of Voters

In the event the election judges are in doubt as to the right of a person to vote, they may administer the oath of voters (93:1003). If he takes the oath, his vote must be accepted; if he doesn't take the oath, his vote is rejected. Swearing falsely is perjury and may be punished accordingly.

After the Election

Section 996, Chapter 93, School Laws of the State of Montana, outlines the procedure to be followed after the election. Briefly, the procedure is as follows:

Step 1: Judges count ballots and compare with poll list.

Step 2: Judges tally votes.

Step 3: Books and tally-lists returned to board who shall canvass the vote and issue a certificate of election to the person or persons elected, designating their terms of office.

Step 4: Send a copy of such certificate to the county superintendent of schools.

Trustees in all districts take office immediately after they qualify. Qualification may be accomplished by completing the blank oath of office within fifteen (15) days of the receipt of the certificate of election and blank oath of office from the district clerk.
Vacancies

Vacancies in school boards are filled by the county superintendent of schools who shall appoint in writing a competent person who shall qualify and serve until the next annual school election (93:988). In first and second class districts, the appointment is subject to the confirmation of a majority of the remaining board members (if those remaining constitute a majority of the total number of the board) (93:988).

Expenses of Election

The expenses of election of school trustees shall be paid out of school funds of the district. Judges of elections shall receive no more than three (3) dollars per day for all services in first and second class districts (93:1004). The law fails to mention the pay of judges of third class districts. Most third class districts pay judges the same as other districts, if they pay them at all.

C. Board Organization

All school boards in Montana, regardless of class, must meet annually on the third Saturday in April and organize by choosing one of their number as chairman, and a competent person, not a member of the board, as clerk (93:1005).

Meetings

In first class districts, the board of trustees must meet at least once, and not more than five times, each month. In all other districts, the law requires that at least four meetings each year be
held. The law also sets the time of these four required meetings: the third Saturday of April, July, October, and January (93:1006).

The fourth Monday in June is designated as budget meeting time and trustees of common school districts and high school districts must meet at the usual meeting place of the board to consider, prepare, and adopt a preliminary budget for the next school year for the elementary and/or high school (or schools) of their district (94:1019.5 and 199: 1263.5).

D. District Organization

The law provides that no school district shall be created nor boundaries changed between March 1st and July 1st of any calendar year. Also, no district, or any portion of any school district, shall be involved in the changing of boundaries or consolidation more than once during any calendar year (95:1023).

Creation of New School Districts

A new school district may be created out of a portion of one (1) or more existing school districts with the following restrictions: (95:1024)

1. The taxable valuation of property remaining in each district from which territory is taken is not reduced below seventy-five thousand dollars ($75,000).

2. The number of census children between the ages of six (6) and sixteen (16) years is not reduced below fifteen (15) children.

The steps necessary in creating a new school district are found in Chapter 95, Section 1024, School Laws of the State of Montana.
The boundaries of any school district may be changed according to the provisions contained in Chapter 95, Section 1024, School Laws of the State of Montana, except during the period between March 1st and July 1st of any calendar year.

Consolidating Districts

Two or more adjacent school districts lying in one county may be consolidated, either by the formation of a new district, or by the annexation of one or more districts to an existing district. Provisions for making this change are found in Chapter 95, Section 1034, School Laws of the State of Montana.

Annexation

In the interests of reducing costs of operation or improving the school service for pupils, a board of trustees of a third class district may ask the county superintendent of schools to annex the territory and property of such third class district to any second or first class district in its entirety, or proportionately to any number of first or second class districts. Provisions for such annexation may be found in Chapter 95, Section 1034, School Laws of the State of Montana, as amended by the 1953 Legislature.

Formation of Joint Districts

Joint school districts may be formed in the same manner as other new districts except that the petition provided for must be made to the
county superintendent of each county affected. All of the provisions for the formation of new districts must be by concurrent action of the superintendent of each county affected. Provisions for such formation may be found in Chapter 95, Section 1035, School Laws of the State of Montana.

Dissolution of a Joint School District

When a majority of the taxpayers residing in that portion of a joint district situated in one county decide that they wish to dissolve the joint district, they may do so by following the procedure set forth in Chapter 95, Section 1037.1, School Laws of the State of Montana.

Creating High School Districts

In all counties having a high school, or high schools, a commission consisting of the county commissioners and the county superintendent of schools shall, at the request of any high school board of trustees in the county, divide the county into high school districts after a hearing. Provisions for this action are found in Chapter 275, Sections 1 through 7, School Laws of the State of Montana.

Changing Boundaries of High School Districts

In any county which has been divided into high school districts, at the request of any high school board of trustees, the commission mentioned above may alter the boundaries of the high school districts or re-divide the county into a different number of high school districts. Such alterations and divisions may not be done within three years from the original division or the last alteration of boundaries and last re-
division. Provisions for this action may be found in Chapter 130, Section 1, \textit{School Laws of the State of Montana}.

\textbf{Abolishing County High Schools}

Any county in which a county high school has been established may abolish such county high school and dispose of all the county high school property in a manner provided in Chapter 117, Section 1262.19, \textit{School Laws of the State of Montana}.

\textbf{Abandoning Districts}

The county superintendent of schools has the power to declare school districts abandoned when no school has been actually held within such districts for two (2) consecutive years, if in his judgment there is no immediate prospect of the need of a school (92:970).

The county superintendent of schools \textit{must} declare a school district abandoned when terms of school aggregating at least twelve (12) months have not been actually held in a district during a period of three (3) consecutive years (92:970).

If any such district has provided transportation in accordance with the law for all children of school age, living within the district, to another district for the purpose of attending school therein for a term of at least six (6) months during each of such three (3) years, such transportation shall be deemed equivalent to the actual holding of school in such district for a term of six (6) months in each year, and such district shall not be ordered abandoned (92:970).
Establishing a High School District

Whenever the interests of any school district require it, the board of trustees of the district, with the approval of the superintendent of public instruction, may establish a high school and make provisions for its quarters, equipment, and teaching force. Provisions for this action are contained in Chapter 117, Section 1262.37, School Laws of the State of Montana.
CHAPTER IV

THE SCHOOL BOARD IN ACTION

Technically, the board of trustees exists only when it is in session. The school board meeting is a deliberative assembly of a corporate body which has been empowered by the state to carry out the state's educational program. Only business transacted at a regular or special meeting of a board is valid—all other business is invalid and will usually be so held by the courts.

A. General Functions of the School Board

Most school boards now agree that its primary functions are: (1) to select a head for the schools, (2) to adopt policies for the school head to administer, and (3) to see that the policies are carried out. In smaller schools where no one person is hired as school head, the board should recognize the individual teacher as the person to administer the policies adopted by the board.

School boards can best serve the youth of their community by using three processes: (1) planning, (2) legislation, and (3) appraisal.

Planning is the process by which policies are formulated. Planning should be a joint responsibility of the board, the professional staff, and the public. Educational planning should involve a study of the present school program in relation to the present needs of the community with an eye to the future—"What will we need twenty years from now?"

Local board legislation consists of rules and regulations
which give general directions for the administration of the school. Only when duties are clearly defined can the board definitely fix responsibility. Administration, however, exists for one purpose only—to provide the best education possible for the youth of the community. No board should lose sight of the fact that they exist to serve youth, not to become entangled in a snarl of procedure.

Appraisal is the board's tool for determining whether the policies it has adopted are working out satisfactorily and, if not, why not. Good sound common sense, an attitude of fairness to all concerned, together with a knowledge of what schools are attempting to do and should do, are the only requirements necessary for the type of appraisal the board makes.

In order to find out what schools are attempting to do, the board member must get out of his own backyard. Board members should become acquainted with the professional journals (see bibliography, Chapter X), board members should attend the annual meeting of the Montana School Boards Association, and they should visit nearby schools. More often than not, board members will be surprised at the similarity of problems and the simplicity of many of the solutions reached by other school boards.

B. School Board Meetings

School boards are generally agreed that at least one meeting per month is necessary. Some of the larger schools hold two—one business meeting is confined strictly to matters of finance, approval of bills, questions of maintenance or alterations to the plant and equipment. The second meeting is reserved for consideration of more general aspects of school administration, such as teacher contracts, salary schedules, and
board policies.

Montana school law requires that school board meetings be held as follows:

**First class districts** shall hold at least one, and not more than five, meetings each month for the transaction of its business (93:1006).

**Second and third class districts** are required to hold not less than four meetings per year on the third Saturday of April, July, October, and January (93:1006).

The third Saturday in April is an organizational meeting for all school districts. At this time, the school trustees organize by choosing one of their members as chairman, and a competent person, not a member of the board, as clerk (93:1005).

Both common (elementary) and high school districts are required to hold a **preliminary budget meeting** on the fourth Monday in June (94:1019.5 and 199:1263.5).

Wise board members soon learn the fundamental rules of procedure and preserve their major efforts for discussion of long range policies. Preoccupation with the formalities of board meetings and record keeping may detract from the basic business of the board—planning the training of the next generation.

**Organization.** At the organization meeting in April, the board selects one of its members as chairman. The chairman presides at all meetings and performs such duties as usually pertain to such officer, and in accordance with the customary rules of order (93:1005).

**Meeting Procedures.** Actions of board members are only legal when taken at a regular or special meeting of the board. An orderly procedure will simplify the proper recording of board minutes by the clerk and lend proper authority for board actions.
Many board members complain that their meetings last far into the night. Following an orderly procedure may not "get that fish caught," or "the north forty planted," but it will expedite the business of the evening.

Members of three-man boards should not feel that because their number is small they do not need to follow a definite procedure. The irregularity of the procedure followed by many third class districts is the cause of many headaches for county superintendents and much litigation in the courts.

For the purpose of efficiency, a school board should adopt an order of business for its meetings. The following is suggestive:

1. Call to order
2. Roll call
3. Reading and approval of minutes of previous meeting
4. Communications to and from the board
5. Hearing of delegations
6. Regular report of superintendent (or teacher)
7. Unfinished business
8. New Business
9. Approval of bills
10. Adjournment

For the benefit of new trustees, a detailed analysis of the order of business is presented below. This represents a regular board meeting.  

1. Call to order
Chairman: (rapping for attention) "The meeting will now come to order."

2. Roll call
Chairman: "The clerk will call the roll."

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The clerk is required to keep a record of those present and to show same in the minutes of the meeting. On a three-man board, a quick glance is all that is necessary to see who is present. Nevertheless, a record must appear in the minutes of those present and absent. If a quorum is present (A quorum is a majority of the members of a board. On a three-man board, two members constitute a quorum.), the board may proceed to the business at hand (93:1007). If no quorum is present, no business can be legally transacted and the meeting is usually adjourned to reconvene at a specified time in the future.

3. Reading of the minutes

Chairman: "The clerk will read the minutes of the previous meeting," or meetings, in the event that minutes of more than one meeting await the approval of the board.

It is frequent practice for the clerk to furnish all members of the board with duplicated copies of the minutes of the previous meeting well in advance of the time set for the opening of the present meeting in order that they may have an opportunity to go over the minutes as he has drawn them. In this case, the reading of the minutes aloud by the clerk may be dispensed with and members merely acknowledge that they have received them and read them.

Chairman: "Are there any corrections or additions to the minutes?"

At this point a member is free to suggest any changes which may be more in accord with the facts, or he may propose other changes in the interest of clarity or accuracy. If no changes are offered, a motion by one of the members is in order, as follows:

Any Member: "I move that the minutes be approved as read." (if read aloud) Otherwise, "I move that the minutes be approved as submitted."
Another Member: "I second the motion."

Should any changes in the minutes have been offered and agreed to, the form of the motion is as follows:

Any Member: "I move that the minutes be approved as amended."

Another Member: "I second the motion."

Chairman: "Is there any discussion?"

After a motion is made and seconded, the chairman should allow any member to make any further statement if he so desires. This applies to any motion which is properly put before the board and seconded. A voice vote is sufficient on the above motion.

As a time-saver, the rules of many school boards provide that in the absence of corrections, additions, or objections, the chairman may order approval of the minutes as read or submitted.

4. Communications to and from the board

Chairman: "Are there any communications?"

At this point the clerk shall read any communications which have been received. If the communications are lengthy, the clerk may describe the contents thereof and ask if the board wants the communications read. If the board has directed the clerk to write to any party or parties, the clerk may at this time read the letter which has been sent in the name of the board. If any matters that require the attention of the board are included in the communications, such matters should be held over until either unfinished business or new business, depending upon their classification, is reached on the agenda.

5. Hearing of delegations

Chairman: "We have with us tonight __________________ (naming the individuals or spokesman for the organization waiting to be heard) who wish to present a matter for consideration by the board."
The chairman may indicate the nature of the business if he knows what it is.

Occasionally individual citizens or committees representing service and civic organizations request to be heard at meetings of the school board in order to present some matter on which action by the board is desired. Normally, it is desirable that such requests be made through the clerk of the board or school administrator, and that something of the nature of the matter to be presented be indicated so that the matter might be included on the agenda for the meeting. Even in a small community such preparations are desirable, but care should be taken to avoid giving the impression that the public is not welcome at board meetings.

To what extent the board shall give ear to these expressions of views and petitions is for its members to determine. It is likewise a matter for the board to decide what action, if any, is deemed warranted or desirable after the petitioners have been heard.

Circumstances may make it advisable for the board to adjourn and meet in executive session as a "committee of the whole" where the issues raised may be discussed frankly and without reservation. The board should remember, however, that when meeting as a "committee of the whole" in a closed session, its function is fact-finding and deliberative, not legislative. Before any legal action may be taken by the board, it must reconvene at the regular meeting and action may be taken only by a regular vote if such action is deemed necessary or desirable.

A board should not allow itself to be pressured into a hastily considered decision sometimes demanded by the petitioners or dissenters. The board is well advised to insist upon whatever time is necessary to reach a deliberate and sound decision.
6. Regular report of the superintendent (or teacher)

Chairman: "We will now hear the report of the superintendent."

As administrative officer of the board, the Superintendent should be called upon to make his periodic report at this time. He should report on the general operation of the school. Such a report might contain explanations of certain situations, reasons why the board is asked to adopt certain policies, information regarding salary schedules, why it is necessary to buy certain supplementary materials, or why certain programs of study are needed. The board should insist that the superintendent keep them informed of all phases of the educational program of the district.

In third class districts where no superintendent is hired, the board should ask the teacher to present information of this sort.

From time to time other staff members should be called in to report on their particular phase of the educational program. The board should use every means possible to keep informed on the program for which they are legally responsible.

7. Unfinished business

Chairman: "Is there any old or unfinished business that should come before the board at this time?"

This includes: (a) any business pending and not disposed of at the preceding meeting, unless laid over by regular motion and vote for consideration at some other specified time, and (b) matters previously postponed by regular motion and vote and set ahead for consideration at this meeting.

8. New business

Chairman: "We are now ready to consider any new business which may properly come before this meeting."

The clerk or superintendent usually prepares the agenda or list
of matters which should properly come before the board for its consideration and appropriate action. It is usually helpful if the trustees can be furnished a copy of the agenda prior to the meeting so that they will have it in front of them when the meeting is called to order.

Under "new business" the board also considers motions which relate to proposals resulting from requests and petitions presented earlier in the meeting. Under "new business" the board adopts such resolutions as may be required (for example, the resolution adopting the preliminary budget, or the resolution calling for bids on certain items, or the resolution providing transportation, etc.)

9. Approval of bills

It is customary for the clerk to report bills as having been properly checked and audited as he reads them, giving the name of the person or firm supplying the goods or services, the nature of same, and the amount of the invoice. If there are normally more than half a dozen invoices, however, it is customary for the clerk to furnish all trustees with a list of current invoices (showing the name of the person or firm supplying the goods or services, the nature of same, and the amount). Opportunity should be given members for proper consideration of all bills reported due and payable. Should a question arise regarding any invoice, it should be satisfactorily explained or set aside for further examination or possible adjustment. Assuming no items or amount remains in question, a motion is in order as follows:

Any Member: "I move that the current bills as read (or shown on the list as submitted) in the amount of __________ be approved, so entered in the minutes, and orders drawn for their payment."

Another Member: "I second the motion."

Chairman: "Is there any discussion?"
A list of the invoices (showing the name of the persons supplying the goods or services, the nature of same, and the amount) approved in the above motion should be recorded in the minutes. Where invoices are too numerous, it may be desirable to record only the total amount approved in the minutes and refer to a separate record for detailed listing. Vote on the above motion should be by roll call and a record of the vote by individual members included in the minutes.

10. **Adjournment**

Chairman: "If there is no further business to come before the board, the meeting stands adjourned."

Or the meeting may be adjourned upon the passage of a motion to adjourn by one of the board members.

11. **Adjourned Meeting**

Often times discussion of a particular item of business cannot be completed at the one and same meeting, or perhaps additional information is needed before action is taken, in which case a motion to adjourn to convene again at a specified time is good procedure. This eliminates the necessity for notification to members of a special meeting. Such action should be carefully noted in the minutes.

**Special Board Meetings.** The chairman of the board of trustees, or any two members of the board of trustees, may call a special meeting of the board by giving at least forty-eight hours' written notice to each board member (93:1006).

Special board meetings are usually called for some specific purpose. It is considered good practice to state the purpose of the special meeting in the notice thereof and then confine the business transacted to the items in the notice.
Special meetings are called for the purpose of considering
(1) unfinished business left over from a previous meeting, (2) some
special order of business such as the budget, insurance, or the purchase
of a special piece of equipment, (3) teacher contracts, (4) salary
schedules, (5) major repairs or alterations to the buildings, (6) a new
building project, (7) a public hearing on some proposal, or (8) other
important matters too involved to be adequately covered in the ordinary
course of business at a regular meeting.

Again for the benefit of new trustees, a detailed analysis of the
order of business at a special meeting is presented below.\(^2\)

1. **Call to order.**

   Chairman: (rapping for attention) "The meeting will now come to order."

   Inasmuch as this is a special meeting, it is appropriate at this
time for the chairman to state the specific purpose or purposes for which
the meeting was called and remind the members that discussion should be
confined to those matters which pertain thereto.

2. **Roll call**

   Chairman: "The secretary will call the roll."

   The clerk should keep a record of all members present and show
same in the minutes of the meeting.

3. **Reading of the minutes**

   At special meetings this item of business may be dispensed with
and laid over until the next regular meeting, when the minutes of any
meetings not previously adopted are duly read and approved—or approved
as submitted.

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\(^2\) Illinois Association of School Boards, *The School Board Reference
Library, Pamphlet No. 8, "Actions in Brief, School Board Meeting
4. **Special Order of Business**

Chairman: "We are now ready to take up consideration of the special matter, or matters, for which this meeting was called." (It may be desirable for the chairman to repeat here the specific subject to be considered) "The meeting is now open for discussion."

Whatever action is finally decided upon as a result of the discussion should be a result of appropriate motions and should be entered in the minutes of the meeting.

5. **Adjournment**

Chairman: "If there is no further business to come before the board, the meeting stands adjourned."

School Board Minutes. The actions of a school board are reflected in the accuracy of its minutes book. These recordings are of utmost importance to the well being of the school administration. The minutes are the final word regarding the conduct of the board and once properly completed, their truthfulness will not be questioned by any court.

The purpose of the minutes is to provide a place where the proper actions of the board; the rules, regulations and policies which the board is required by law (93:1015(1)) to adopt for the management and government of its schools; and the authority for the educational and business administration of its schools, may be duly recorded in legal manner. Nothing is more important than these minutes at a time when a school board is called upon to give evidence that it has acted within the provisions of the school law.

It is required by law that a record of school board meetings shall be kept by the school district clerk (or secretary) in a book furnished

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3 *The School Board Reference Library*, Pamphlet No. 8, "Actions in Brief: School Board Meeting Procedures." pp. 7-10
by the board of trustees (97:1049). Inasmuch as a school board cannot transact any official business except at a regular or properly called special meeting, the minutes of such meeting provide the official record of action taken by the school board. As the board, therefore, speaks officially only through its minutes it is important that they comprise a correct and adequate record, should the validity of the board's action ever be brought into question. The clerk (or secretary) has no right to certify to any action of the board not shown by the minutes of the meeting.

The Minutes Book. It is generally understood that the minutes book shall be kept exclusively for this one purpose. Modern practice suggests the use of a mechanically bound book with numbered pages. Wherever possible typing of minutes for the permanent record is to be recommended.

The practice of posting copies of all contracts, petitions and even correspondence in the minutes book is not deemed necessary or desirable. Proper files should be provided for documents of these kinds where they can be kept safely and at the same time easily referred to. All that the minutes need to show is that the document referred to is properly identified in the record.

It is recommended practice, however, to insert copies of printed (or duplicated) election notices and ballots in the minutes of the meeting at which the return of the election are canvassed and the results certified to. A copy of all resolutions adopted such as those authorizing (1) the furnishing of transportation, (2) the calling of special elections, (3) bond elections and sales, (4) emergency budgets, (5) adoption of the annual budget, and (6) the adoption of necessary rules, regulations and policies, may also be inserted in the regular minutes book.
In handling routine business, the minutes might well contain statements as to:

1. Whether it is a regular or special meeting
2. Time (day and hour) and place of meeting
3. Members present and absent (in addition, the names of others who are present as advisors or employees of the board, such as secretary or clerk, principal or superintendent, attorney, accountant, architect, contractors, etc.)

This should be followed by a record of the action taken on the

4. Minutes of the preceding meeting usually approved as read or submitted, or as amended.

This action of the board should be more than mere routine. If the minutes do not state the facts correctly, or with sufficient clarity or in sufficient detail, they should be amended accordingly at this time in order to conform completely to the facts before they become a part of the permanent record. Members of the board have the right to amend the record to make it show correctly all the proceedings, but such amendments should only speak the truth.

5. Monthly statements. In order that the board may at all times be informed as to the financial status of the district, many boards follow the policy of having a financial statement of district funds and of extra-curricular funds presented at each monthly board meeting. Such a statement might well include:

a. amount budgeted
b. amount expended to date
c. current bills
d. unexpended balance for each main budget item

Since a recent act of the legislature (93:1015 (24)) makes it mandatory that all extra-curricular funds be accounted for by a system of bookkeeping recommended by the State Bank Examiner and that an annual audit be made of such funds, the financial statement should also include

e. a statement of the condition of each activity account kept in the extra-curricular funds
Final responsibility for payment of invoices rests squarely on the board and it is the duty of every member of the board to satisfy himself as to the propriety and correctness of any charges before giving his approval. It is recommended practice wherever possible to furnish each board member with a list of the audited invoices which are being submitted for payment, and a copy of this list should be incorporated in the minutes

f. a copy of the list of audited invoices being presented for payment

The above items will take care of the routine business handled by the board at a meeting. However, the minutes must also record the action taken in many items of special business, such as those

6. Items of Special Business

a. calling the annual or special election
b. Authorizing the issuance and sale of bonds
c. authorizing the transfer of unneeded funds in one item of the budget to another item which needs funds
d. authorizing "a person or persons designated" usually the superintendent, to take some action deemed necessary by the board

The board can delegate only administrative and ministerial powers. It cannot legally delegate its legislative powers to the superintendent of schools or even to a committee of the board. The courts have without exception ruled that judgment and discretion of the board cannot be delegated to any other person or body whatsoever. For example, the board may adopt a policy that permits the superintendent of schools to be responsible for the selection of teachers. The superintendent then becomes the agent through which the board exercises control. In the final analysis, the superintendent recommends personnel to be hired—-the board actually hires.
e. authorizing the acceptance of bids for maintenance, repairs, renewals, alterations or new construction.

f. authorizing the acceptance of bids for furnishing supplies, equipment or services.

Boards of trustees of common school districts (elementary schools) shall not let any contract for building, furnishing, repairing, or other work for the benefit of the district, where the amount involved is two hundred and fifty dollars ($250.00) or more, without first advertising for bids (93:1016). Boards of trustees of district high schools are under the same restriction, except the amount involved is seven hundred fifty dollars ($750.00) or more (117:1262.83(2)). Boards of trustees of county high schools are governed by the same restrictions.

g. ratifying teacher contracts

h. giving notices of dismissal

i. granting leaves of absence to administrators or teachers

j. granting permission or adopting a policy for the use of school facilities by outside organizations

k. record all motions (although not a legal requirement in every case, it is good practice to state who made the motion and who seconded the motion. The record should also state whether the proposition carried or lost)

While the law does not specifically require that a "yea" and "nay" vote of individual members be taken and entered on the proceedings of the board in most matters, such practice is often desirable with regard to action taken wherever the legality of the action may ever be brought into question.

When an election is called by the board, whether to vote upon the question of building a new school house, or increasing the tax rate or any other matter which must be submitted to a referendum of the voters, the minutes of the board must show a meeting of the board and its order or resolution calling the election.
Expediting meetings. The board determines its own rules of action. It can always suspend the rules. In regular procedure a matter is brought before the body by motion, and if seconded, discussion follows. If the rules require the seconding of the usual motions and no one seconds the motion, debate or discussion is not permitted.

However, in small bodies, the opposite practice is often followed by common consent. A member gains the floor and states a matter to the board and explains his ideas. Other members discuss the matter. Eventually the matter takes form and it can be seen that general agreement is present. A member then formulates a motion, someone seconds it, and a vote is taken. Such practice is permissible, if the board members agree unanimously that it shall be allowed.

A motion is a proposal that the board take certain action. A resolution is a statement whereby the board expresses its views or attitude with regard to certain situations, proposals or persons.

The procedure for entering a resolution is identical with that of other motions. The statement contained in a resolution is usually furnished the clerk in written or printed form. The member offering it merely says, "I move the adoption of this resolution," either reading it himself or offering it to the clerk to read.

Since all board decisions should be made on the basis of what is best educationally, it is suggested that administrators, from time to time, bring in various members of the teaching staff to inform the board as to their particular problems. Boards would also do well to invite

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some lay members of the community for informal discussions, including representatives of the students themselves. This sort of participation generally leads to a better understanding of the school program on the part of all concerned.

Trustees of third class districts where no superintendent or principal is employed should make use of the professional knowledge of their teacher (or teachers). In most cases, no one knows more about the school than the teacher. The county superintendent should be invited to board meetings periodically; don't wait until a problem arises. Perhaps he (or she) can help avoid a problem by having an understanding of your particular situation.
CHAPTER V

MONTANA SCHOOL FINANCE

Someone once said that education is the debt that one generation owes the next. Trustees may well wonder how the discharge of that debt has grown so complicated.

The expenditure of public funds is, of necessity, a complicated procedure. Protection for the public in the form of many restrictions and requirements has been incorporated into the laws governing school finance. Some of the restrictions are constitutional, dating back to 1889, while others have been added by the state legislature from time to time.

School trustees should have a knowledge of the general structure of the state's school finance program. The many details of operation may be found in the statutes. An all over picture is presented here so that trustees (especially new trustees) may obtain an understanding of where the money comes from to operate the schools.

A. Present State School Finance Law

In the early 1920's the idea that it is the function of the state to guarantee the funds necessary to support the minimum acceptable program of education opportunities throughout the state was fully developed. The heart of the idea was that there should be a floor under the standards of the public school program.

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1The basis for much of the discussion here may be found in the Biennial Report of the Superintendent of Public Instruction, 1950, and School Laws of the State of Montana, 1949.

Several years prior to 1949, certain groups in Montana began studying needed legislation in the public school field. As a result of much hard work and study and several years' effort, a bill was finally passed by the Legislature of 1949 which is now Chapter 199, Laws of 1949. This legislation provides for a system of financing Montana public elementary and high schools based on the need of districts in financing a minimum foundation program. These minimum foundation programs are based on schedules set up in the law.

Before this law was enacted, school districts in Montana found that their education program depended largely on the ability of the people of the district to pay for it. Districts in which the taxable valuation (wealth which could be taxed) was low had to levy a heavy tax in order to bring in enough money to support their program.

Districts in which the taxable valuation was high could levy a lighter tax and provide a more complete educational program for their children.

The principle behind Chapter 199, Laws of 1949, is one of equalization. Based on the premise that all of the youth in Montana are entitled to equal opportunity for education, the law attempted to equalize the financial burden and provide a minimum educational opportunity for all Montana youth. Minimum programs were established so that any district could, if it so desired, go beyond the minimum program.

Minimum foundation program. Minimum foundation programs might be thought of as the amount of money a school district must budget for the operation of their school program. These programs are based upon the number of students enrolled in the school (actually average number
belonging, often referred to as "IB"). For example, elementary schools having eight (8) or fewer pupils shall receive two thousand seven hundred dollars (\$2,700.00), if approved as an isolated school; a school with one hundred (100) elementary pupils is allowed a minimum foundation program of two hundred thirty-four dollars (\$234.00) per pupil or twenty-three thousand four hundred dollars (\$23,400.00). The foundation program for your school may be figured out by consulting Chapter 199, Section 3 (as amended by the 1953 Legislature), School Laws of the State of Montana. The important thing for trustees to remember is that the minimum foundation program is based on a sum of money which the district must budget.

**Figuring the minimum foundation program.** The minimum foundation program for your school may be figured by following the procedure outlined below. This method may be used for either elementary or high school. The key is to obtain the correct basic figure as set up in the law (199: 3).

The amount of money in a minimum foundation program is based on the average number of pupils belonging to the school. After a pupil has been absent for three days, he does not belong from and including the fourth day until his return to school. Continuous absence can, and does, cause schools to lose revenue.

The method of computing AME can be found in Chapter 199, Section 2, School Laws of the State of Montana. Briefly, it consists of adding the aggregate number of days' attendance plus the aggregate number of days' absence (which excludes the number of days a pupil does not belong) and dividing by one hundred eighty (180), or the number of days school was in session. Some slight deviations are explained in Chapter 199, Section 2.
Foundation programs are computed from the AUB of the previous school year. For example, Elementary School X had an AUB of eighty-three (83) pupils last year. This is the AUB used to compute the minimum foundation program for the coming school year. It works like this: (the schedule which appears in Chapter 199, Section 3, as amended by the 1953 Legislature, School Laws of the State of Montana, must be consulted in working out your own foundation program.):

Step 1: Determine the basic figure set by law for each pupil as found in the schedule (Chapter 199, Section 3, as amended by 1953 Legislature).

Elementary School X's basic figure \( \$269.00 \)

Step 2: Compute the amount to be deducted per pupil (if any) as required by the schedule.

Elementary School X has 83 AUB. For 30 of these pupils, Elementary School X is entitled to the full amount. For 53 of these pupils, Elementary School X must subtract fifty cents per pupil (53 X .50 equals \( \$26.50 \)).

Step 3: Subtract this amount from the basic figure to give you an adjusted basic figure for your particular school.

\( \$269.00 \) minus \( \$26.50 \) equals \( \$242.50 \). This is Elementary School X's adjusted basic figure.

Step 4: Multiply the adjusted basic figure by the total AUB for the previous school year.

\( \$242.50 \) times 83 equals \( \$20,127.50 \)

Step 5: The resulting figure is the minimum foundation program for your school.

Elementary School X's minimum foundation program is \( \$20,127.50 \).

The amount which is arrived at in computing the minimum foundation program is the amount which the district must budget for the operation of its school (93:3). The minimum foundation program for a high school is arrived at in the same manner, but with figures obtained from the high school schedule.
Provisions are made for districts which wish to spend more than
the minimum foundation program for the operation of their schools. The
\textit{permissive levy} and the \textit{special levy} will be discussed at a later point
in this chapter.

B. Sources of Revenue

Having determined the minimum foundation program for his school,
a trustee might well inquire, "Where does the money come from?" Montana
public schools are supported from three main levels: (1) state, (2) county,
and (3) local. Some funds are received from the federal government, but
these may usually be considered as supplementary and are for special pur-
poses.

\textbf{State sources of revenue.} The original grant of land (two sections
in every township) to the public schools of Montana amounted to over
five million acres. Of this, Montana had left as of June, 1952, a little
more than four million acres, or about 82 per cent of the original grant.\textsuperscript{3}
The Enabling Act and the Montana Constitution both contained provisions
for the administration of this land for the benefit of the public schools.
Basically, the arrangements provided for two funds to be created. One
fund you may think of as a \textit{PERMANENT FUND}, while the other may be thought
of as the \textit{INCOME AND INTEREST FUND}.

1. The \textit{PERMANENT FUND} consists of unsold school lands, the pro-
ceeds from any land sales or from the sale of any permanent resources on
or under the land itself. As of July 1, 1952, the \textit{PERMANENT FUND} consisted

\textsuperscript{3}Material on sources of revenue taken from Biennial Report of
the Superintendent of Public Instruction of Montana, 1952 and School
Laws of the State of Montana.
of the following:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unsold lands at $10.00 per acre</td>
<td>$42,646,842.40</td>
</tr>
<tr>
<td>Deferred payments on land sales</td>
<td>$3,123,527.02</td>
</tr>
<tr>
<td>County, city, and school district bonds</td>
<td>$415,499.09</td>
</tr>
<tr>
<td>Invested through Montana Trust and Legacy Fund</td>
<td>$23,937,409.35</td>
</tr>
<tr>
<td>Cash with the State Treasurer</td>
<td>$1,269,075.92</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$71,382,353.78</strong></td>
</tr>
</tbody>
</table>

The PERMANENT FUND was to remain forever undisturbed according to the provisions of the Montana Constitution (Article XI). If this fund was to remain undisturbed, how then would the public schools of Montana derive any benefit from the school lands? This is where the INCOME AND INTEREST FUND enters the picture.

2. The INCOME AND INTEREST FUND is made up of 95 per cent of all interest on the Permanent Fund (resulting from investment of money from that fund) plus all other income from land rentals, such as grazing leases and crop share leases, oil leases and other income from the school lands which did not tend to destroy the land itself. Money from the INCOME AND INTEREST FUND is distributed each year to school districts according to the number of youths in each district between the ages of 6 and 21 years. The remaining 5 per cent of all interest and income is added to the Permanent Fund. The distribution of the INCOME AND INTEREST FUND in February, 1952 (based on receipts in 1951) consisted of the following incomes:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural and grazing rentals</td>
<td>$1,458,956.91</td>
</tr>
<tr>
<td>Grazing fees--State Forester</td>
<td>5,796.06</td>
</tr>
<tr>
<td>Interest--Land Sales</td>
<td>86,989.22</td>
</tr>
<tr>
<td>Interest--Farm Mortgages</td>
<td>6,508.83</td>
</tr>
<tr>
<td>Interest on Bonds</td>
<td>17,922.11</td>
</tr>
<tr>
<td>Montana Trust and Legacy Fund</td>
<td>579,474.45</td>
</tr>
<tr>
<td>Soil Conservation</td>
<td>235.25</td>
</tr>
<tr>
<td>Oil and Gas Leases</td>
<td>854,591.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$3,010,576.83</strong></td>
</tr>
<tr>
<td>Less 5 per cent to Permanent Fund</td>
<td>$150,528.84</td>
</tr>
<tr>
<td><strong>Total distributed to schools (1952)</strong></td>
<td><strong>$2,860,047.99</strong></td>
</tr>
</tbody>
</table>
From the preceding discussion, you can see how the original grant of land to the public schools of Montana by the United States Government has been converted into dollars and cents to help support the public schools of Montana. Remember, the revenue from school lands is handled through two funds:

**PERMANENT FUND**

1. Must remain undisturbed.
2. Is increased each year by the addition of five per cent of the Income and Interest Fund.
3. Is invested in public securities as far as possible.
4. Is guaranteed against loss or diversion by the State of Montana

**INCOME AND INTEREST FUND**

1. Is made up of interest earned by the Permanent Fund plus all other income from school lands.
2. Is distributed each year to schools on the basis of census children living in the district between the ages of 6 to 21.
3. Each year, five per cent of this fund is added to the Permanent Fund

The Constitution of Montana further provides that when the PERMANENT FUND shall reach five hundred million dollars ($500,000,000.00), only one-twentieth of its annual earnings shall be added to the fund, and the remaining nineteen-twentieths of the annual earnings shall be distributed to the schools each year on the basis of actual attendance of children 6-18 years of age in the district school (Article XXI, Section 13).

3. STATE PUBLIC SCHOOL EQUALIZATION FUND. Money for this fund is derived from the following sources:

   25 per cent of the State personal income tax
   25 per cent of the State corporation license tax
   \( \frac{1}{2} \) of Montana's share of U. S. oil and gas royalties

4. APPROPRIATION FROM THE GENERAL FUND. The Legislature every two years appropriates money from the State General Fund to distribute
to the schools of the state operating minimum foundation programs in accredited schools.

A summary of the sources of state revenue for the support of Montana public schools shows the following contributors on the state level:

1. Income and Interest Fund
2. State Public School Equalization Fund
3. Appropriation from the State General Fund

No school in the state may receive more than fifty (50) per cent of its total foundation program from state equalization funds plus Income and Interest money (199:8).

**County sources of revenue.** Most of the revenue raised on the county level comes from the property tax. However, certain other sources do contribute minor portions of county money:

2. Certain federal money (Forest Reserve, etc.) (20:177).

The county superintendent of each county determines the per cent of county equalization money to be distributed to each school in the county based on the need of the foundation programs. (199:17).

**Local district sources of revenue.** Most of the revenue raised on the local district level also comes from the property tax. However, rentals received from school property, (93:1015 (7)), certain federal funds (247:75-1723), and revenue received from the sale of school property (93:1015 (8)) must be counted as local revenue.

**Figuring receipts for the general fund budget.** The worksheet on page 57 shows how to figure receipts for the foundation program of an elementary school. The worksheet on page 59 shows how to figure receipts for the foundation program of a high school.
Example Used: One-room Elementary School - 7 pupils

Schedule shows $2,700 Foundation Program for this size school
Permissive levy (without vote) = 30% x (93% x ($2,700) = 753
District needs $4,000 and therefore must vote a special levy = 547
Total General Fund Budget $4,000

District has taxable valuation of $150,000 (one mill brings $150)
District has 12 census pupils 6-21 years of age
County Equalization figures for all districts is about 71%
State Equalization is 100%
Cash balance of District is $1,400, with $1,000 being RESERVE, leaving $400 to be applied on needs over Foundation Program.

RECEIPTS FOR THE GENERAL FUND BUDGET
(Read from the bottom)

Step 6: This $547 is first voted by the district and will take $547 divided by $150,000 or 3.65 mills tax.

Step 5: Since the district has $400 in cash above RESERVE, this amount is subtracted from the amount required for the permissive levy ($753) leaving $353 to be levied for. $353 divided by $150,000 (taxable valuation) = 2.36 mills tax. This levy does not require a vote.

Step 4: When the State can equalize all Foundation Programs to 100%, this district will get $760. (If State Equalization was only 95%, then the district would receive $625 and the balance needed, $135, would automatically be raised by a levy on the district.) Income and Interest money plus State Equalization can NEVER exceed 50% of the total Foundation Program.

Step 3: Each district received funds from the County 10-mill levy according to need. (The County Superintendent computes the per cent of equalization.)

Step 2: Each district receives Income and Interest money from school lands on basis of census children age 6 to 21 residing in district. In this example, $25 per census child is used—the figure varies from year to year.

Step 1: Each district must first levy a 5-mill tax on the district.
FOUNDATION PROGRAM AND GENERAL FUND BUDGET FOR AN ELEMENTARY SCHOOL

All money above Minimum Foundation Program must come from district revenue.

Local  $750
I & I  $300
County  $890
State  $760
Permissive Levy  $753 (includes $400 cash balance)
Special Levy  $547

Minimum Foundation Program

Step 1
Step 2
Step 3
Step 4
Step 5
Step 6

Indicates revenue raised on the local district
Example used: High School with 25 AMB

High School District Taxable Valuation - $480,000
County Taxable Valuation - $3,385,000

High School General Fund Budget:
  - Foundation Program = 25 * $400 (from schedule) = $10,000
  - Permissive levy = 30% * (93% * 10,000) = 2,790
  - Special levy (to be voted by people) = 2,000
  - TOTAL GENERAL FUND BUDGET = $14,790

RECEIPTS FOR THE GENERAL FUND BUDGET
(Read from the bottom)

Step 5: The $2,000 is levied only after the people of the district have voted on the district or high school district if there be one. This will take $2,000 divided by $480,000 or 4.2 mills.

Step 4: The $2,790 is raised on the district or high school district if there be one, without a vote of the people (permissive levy). This will take $2,790 divided by $480,000 or 5.9 mills.

Step 3: When the State has enough funds for 100% equalization, it fills each foundation program, after Steps 1 and 2 have been applied. In this case the district receives $3,483. If the State could equalize only to 95%, the deficiency of 5% ($500) would automatically be levied on the district or high school district if there be one.

Step 2: Each county levies a 10-mill tax for high schools. Tuition for out-of-county pupils is first subtracted and the balance distributed to the county on the basis of need of foundation programs. This county gets $33,850 from the 10-mill levy. Subtracting tuition needs of $600 leaves $33,250 to distribute. In this county this amount will fill each foundation program up to about 65%.

Step 1: First apply any local revenue from cash balances, rentals, federal funds, etc. (Entirely possible that there will be no Step 1.)
FOUNDATION PROGRAM AND GENERAL FUND BUDGET FOR HIGH SCHOOL

Total General Fund Budget: $14,790

Step 1
Local $400

Step 2
County $5,717

Step 3
State $3,483

Step 4
Step 4

Step 5
Special Levy
$2,000

Permissive Levy
$2,790

Indicates revenue raised on the high school district.
Federal Revenue. Revenue from the federal government is distributed to Montana according to federal laws which have been accepted by the Montana Legislative Assembly. The money from the federal government is distributed for seven phases of education:

1. Vocational Agriculture
2. Home Economics
3. Trade and Industrial Education
4. Distributive Education
5. Occupational Information and Guidance
6. Fireman Training
7. Rural Electrification

Some of the money is distributed to all of the schools, while other is distributed only to those schools which have certain programs. No federal funds are used for general education.

Federal forest money is distributed only to those counties which have federal forest lands and then in the proportion to which these counties hold such lands.

Taylor Grazing money from the federal government is also distributed only to certain counties. United States oil and gas royalties are allocated to the State Public School Equalization Fund for distribution to all schools.

Indian funds, school lunch funds, and vocational funds are distributed only to those schools which have such programs.

The on-farm training program, though actually not a part of the public school system, is another federal distribution. In this program the money goes directly to the local school clerk who receives the money after vouchers have been approved for the same.

Schools burdened by federal activities (such as some federal project like Hungry Horse Dam) or where the tax base is reduced by the
federal ownership of land may obtain federal aid for certain construction and school operation. Public Laws 874 and 815, U. S. Congress, contain provisions for such aid. The State Department of Public Instruction will assist any district in determining whether or not it can qualify for such aid.

C. Budgeting

The annual budget is the educational program of the school district expressed in fiscal terms. Trustees should recognize that the budget as such has three parts: (1) the educational program, (2) the spending program, and (3) the financing program.

The education program should show a picture of what the money is to be spent for. If certain shifts in emphasis are contemplated, evidence justifying such shifts should be presented and the financial implications given.

The spending program is classified under the character heading on the printed budget form. On this form, expenditures proposed may be compared with amounts appropriated for the current year and those expended the preceding year.

The financing program should show the various sources of revenue and the amount anticipated from each.

Chapter 94, School Laws of the State of Montana, contains information on the elementary budget system. Chapter 118 treats the high school budget system. The law specifically charges trustees with the duty of considering, preparing, and adopting a preliminary budget for the operation of their district school. The fourth Monday in June is set as the date for the preliminary budget meeting (94:1019.6).
Trustees should realize that the law calls for two separate budget forms, one for the elementary school and one for the high school. The forms are different and the method of financing the two type schools are different. What holds for the high school budget does not necessarily hold for the elementary school budget.

The **permissive levy** is that amount of money for which trustees may levy without a vote of the people of the district. On the elementary school, the permissive levy is 30% of 93% of the elementary foundation program, unless this takes more than 15 mills, in which case 15 mills is the limit (210:1 and 247:1).

**Example:** Elementary School X - Foundation Program $8,576

a. \[ \text{30\%} \times (93\% \times 8,576) = \$2,392.70 \]
b. District taxable valuation = $108,387
c. \[ 108,387 \times 15 \text{ mills} = \$1,625.80 \]

Since (a) is greater than (c), Elementary School X cannot use the 30% of 93% increase as permissive levy. It can only use the 15 mill limit. If the need exceeds the $1,625.80, a special election must be held.

The law regulating the permissive levy for high school districts allows high schools with \#1B's up to 100 to take 30% of 93% of the foundation program. High schools with \#1B's over 100 may take only 25% of 93% of the foundation program. High school districts are limited to 10 mills (208:4) except in those districts which have federal aid in lieu of taxes (247:1).

The **special levy** is that amount of money above the foundation program and the permissive levy for which the trustees may levy only after a vote of the people of the district in which a majority of the votes so cast are in favor of the levy. Such an election must:
1. Be held prior to August 1st
2. Have as electors persons who are
   a. over 21 years of age
   b. citizens of the United States
   c. residents of Montana for 1 year
   d. residents of the district for 30 days
   e. taxpayers whose name appears on the last completed assessment roll of the county for state, county and school taxes (the purchase of a car license qualifies for this).

The **reserve fund** is the amount of cash that a district can keep on hand from year to year in order to have sufficient cash to keep warrants current. The reserve is not for additional spending. On July 1, the reserve is subtracted from the cash balance on hand, together with unpaid warrants, and the resulting cash balance must be used to reduce the tax levy on the district. The reserve fund may not exceed 35% of the current foundation program. (199:1019.19 and 14)

The **cash balance** is the amount of money left in your account on July 1 after the reserve and outstanding warrants have been subtracted. The cash balance may be used to build up the reserve and to reduce the district levy for the following year's budget. (182:1)

**Joint school district** budgets present a slightly different problem than do ordinary district budgets. The tax levies on the two parts of the joint district vary according to the type budget—high school or elementary school. (182:1)

*Example used*: High School budget for Joint School District X.

\[
\begin{align*}
\text{High School General Fund Budget} \\
\text{Foundation Program} &= 25 \times 400 \quad \text{\$10,000} \\
\text{Permissive levy} &= 30\% \times (93\% \times 10,000) \quad \text{\$2,790} \\
\text{Special levy (voted)} &= \quad \text{\$2,210} \\
\text{Total General Fund Budget} &= \quad \text{\$15,000}
\end{align*}
\]
County "A" side has 20 A&B and therefore its share of the total budget will be:

\[
\frac{20}{25} \times 10,000 \text{ (foundation program)} \approx 8,000
\]
\[
\frac{20}{25} \times 2,790 \text{ (Permissive levy)} \approx 2,232
\]
\[
\frac{20}{25} \times 2,210 \text{ (Special levy)} \approx 1,768
\]

County "A" share of budget \$12,000

County "B" side has 5 A&B

\[
\frac{5}{25} \times 10,000 \text{ (foundation program)} \approx 2,000
\]
\[
\frac{5}{25} \times 2,790 \text{ (Permissive levy)} \approx 558
\]
\[
\frac{5}{25} \times 2,210 \text{ (Special levy)} \approx 442
\]

County "B" share of budget \$3,000

Each county will now raise the stipulated foundation program, permissive levy, and voted levy in the same manner as for other high schools of the county (237:1).

The elementary school joint district budget is computed in a different manner, however (182:1):

Example used: Elementary budget for Joint School District Y (90 A&B)

Elementary school general fund budget

- Foundation program = 90 \times \$239 \approx \$21,510
- Permissive levy = 30\% \times (93\% \times \$21,510) \approx 6,001
- Special levy (voted) \approx 800

Total General Fund Budget \$28,311

County "A" side has 60 A&B and therefore its share will be

\[
\frac{60}{90} \text{ of } \$21,510 \text{ (foundation program)}
\]

County "B" side has 30 A&B and therefore its share will be

\[
\frac{30}{90} \text{ of } \$21,510 \text{ (foundation program)}
\]

The amount to be raised over the foundation program (the permissive levy and the special levy) are raised by a UNIFORM levy on both parts of the joint district. The levies for transportation, retirement, bus depreciation, and tuition budgets shall be computed by adding all the needs of such budgets and dividing by the taxable valuation of the entire joint district. Such levy is therefore a UNIFORM levy on both sides of the joint district (182:1).

A Summary of Laws Authorizing School Taxes

A. High Schools

Chapter 199, Laws of 1949, as amended by Chapter 107, Laws of

Property Tax Laws of Montana, June, 1953. Compiled by The
1951, and by Chapter 244, Laws of 1953, established a schedule for high school budgeting based on the average number of pupils belonging (AIB) in accredited high schools during the preceding school year (Chapter 244, Section 3).

**County tax for County and District High Schools.** It is the duty of the county commissioners in each county to levy a tax of not to exceed ten (10) mills on all property in the county to provide the necessary revenue for such foundation program budgets; provided that if a lesser levy is sufficient to meet the approved foundation program budgets of all accredited high schools within the county, then only such lesser levy shall be made (Chapter 199, Laws of 1949).

**Special Tax for High Schools.** If the revenues available for the operation and maintenance of any high school, including the amount apportionable from the ten (10) mill county levy, are insufficient to meet the approved budget of such high school computed according to the schedule, then it is the further duty of the county commissioners to fix and levy a tax in such number of mills as will produce an amount to cover such deficiency (Chapter 199, Section 15, Laws of 1949).

**Special Tax to pay outstanding warrants.** When a high school has issued warrants in payment of expenses budgeted under the foundation program and such warrants are outstanding at the close of the fiscal year due to a deficiency in the state public school equalization fund, it shall be the duty of the county commissioners to fix and levy a tax in such number of mills as will be required to pay such outstanding warrants, together with interest thereon. (Chapter 199, Section 22, Laws of 1949.)
Special permissive tax for high schools. When the board of trustees of any high school establishes to the satisfaction of the budget board that special circumstances exist which justify additional expenditures, it shall be the duty of the county commissioners to fix and levy a tax in such number of mills as will raise the amount of such additional expenditures, including a reserve of not to exceed 35 per cent of the amount appropriated but in any event not greater than 30 per cent of 93 per cent of the foundation program of any high school having an ANB of 100 or less pupils, and shall not be greater than 25 per cent of 93 per cent of the foundation program of any high school having an ANB of more than 100 pupils. This additional tax shall not exceed ten (10) mills unless such excess is necessary in order to meet Federal requirements for the receipt of payments in lieu of taxes (Chapter 199, Section 15, Laws of 1949 as amended by Chapter 208, Laws of 1951 and Chapter 202, Laws of 1953).

High school transportation tax. A special tax may be levied by the county commissioners for the purpose of transporting eligible high school pupils or for the payment of board and room in lieu of transportation or for the payment of all or part of the cost of quarters at the nearest or most accessible high school.

The county-wide transportation levy may be in sufficient number of mills to raise the total amount required by the transportation budget computed according to the schedule set forth in Section 75-3407, R. C. M., 1947, after deducting all estimated local receipts, including cash balances and state transportation reimbursements; provided, however, that the amount to be raised by such tax levy shall not be more than 2/3 of the total of each high school transportation budget computed according to the schedule. The remainder of the budget (excess of the budget over schedule) is an obligation of the high school district, or the common school district supporting a high school, or of the county, in the case of a county high school, exclusive of those districts maintaining their own high
schools. County commissioners may make such a levy of such number of mills as will raise the needed amount (Section 75-341, R. C. M., 1947, as amended by Chapter 189, Laws of 1951).

**High School Teachers' Retirement Tax.** In addition to schedule and levy limitations, county commissioners shall levy a tax sufficient to pay into the state teachers' pension accumulation fund an amount equal to $\frac{3}{2}$ per cent of salaries up to $\$5,000 of teachers who are members of the state teachers' retirement system. This applies to all property in the county (Section 75-2709, R. C. M., 1947, as amended by sub-section (3) (e) of Section 5, Chapter 28, Laws of 1949).

**High School Employees' Retirement Tax.** High School boards may contract with the state public employees' retirement board for the retirement of clerks, janitors and other employees on the same basis as counties and cities and levy a special tax for same (Sections 68-303, 68-603, R. C. M., 1947).

**Additional High School Tax.** Nothing is to be construed as preventing any school district from voting upon itself an additional levy for high school purposes in accordance with the general school laws pertaining to additional levies.

Whenever the trustees of high schools situated within a building district created according to law deem it necessary to raise money, in addition to the amount allowed under the foundation program and permissive levy within the ten (10) mill limitation provided by Chapter 208, Laws of 1951 as amended by Chapter 202, Laws of 1953, they shall first secure approval of a majority of those present at a meeting attended by the trustees of said high school and representatives from the common school district(s) situated within such building district. If a majority of such representatives attending such meeting are in favor of such additional expenditure, the trustees shall ascertain the levy necessary to raise said additional sum and submit the question to the qualified electors who are taxpayers.

Applies to all taxable property within such high school building district (Chapter 130, Section 3, Laws of 1949).
The question of voting a levy for operation and maintenance of county high schools may be submitted to the qualified electors of the county, excepting those who reside within any district in the county maintaining its own high school (Chapter 210, Laws of 1951).

**High School Bond Tax.** (1) County High School Bonds. These are county bonds and laws pertaining to the levying of taxes for county bonds apply. (2) High School Improvement District Bonds. A commission consisting of the county superintendent of schools and the county commissioners at the request of any high school board of trustees, may divide the county into high school districts, after a hearing. Common school districts may be grouped for the purpose of this act. Such high school districts may issue bonds to undertake a program of public works. A tax levy shall be levied in an amount necessary to meet the bond obligations each year.

Applicable against all taxable property within each high school improvement district. Section 75-4606, and Section 75-4620, R. C. M., 1947, as amended by Chapter 237, Laws of 1953.

*Note:* On June 14, 1951, the Montana Supreme Court rendered a decision in the case of Rankin v. Love, _____ Mont. _____, Pac 2d _____, that Chapter 275, Laws of 1947, which authorizes creation of high school building districts for purposes of construction and bonding, was unconstitutional and invalid. The question before the Court was whether an elementary district and a high school building district, viewed as separate taxing units, could each become indebted up to their constitutional limitation. The Court, by holding Chapter 275 unconstitutional and invalid, ruled that they could not become so indebted. The upper limit for school debt was fixed at five (5) per cent for common school and high school building district combined. The assumption previous to this decision had been that each type of district could incur indebtedness up to the limits of five (5) per cent of assessed valuation.

**Adult Education.** Trustees may provide facilities for an adult education program and if additional money is required the board of county commissioners may levy a tax of not to exceed one (1) mill on all taxable property within the district, provided that such levy is authorized by a special election (Section 75-1633, R. C. M., 1947).
Tax for Emergencies. If the board of trustees of a high school or of an elementary school district after December 31 of any year finds that an emergency exists by reason of an unanticipated increase in enrollment during the year, and finds itself with insufficient funds with which to maintain the school, or if at any time an emergency exists because of fire, flood, earthquakes, or other acts of God, the trustees by unanimous vote may declare an emergency. Taxpayers are given an opportunity to protest. If the county budget board approves the emergency budget, emergency warrants may be issued, and if at the time the tax levies are fixed for the following year there are insufficient funds to retire such warrants, a special tax levy must be made. (Sections 75-1716, R. C. M., 1947 for elementary school emergencies and Section 75-4521, R. C. M., 1947 for high school emergencies).

B. Elementary School Taxes

Chapter 199, Laws of 1949, as amended by Chapter 107, Laws of 1951 and by Chapter 244, Laws of 1953, established a schedule for elementary school budgeting based upon average number of pupils belonging (ANB) for schools with more than 30 pupils, and based upon classroom and pupil allowances for schools with from 1 to 30 pupils. Budgets in all cases are governed by the ANB of the preceding school year.

District Tax for Support of Elementary Schools. It shall be the duty of the county commissioners to fix and levy a tax of five (5) mills upon all taxable property in the district for the support of the foundation program budget of the schools of such districts, provided that if a levy of less than five (5) mills is sufficient to meet such approved budget then such lesser levy shall be made (Section 75-1723, R. C. M.,

**County Common School Tax.** It shall be the duty of the county commissioners of each county to levy an annual tax of ten (10) mills upon all taxable property within the county for the support of the foundation budgets of the elementary schools of such county, provided that if a levy of less than ten (10) mills should be sufficient to meet the total of such approved foundation budgets, then such lesser levy shall be made (Section 75-3706, R. C. M., 1947 as amended by Chapter 199, Laws of 1949).

Each school district providing transportation for elementary school pupils in accordance with the law is entitled to reimbursement of one-third (1/3) of the schedule provided for transportation, from the common school levy authorized by Section 75-3706, R. C. M., 1947 as amended.

**Additional Special Tax.** When the board of trustees of an elementary school establish to the satisfaction of the county budget board that special circumstances exist which justify additional expense above the foundation program it shall be the duty of the county commissioners to fix and levy a tax sufficient to raise such additional sum provided that such additional expense shall not exceed 30 per cent of 93 per cent of the foundation budget of such school, or $5 mills, whichever is reached first. (Chapter 199, Section 9, Laws of 1949, and Section 75-1723, R. C. M., 1947 as amended by Chapter 199, Laws of 1949 and Chapter 208, Laws of 1951.)

It shall be the further duty of the county commissioners of each county to fix and levy a tax for such number of mills as will produce the amount of the final budget to be raised by tax levy, which may also include
a reserve fund, not to exceed 35 per cent of the amount appropriated; provided, that such levy shall not, unless approved by a vote of the tax-paying electors, exceed the rate of levy required to produce an amount equal to the foundation program of such district and the approved excess expenses within the limitation of 30 per cent of 93 per cent of the foundation program, or 15 mills, whichever is reached first, unless such excess is authorized by election or is necessary in order to meet federal requirements for receipt of payments in lieu of taxes (Section 75-1723, R. C. M., 1947 as amended by Chapter 199, Laws of 1949, Chapter 208, Laws of 1951, and Chapter 247, Laws of 1953).

Additional Voted Tax. An additional levy for maintaining elementary schools, building, repairing, altering, or enlarging of school houses, furnishing additional school facilities or for any other purpose necessary for operation and maintenance of schools, may be made, if authorized by a majority of qualified electors at election at which the question of additional levy is submitted. No limit is placed on the amount of such additional levy (Section 75-3801, R. C. M., 1947 as amended by Chapter 199, Laws of 1949 and Chapter 210, Laws of 1951).

Tuition Payments. The district of residence will pay tuition to the educating district at the rate of $100 to $150 per pupil depending on the .UNB of the school attended.

Tuition amounts do not reduce the foundation program of the school paying them, but are additional amounts to be raised without vote, and such additional amounts do not fall within the 15-mill levy limitation. The district receiving tuition may apply it against any deficiency in state funds, against the 30 per cent permissive increase, and voted levies. In districts not operating schools, tuition can be raised
without vote if the five (5) mill district levy and other local revenues are insufficient to raise the required amount (Chapter 207, Laws of 1951).

**District Transportation Tax.** When the total elementary budget has been presented in detail on approved forms including the contracting, operation, maintenance, rent or purchase of school houses, individual transportation and increased transportation due to isolation, and after deducting all estimated receipts including reimbursements, the balance of the budget shall be paid out of receipts from a tax levied upon all the taxable property of the school district (Section 75-3414, R. C. M., 1947, as amended by Chapter 189, Laws of 1951).

**Depreciation Reserve.** School boards may set up depreciation reserves for the purchase of replacement busses. Each district owning a school bus or busses may levy a sufficient number of mills to create a reserve of not to exceed $2\frac{1}{2}$ per cent per year of the original cost of the bus or busses for which the reserve is created. Applies to all taxable property in the district (Chapter 163, Laws of 1951).

**Elementary School Teachers' Retirement Tax.** Trustees are required to pay into the pension accumulation fund $2\frac{1}{2}$ per cent of the teachers' salaries up to $5,000, and if the cost cannot be covered by the five (5) mill district school levy, to levy a tax sufficient to pay the same. No election is required. Applies to all taxable property in the district (Section 75-2709, R. C. M., 1947 and Chapter 28, Sub-section (3) (d) of Section 5, Laws of 1949).

**Elementary School Employees' Retirement Tax.** School boards may contract with the state public employees' retirement board for the retirement of clerks, janitors, and other employees on the same basis as counties and cities and levy a special tax for the same (Sections 68-303,
Bond Sinking and Interest Fund Tax. The board of county commissioners must levy annually a tax in all school districts having bonds outstanding sufficient to pay the interest and principal on bonds becoming due during the following year, and if no principal will become due during such year, then sufficient to pay the interest becoming due during such year and place in the sinking fund an amount sufficient, when accumulated to pay the principal of bonds as they become due. A separate levy must be made for each issue or series of bonds. Monies cannot be used for any other purpose (Section 75-3926, R. C. M., 1947).

Abandoned District Indebtedness. If a school district is abandoned or abolished and has outstanding a floating indebtedness without sufficient funds to pay the same, the board of county commissioners, after all monies applicable thereto have been applied in payment of such debt, shall levy an additional tax sufficient to pay the same as it matures. This applies only to all property within the limits of the abandoned district (Section 75-1522, R. C. M., 1947 as amended by Chapter 109, Laws of 1951).

Education of Crippled Children. Trustees may provide transportation and other facilities to assist in the education of crippled children from five (5) to sixteen (16) years of age, and if additional funds are required for such purposes, the board of county commissioners may levy a tax of not to exceed one (1) mill upon all taxable property within the district, provided that such levy is authorized at a special election called for that purpose (Chapter 163, Laws of 1949).
<table>
<thead>
<tr>
<th>Date Range</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 10 (94:1019.4)</td>
<td>The county superintendent must submit to the clerk of each school district:</td>
</tr>
<tr>
<td></td>
<td>(a) Two budget forms for each budget (high school and elementary, if they are both needed)</td>
</tr>
<tr>
<td></td>
<td>(b) An estimate of the probable revenue for the ensuing year</td>
</tr>
<tr>
<td></td>
<td>(c) A certificate stating the total number of students eligible for budgeting</td>
</tr>
<tr>
<td>April 10 - May 31 (118:1263.3)</td>
<td>The district clerk must fill in Columns I and II of each budget, stating:</td>
</tr>
<tr>
<td></td>
<td>(a) Expenditures for each item during last completed school year (Column I)</td>
</tr>
<tr>
<td></td>
<td>(b) Expenditures in approved budget for current year (Column II)</td>
</tr>
<tr>
<td></td>
<td>The district clerk must deliver the budget form(s) to the school board at its next regular meeting</td>
</tr>
<tr>
<td></td>
<td>(94:1019.5)</td>
</tr>
<tr>
<td></td>
<td>The county superintendent must publish a notice announcing the regular district budget meeting will be held on the fourth Monday in June</td>
</tr>
<tr>
<td>June - Fourth Monday (118:1263.4)</td>
<td>All school boards meet to:</td>
</tr>
<tr>
<td></td>
<td>(a) Prepare and adopt a preliminary budget</td>
</tr>
<tr>
<td></td>
<td>(b) Allow taxpayers an opportunity to be heard concerning the proposed budget</td>
</tr>
<tr>
<td>July 1 (118:1263.7)</td>
<td>All school boards must place the amounts needed for the coming school year in Column III of the budget and deliver same to county superintendent</td>
</tr>
<tr>
<td>July 10 (118:1263.7)</td>
<td>The county superintendent must prepare a budget if the local board fails to do so</td>
</tr>
</tbody>
</table>
### A School District Budget Calendar

(continued)

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 10 - 20</td>
<td>The county superintendent must publish a notice that all preliminary budgets are on file in his office and that taxpayers may inspect them.</td>
</tr>
<tr>
<td>(94:1019.8)</td>
<td>(118:1263.9)</td>
</tr>
<tr>
<td>July 10</td>
<td>The county superintendent must publish a notice that the board of budget supervisors will meet on the fourth Monday of July to consider and act on the preliminary budgets.</td>
</tr>
<tr>
<td>(118:1263.10)</td>
<td></td>
</tr>
<tr>
<td>July - Fourth Monday</td>
<td>The county superintendent must have prepared a statement as to the amount of cash on hand at the end of the school year and the obligations to be met during the current year and send such statement to each high school district.</td>
</tr>
<tr>
<td>(94:1019.12)</td>
<td></td>
</tr>
<tr>
<td>August - Second Monday</td>
<td>The county superintendent presents the final budgets to the board of school budget supervisors at 10 a.m. for consideration and action.</td>
</tr>
<tr>
<td>(118:1263.12)</td>
<td></td>
</tr>
<tr>
<td>September 1</td>
<td>The board of budget supervisors must approve and adopt a final budget for each school district and fix and determine the amount to be raised by special tax levies.</td>
</tr>
<tr>
<td>(94:1019.20)</td>
<td></td>
</tr>
<tr>
<td>(94:1019.20)</td>
<td>The county superintendent must send a complete copy of the adopted budgets to the State Superintendent of Public Instruction.</td>
</tr>
<tr>
<td>January 1</td>
<td>Steps may be taken to adopt an emergency budget.</td>
</tr>
<tr>
<td>(94:1019.16)</td>
<td>(118:1262.16)</td>
</tr>
</tbody>
</table>
D. Accounting

Accounting for school district funds is largely the business of the district clerk. However, trustees are responsible for school money. If any school money is paid by the authority of the school trustees for any purpose not authorized by law, the trustees consenting to such payment are liable to the district for the repayment of such sum, and a suit to recover the money may be brought by the county attorney or any taxpaying elector in the district (113:1205).

Most authorities are agreed that a good school accounting system will contain the following in some form or another:

1. Original records of financial transactions, including purchase bid forms, requisitions and invoices
2. A record of all receipts classified by principal sources
3. A record of all expenditures classified by character
4. The necessary books for the clerk and treasurer
5. A system of monthly reports and annual reports to the school trustees
6. The required periodic reports to the county and state offices

School trustees have two important functions in connection with accounting: (1) to require that an adequate system of accounting be set up and maintained, and (2) to study the accounting documents, particularly monthly reports on expenditures and receipts.

Accounting for extra-curricular funds has been added to the duties of the trustees by a recent law (233:75-1632).

E. Auditing

Provisions are made in the law for the annual audit of all school district books. With the addition of a recent law requiring the annual audit of extra-curricular funds, no district may legally operate a fund that does not require an audit (23:75-1632 (24)).
At one time an audit was looked upon as a means of discovering and preventing fraud and error. While this is still a function, present emphasis is upon ascertaining the actual financial condition of the school district.

Trustees should have some understanding with the auditor on the degree of completeness with which the job is to be done. Good practice would seem to demand that the audit include the following:

1. verification of opening balances
2. verification of all revenue
3. verification of posting of all receipts
4. verification of disbursements
5. determination of the closing balances

Trustees embarking on an audit for the first time should take the opportunity to make any changes deemed necessary in the district's accounting system as a result of the audit.

School trustees should carefully check the audit report, as such a report acts as a check on the budget and accounting procedures which are administered by school district personnel.

F. Bonding

School districts may borrow money by bonding for several purposes which are listed in Chapter 115, Section 1224.1, School Laws of the State of Montana. Chapter 115 is devoted entirely to bonds. Trustees contemplating a bonding program should consult this chapter carefully. The law also provides that the county attorney shall advise and assist school boards in district bonding proceedings (115:1224.23). All trustees should be aware that bonding is a complicated procedure and that they should seek the assistance of professional advice before entering into a bonding program.
The procedure necessary for a bond issue in an elementary district is outlined below for the guidance of school trustees. This procedure is not intended to replace the legal advice furnished by a county attorney; it is for information purposes and guidance only. The procedure in a high school district would vary.

**Step 1:** A petition, signed by no less than twenty (20) per cent of the qualified registered electors of the district must be presented to the board of trustees of the district. (See Exhibit No. 1)

**Step 2:** Each person circulating a petition shall sign an affidavit pertaining to the petition. This shall be a real affidavit attested with the name and seal of a notary. (See Exhibit No. 2)

Persons signing petitions must sign the petition in the same manner as their name appears on the registered voter's list. If this is not done, their name will be cast from the petition.

**Step 3:** The County Clerk and Recorder must attach a certificate to the petition which certifies that the petition is in order. Such a certificate must show:

a. The total number of persons who are registered electors and taxpayers upon property with the school district, whose names appear on the last completed assessment roll for state, county, and school district taxes.

b. The number of persons whose names are on the petition who are qualified to sign such petition.

c. That such qualified signers constitute not less than twenty (20) per cent of the registered electors mentioned in (b) above.

d. The name and seal of the county clerk.

**Step 4:** The petition(s) is presented to the board of trustees at a regular or special meeting thereof. It is highly recommended that all trustees be present throughout the entire meeting. At this meeting, the board of trustees must adopt a resolution either granting or refusing the request contained in such petition.

**Step 5:** The clerk of the school district must give due notice of the bond election by posting notices in not less than three public places within the district not less than fifteen days before the date thereof.

The form for the notice of the bond election is found in Chapter
115, Section 1224.10, School Laws of the State of Montana.

Step 6: The school district clerk shall cause to be prepared ballots in the form found in Chapter 115, Section 1224.11, School Laws of the State of Montana.

Step 7: Immediately upon completion of the election, an affidavit must be completed by a judge of the election. An exact copy of the form of ballot used must be attached to and made a part of such an affidavit.

Step 8: At a second meeting, the board of trustees of the district must canvass the returns of the school district bond election. After the returns of the election have been duly canvassed, the board must (if the election carried) adopt a resolution calling for the issuing and sale of bonds as voted (See Exhibit No. 3).

Step 9: The district clerk must be authorized and directed to give notice of the sale of such bonds in the form and manner prescribed by law. Such form is found in Chapter 115, Section 1224.16, School Laws of the State of Montana.

Step 10: All proceedings involved in the sale of school district bonds must be approved by the Attorney General of the State of Montana before the sale of such bonds is final.

Step 11: At a third meeting, the board of trustees of the district must sell to the highest and best bidder for cash the bonds in question.

All papers in the transcript of proceedings should be made out in TRIPlicate. One copy should be sent to the Commissioner of State Lands and Investments, one copy to the Attorney General, and the third copy retained in the files of the school district. The copies sent to the Land Office and the Attorney must be either originals or properly certified copies.

The proceedings should be conducted by the full board throughout if possible. The completed transcript or record of such bonding proceedings should contain the following papers:

1. Petition for school district bond election. (The original petition with the actual signatures of the petitioners is preferred.)
EXHIBIT NO. 1

SAMPLE PETITION FOR SCHOOL DISTRICT BOND ELECTION

Dated at "X" place, Montana
26 June, 1953

To: The Board of Trustees of School District No. ________ of
_______________ County, State of Montana

We, the undersigned, being more than twenty per centum (20%) of the
qualified registered electors and taxpayers upon property within the bound-
daries of this school district whose names appear on the last completed
assessment roll for state, county and school district taxes, do hereby
ask and petition that an election be called and held within and for this
school district and that at such election the question be submitted to
the qualified electors of the school district, who are taxpayers upon
property therein, of whether or not the board of trustees of this school
district shall be authorized to issue, negotiate, and sell coupon bonds
of the school district in order to obtain funds for the purpose of

______________________
(here tell what is to be done)

______________________

We estimate the amount of bonds necessary to raise the funds for
this purpose to be approximately __________________ ($____________).

NAME OF PETITIONERS

ADDRESS

________________________________________

(NAME OF PETITIONERS AND ADDRESSES)

(Have spaces for as many signatures as the petition
sheet will allow.)
EXHIBIT NO. 2

SAMPLE
AFFIDAVIT RELATING TO THE CIRCULATION AND SIGNING OF
PETITION FOR
SCHOOL DISTRICT BOND ELECTION

State of Montana )
County of _____ )

I, (person circulating petition), being first duly sworn, depose and say:
That I am a qualified elector of School District No. _____ of ______ county, State of Montana; that I personally circulated the foregoing "Petition for School District Bond Election" to which this affidavit is attached, that all of the (number) signatures appearing on such petition are the genuine signatures of the persons whose names appear thereon; and that the signers knew the contents of the petition at the time of signing of the same.

__________________________
(signature)

Address: ____________________

Subscribed and sworn to before me this ___ day of ______, 19___.

__________________________
(signature of Notary Public)

(seal)
EXHIBIT NO. 3
SAMPLE COPY OF RESOLUTION CALLING FOR BOND ELECTION

"Whereas there has been presented to this school board a petition for the calling and holding of a school district bond election at which election there shall be submitted to the electors of the district qualified to vote at bond elections the question of whether or not this board shall be authorized to issue, negotiate, and sell coupon bonds of this school district in order to obtain funds for the purpose of__________________________

which petition estimates the amount of bonds necessary for such purpose at _________________ dollars (__________________);

"Whereas we find that the aforesaid petition is in proper form and that it is signed by ______ persons who are registered electors and taxpayers upon property within this school district, which number of signers constitutes more than twenty per centum (20%) of all such registered electors who are taxpayers within the district, and we further find that the aforesaid petition is in every way sufficient;

"And Whereas it is the judgment and determination of this board that the said bonds shall be payable during a period of not to exceed ____ years and be redeemable at any time after _____ years from date;

"Now therefore be it resolved, that the said petition be and the same is hereby granted, that the exact amount of bonds proposed to be issued is hereby fixed in the amount of _________________ dollars (________________) bearing interest at a rate not exceeding six per centum per annum, payable semi-annually during a period of ____ years, redeemable at any time after _____ years, for the purpose of ________________________________

that three electors of this district who are qualified to vote at such election be and the same hereby are appointed to act as judges at the election at such voting place, the names of those appointed, with their address and voting place, being as follows:

<table>
<thead>
<tr>
<th>Names</th>
<th>Addresses</th>
<th>Voting Place (Precinct No.)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

"Be It Further Resolved that the Clerk of this school district be, and is hereby directed to notify the said persons of their appointment as judges of election and to notify the County Clerk of the date of holding said election, and request him to close registration, and to prepare and furnish poll books as required by Section 1224.12, Revised Codes of Montana, 1935."
2. Affidavit relating to the circulation and signing of this petition. (This should be a real affidavit attested with the name and seal of a notary.)

3. Certificate of the County Clerk and Recorder relating to this petition. (This must be executed with the name and seal of the county clerk.)

4. Minutes of the proceedings of the first meeting of the school board, signed by the chairman and the clerk and attested with the school district seal.

5. Notice of school district bond election properly signed.

6. Affidavit of judge of election. (There should be one of these for each precinct. It should be signed by the judge, attested by the signature and seal of the officer taking the affidavit, and have attached to it one of the ballots actually prepared for the election.)

7. List of the registered electors of the school district qualified to vote at the election as certified by the county clerk. (The names of those actually voting at the election should be checked off on the list.)

8. Minutes of the second meeting of the Board, signed by the chairman and the clerk and attested with the school district seal.

9. Notice of sale of school district bonds, with affidavits of publication from the newspapers carrying the notice.

10. Minutes of the third meeting of the board, properly signed.

11. Certificate of the County Treasurer showing the value of the taxable property of the school district and the financial condition of the district. (This certificate should be signed by the treasurer, attested with his seal, and should show the last completed assessment, and no assessment is completed until finally equalized by the State Board of Equalization.)

12. Certificate of the County Superintendent. This shows the date of organization and the names of the officers of the district, and should be executed with the signature and seal of the superintendent.

13. District clerk's certificate. This is in the form of an affidavit to be properly executed before a Notary Public.

G. Financial Data

In order that trustees may have an understanding of the financial aspects of the district, the following information should be available to
each trustee. Where superintendents are employed, the information may be obtained from his office. Rural trustees may obtain this information from the county superintendent. This basic financial data should be revised annually and additional information obtained if trustees deem it necessary.

1. What is the assessed valuation of the district?

2. What is the taxable valuation of the district?

3. How much money will a one-mill tax levy raise in the district?

4. How much will a one-mill levy raise an individual's property taxes per $1000 of assessed valuation?

5. What has been the trend of school tax rates during the past two decades in the district?

6. What is the per cent of revenue received from local sources, county sources, and State sources?

7. What per cent of the total budget does each item represent? How does this figure compare with other schools of similar size in the county? State?

8. How has inflation influenced the budget figures for the past ten years?

9. What federal programs are now operating in the district?

10. What is the bonded indebtedness of the district? Can additional bonds be sold?
CHAPTER VI

TRANSPORTATION AND TUITION

Chapter 152, School Laws of the State of Montana, is devoted to transportation. The attorney General of the State of Montana has ruled that school boards have discretionary power in furnishing transportation to students of the district, but that if transportation is furnished to any students in the district, it must be furnished to all students (Opinion No. 57, Volume 23, Report of the Attorney General of the State of Montana).

Chapter 189, Laws of 1951, as amended by Chapter 201, Laws of 1953, creates a County Transportation Committee for each county (189:75-3412). This County Transportation Committee is composed of no less than five members which shall be the county superintendent of schools and one or more representatives of each high school district board of trustees, including the superintendents of schools.

Among other things, the County Transportation Committee has the power, upon complaint being made, to fix bus routes and to order one school district to discontinue transporting resident elementary pupils of another district who have not been granted permission to attend school in a district other than that of residence.

Trustees should be guided in matters of transportation by the law, the Administration Manual for School Transportation published annually by the State Transportation Supervisor of the State Department of Public Instruction and their own County Transportation Committee.

A. Administration of a Transportation Program

It is not compulsory for the school district to start a program of school transportation unless the County Transportation Committee orders
a Board of Trustees to adopt a transportation program for a qualified applicant where a hardship exists.

To validate and legalize the school transportation program in any school district, the Board of Trustees must adopt a Transportation Resolution. A copy of such a resolution may be found in the Administrative Manual for School Transportation, 1953, page 2.

The law recognizes the following activities as being included in a school transportation program:

1. Operate a school bus system.
2. Reimburse transportation on a common carrier.
3. Make payment to family for house rent or board in lieu of transportation.
4. Make individual payments to families who provide their own transportation.
5. Pay correspondence school costs.

The first legal requirement of eligibility for school transportation is that the family reside three (3) or more miles from the nearest operating school. The second legal requirement is that there must be no duplication of transportation services.

No transportation funds can legally be distributed by a Board of Trustees until a contract has been executed in triplicate. One copy of this contract must be filed with the county superintendent of schools.

The County Transportation Committee. The organization of the County Transportation Committee is treated fully in the Administrative Manual for School Transportation, 1953, page 4. The duties of the County Transportation Committee are:

1. Set up school bus areas in the county for various schools.
2. Conduct hearings on all petitions requesting transfer of districts or parts of districts from one area to another after the county
has been divided into school bus areas.

3. Prepare data and make recommendations to the State Department of Public Instruction in regard to all petitions from school district boards of school trustees.

4. Submit to the State Department of Public Instruction all evidence in regard to the solicitation of high school pupils in other school bus areas than their own.

5. Consider all problems relating to transportation of pupils within the county.

6. Have on display in the county office, a map showing the school bus routes.

7. Approve all bus routes in the county and the mileage traveled.

**Individual Transportation.** The laws of the State of Montana provide for the payment of transportation to individuals who transport their own children to school or provide board and room for them away from home. Criteria for this type transportation may be found in the Administrative Manual for School Transportation, 1952, page 12. The individual transportation schedule is given on page 13 of the same manual.

**Isolated Transportation.** The factors which contribute to isolation are excessive distances, impassable roads, physical and financial hardships and other factors which may make it necessary for the pupil to live away from home in order to attend school. The law requires that an application for increased transportation for such pupil must be made and approved by the State Superintendent of Public Instruction. The form for this application is known as Form TD 4: "Application for Isolated Transportation Classification. A copy of this form may be found in the Administrative Manual for School Transportation, 1953, page 19.

Payments for individual transportation are based on a schedule set up by law. This schedule is reproduced on page 18 of the manual.
B. School Bus Administration

It is the responsibility of the Board of Trustees of any school district to set up a program of school bus transportation within the school district. The school bus should be used when it will give more efficient and economical transportation within the school district. The bus transportation program may be operated either by district owned busses or by contract busses owned by private individuals.

The following general statements, taken from the Administrative Manual for School Transportation, 1953, will give some idea of what is involved in school bus administration:

1. The bus driver must be approved by the Board of Trustees. A contractor cannot use a driver that is not approved by the Board of Trustees. In case the driver furnishes the equipment, the contract may not extend beyond three years (Attorney General's Opinion).

2. The bus route should be planned so as to accommodate the greatest number of pupils. The route must take into consideration the condition of roads and the types of weather. The route must not duplicate another route.

3. A bus route should not be planned to enter each patron's yard to pick up pupils.

The manual also points out that there must be on file in the Office of the District Superintendent and the County Superintendent a record showing:

1. Bus route identification number
2. Description of vehicle used
3. Highway inspection record
4. Annual expense of the route
5. A map of the bus route

The bus route identification number is given in the following
manner: 7-38-11-54. The 7 stands for the county, 38 stands for the school
district number, 11 stands for the bus number, and 54 stands for the number
of miles in the bus route.

The purchase of school buses may be accomplished in three
different ways:

1. By the issuance of bonds voted by the eligible voters of the
   School District.

2. By the setting up of a school bus depreciation fund with the
   County Treasurer for the replacement of a school bus in eight
   years through a tax levy upon the taxable property of the
   School District.

3. Through budgeting and including of the expenditure in the annual
   budget of the School District and the annual tax levy upon the
   property of the School District.

The procedure for the purchase of school buses is carefully and
completely outlined in the Administrative Manual for School Transportation,
1953, on pages 28-45. In addition to the information contained on these
pages, trustees should be aware of the School Bus Specifications and
Regulations, approved September 9, 1947, amended May 5, 1948, amended, July,
1949, amended February 16, 1953. These specifications and regulation
were adopted by the State Board of Education and represent a very thorough
listing of the minimum standards for all types of school buses of 12 or
more passengers. All buses purchased after July 1, 1953, must conform
to these standards. A similar set of standards and specifications are
available for school buses under 12 passengers.

C. Budgeting for Transportation

The transportation budget is treated thoroughly in the
A few general statements will serve to acquaint trustees with the procedure
involved.

1. There is a High School Transportation Budget and an Elementary School Transportation Budget.

2. Proper allocation of the cost should be made to each budget. This may be done, in the matter of busses, by basing the cost on the number of pupils transported, or on the basis of pupil-miles.

3. State reimbursement is based on the amount of one-third of the Schedule on the basis of CERTIFIED claims.

4. Any expenditures above the regular schedule must be paid for by the local school district by taxing the district.

A graphic illustration of a high school budget for transportation is reproduced below: (page 47, the Manual).

**GRAPHIC ILLUSTRATION OF HIGH SCHOOL BUDGET FOR TRANSPORTATION**

<table>
<thead>
<tr>
<th>Total Transportation Budget: $3,500.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>$500.00 District Tax</td>
</tr>
<tr>
<td>Portion of budget above State schedule</td>
</tr>
<tr>
<td>$2,000.00 County Reimbursement</td>
</tr>
<tr>
<td>County Reimbursement Area Two-thirds of State schedule</td>
</tr>
<tr>
<td>$1,000.00 State Reimbursement</td>
</tr>
<tr>
<td>State Reimbursement Area One-third of State schedule</td>
</tr>
</tbody>
</table>

The shaded area represents the local district's share of the transportation budget.
A similar illustration of an elementary school transportation budget is given below: (page 47, the Manual)

GRAPHIC ILLUSTRATION OF ELEMENTARY SCHOOL BUDGET FOR TRANSPORTATION

Total Transportation Budget: $4,500.00

$600.00 above schedule
District Tax supports this area above schedule

$1,300.00 on schedule
School District Area
District Tax
One-third of schedule

$1,300.00 on schedule
County Reimbursement
County Reimbursement
One-third schedule

$1,300.00 on schedule
State Reimbursement
State Reimbursement
One-third schedule

The shaded area represents the local district's share of the transportation budget.

The Administrative Manual for School Transportation, 1953, contains complete information on the method of claiming reimbursement, accounting procedures, and figuring costs of bus routes. Sample copies of all forms used are also included.
D. Tuition

**High School.** The attendance of any eligible high school pupil outside the county of his residence, either within or without the state, must be authorized by the county superintendent of schools of the county of his residence. Application for permission to attend such a high school must be made to the county superintendent of the county of residence before July 1, previous to the year of attendance, except in cases where circumstances make this impossible.

The rate of tuition to be charged by the receiving high school (actually the county superintendent makes out a transfer budget) is as follows: $(106: 75-4230(1262, 31))$

1. $150$ for high schools with an ANB up to 100
2. $125$ for a high school with an ANB of 101 to 400
3. $100$ for a high school with an ANB over 400

**Elementary School.** Children may attend public elementary schools in districts in the county outside of the district in which they reside, or in a district in an adjoining county, or in a district in a county in another state when the district in such state adjoins the district in which they reside, or is situated in a county in such other state, which adjoins the state of Montana, when written permission is secured from the board of trustees of the district in which they are to attend school and when written permission has been given by the county superintendent of schools of the county in which the children reside. Under certain existing conditions permission must be granted for such attendance in another district $(207: 2)$

The rate of tuition to be charged the student by the receiving
elementary school is as follows: (207:2)

1. $150 for an elementary school with an ANB up to 100
2. $125 for an elementary school with an ANB between 101 and 300
3. $100 for an elementary school with an ANB of over 300

The Attorney General has ruled that (1) trustees of a school district have the power to enter into a contract with the parents of non-resident students for payment of tuition, and (2) it is the duty of the trustees of a school district to budget for and pay tuition for resident children who attend elementary school in another district if the county superintendent and the trustees of the school district of the school to be attended consent in writing to such attendance. (Opinion No. 65, Volume 2A, Report of the Attorney General of the State of Montana).

The court has ruled in one case that students may be excluded from school for the non-payment of tuition (Peterson v. School Board, 73 Mont. 442, 236 Pac. 670).

E. Miscellaneous Information

The following is an official interpretation of the State Highway Commission of the Gross Vehicle Tax law as it applies to school busses:

"Charter service will be considered applicable to all busses operating on a for hire basis with the exception of school busses used exclusively for the transportation of school children on specified routes covered by bona fide contracts. Transportation of school children for extra curricular activities will be considered charter service unless such activities and trips are specifically covered in the contract with the school board or district. In no case will charter service be applicable where travel does not exceed fifteen (15) mile radius from incorporated cities or towns."

The above interpretation exempts district owned busses from paying
the **Gross Vehicle Tax** (57 for every seat in the bus over seven seats) while transporting pupils on the regular bus route and school personnel on school activity trips.

Districts operating **contract busses** should negotiate their contracts so as to include a stated number of school activity trips in the contract price if the contractor is to avoid paying the gross vehicle tax. When school busses are stopped by the Highway Patrol on activity trips, the contract is the only acceptable proof of tax exemption.
CHAPTER VII

SCHOOL INSURANCE AND THE SCHOOL PLANT

SCHOOL INSURANCE

The fundamental objective of a school insurance program has been stated as, "arranging a school's insurance affairs so that the property would be adequately insured at correct rates, and the school premises safe for the school population." In other words, the definition declares that in the insurance detail of school administration, knowledge should replace ignorance; guessing should give way to cold facts; and casual, occasional or superficial consideration of insurance matters should give way to careful, systematic, long-term planning.

The insurance of school buildings is a part of the general powers and duties of school district trustees (93: 1015 (7) ). In a school insurance program, it is essential that the board:

1. Become aware of all the different kinds of losses that the district might suffer and which of these can be protected by insurance.

2. Evaluate each hazard and apply sound judgment as to which hazards are important enough to insure against and for how much.

3. Become certain that all insurance carried is correctly written in companies that are beyond question.

4. Endeavor to remove all rating penalties, if it is at all possible to make the requisite improvements.

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The information in this chapter is not designed to replace insurance agency service. Full cooperation between school boards, insurance agents and the insurance companies they represent, is the first essential in establishing a school insurance program.

The Insurance Adviser. Too many cooks spoil the broth. If the school's insurance affairs are not properly controlled, the program will not achieve the desired results. Before an efficient, economical program can be set up, the school board must delegate definite responsibility to a selected few competent and trustworthy agents who will become the board's advisers.

The primary responsibility of the board's insurance advisers is to help them recognize and appraise the risks incidental to the maintenance and operation of the schools—before disaster strikes. This calls for an intimate knowledge of the values and peculiarities of the property at risk, the dangers inherent in operating a school, and anything or everything that can result in physical damage or liability loss. It then becomes the joint responsibility of the school board and its insurance advisers to provide coverage for the risks at reasonable and fair rates.

The board should remember that its chief concern is protection of the school district. The size of the agent's family or the amount of his taxes should not determine placement of the insurance; service to the district should dominate the board's decision.

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2Montana's Attorney General has ruled that school boards and school districts are not liable in tort for injuries arising out of the governmental activities of the school. He further ruled that boards of trustees have no authority to expend district funds to contract for liability insurance. (Opinion No. 44, Volume 24, Report of the Attorney General of the State of Montana.)
The Montana Fire Rating Bureau. The Montana Fire Rating Bureau with offices in Butte, Montana, is the watchdog of the insurance field. Trustees should insist that all standard forms (or special forms) bear the stamp of approval of the Bureau before being accepted by the board.

A. Buildings

The first and most important step in drawing up a property insurance contract is to determine the value of the property. It is the trustees' responsibility to establish this value, which may be said to be the cost of the property's replacement less depreciation due to age, wear and obsolescence.

Agents and insurance companies cannot legally determine or agree with the board of trustees on property's future value. However, they can recommend a reliable professional appraiser who will establish present value accurately.

The Washington School Directors' Association recommends that every school district have a professional and independent appraiser make a full analysis of its property once every five years. The value at which they arrive can then be kept reasonably up to date by having a "thumb nail" appraisal made once during each school year, at which time current building cost factors can be applied.

Building Costs. The extent to which building costs have increased is indicated by the following index of construction costs (new

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4 The cost factors quoted above were drawn from material compiled by the American Appraisal Co., and published in the Statistical Abstract of the United States by the Department of Commerce. Figures
<table>
<thead>
<tr>
<th>Year</th>
<th>Cost Factor</th>
<th>Year</th>
<th>Cost Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>1913</td>
<td>100</td>
<td>1933</td>
<td>150</td>
</tr>
<tr>
<td>1914</td>
<td>98</td>
<td>1934</td>
<td>161</td>
</tr>
<tr>
<td>1915</td>
<td>101</td>
<td>1935</td>
<td>162</td>
</tr>
<tr>
<td>1916</td>
<td>116</td>
<td>1936</td>
<td>170</td>
</tr>
<tr>
<td>1917</td>
<td>143</td>
<td>1937</td>
<td>198</td>
</tr>
<tr>
<td>1918</td>
<td>177</td>
<td>1938</td>
<td>199</td>
</tr>
<tr>
<td>1919</td>
<td>229</td>
<td>1939</td>
<td>200</td>
</tr>
<tr>
<td>1920</td>
<td>283</td>
<td>1940</td>
<td>204</td>
</tr>
<tr>
<td>1921</td>
<td>216</td>
<td>1941</td>
<td>217</td>
</tr>
<tr>
<td>1922</td>
<td>200</td>
<td>1942</td>
<td>241</td>
</tr>
<tr>
<td>1923</td>
<td>224</td>
<td>1943</td>
<td>252</td>
</tr>
<tr>
<td>1924</td>
<td>222</td>
<td>1944</td>
<td>261</td>
</tr>
<tr>
<td>1925</td>
<td>217</td>
<td>1945</td>
<td>271</td>
</tr>
<tr>
<td>1926</td>
<td>217</td>
<td>1946</td>
<td>322</td>
</tr>
<tr>
<td>1927</td>
<td>217</td>
<td>1947</td>
<td>430</td>
</tr>
<tr>
<td>1928</td>
<td>217</td>
<td>1948</td>
<td>490</td>
</tr>
<tr>
<td>1929</td>
<td>217</td>
<td>1949</td>
<td>490</td>
</tr>
<tr>
<td>1930</td>
<td>200</td>
<td>1950</td>
<td>---</td>
</tr>
<tr>
<td>1931</td>
<td>178</td>
<td>1951</td>
<td>---</td>
</tr>
<tr>
<td>1932</td>
<td>155</td>
<td>1952</td>
<td>---</td>
</tr>
</tbody>
</table>

A school which cost $100,000 to build in 1913 could be replaced with an identical structure for $490,000 in 1949. Or, if your school was built since 1913, an equation will show what it would cost to replace. Thus the 1949 replacement cost of a $100,000 school built in 1930 is $245,000. ($100,000:200 = X:490). These figures are useful in determining whether you are under-insured.

**Obsolescence and Depreciation.** A common method of calculating obsolescence and depreciation in school structures, for insurance purposes, is to reduce the property's value by a fixed per cent for each year since the date of original construction. The same per cent of the original total is deducted for each year and the maximum depreciation allowed is usually 50 per cent. The per cent of depreciation varies according to the type of structure as follows:

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for current years may be obtained from the *Statistical Abstract of the United States* for recent years. The chart and the footnote quoted in: *School Insurance Economies*, pp. 3-5.
Fire resistant (Class A) 1/2 to 1% per year
Masonry (Classes B and C) 1 to 2% per year
Frame of brick veneer (Class D) 2 to 3% per year

B. Contents

Contents of buildings are subject to the same rules as buildings except that depreciation is usually at a faster rate. Insurance companies usually recognize that the task of setting up a depreciation schedule for each separate item of contents would be impossible and they will accept a reasonable schedule covering all items. A sample schedule of contents values under such a system is given below:

<table>
<thead>
<tr>
<th>Cost New</th>
<th>Extensions in Use</th>
<th>Years Depreciation</th>
<th>Remaining Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>30 Universal desks $21.50</td>
<td>$645.00</td>
<td>6</td>
<td>30%</td>
</tr>
<tr>
<td>1 Teacher desk 65.00</td>
<td>65.00</td>
<td>10</td>
<td>50%</td>
</tr>
<tr>
<td>1 World Globe 22.50</td>
<td>22.50</td>
<td>New</td>
<td>0%</td>
</tr>
</tbody>
</table>

The building contents are best appraised by rooms. The appraisal should be made annually on suitable records which should be stored safely in the school vault or safe and at some other place than the insured building itself.

Standard and recommended practice is for schools to carry extended coverage endorsements on both their building and contents policies. The additional premium is a relatively small item, particularly in relation to the hazards of smoke, hail, explosion, vehicles, windstorms, riot, civil commotion, aircraft and riot attending a strike.

C. Co-Insurance

In most instances, the co-insurance clause in a policy gives the school district a substantially reduced rate in return for agreeing
to carry insurance to a named per cent of the value of the property covered. This rate reduction varies from 5 per cent to 55 per cent depending upon the class of construction and the ratio of the amount of insurance to the value of the building.

Trustees should check with their insurance adviser to find if carrying co-insurance will earn them a premium reduction. SCHOOLS WITHOUT FIRE PROTECTION DO NOT QUALIFY FOR SUCH A SAVINGS, in most cases. If your school is located in an unincorporated area, it probably will not qualify.

Some examples will best serve to illustrate how co-insurance works. For instance:

1. If your insurance at the time of fire equals or exceeds the per cent to value which you agreed to carry, then the district recovers all losses up to the limits of its policies.

Example:  
Value of Property Insured $100,000
90% of Value 90,000
Insurance carried 90,000
Loss 50,000

Insurance applies as amount carried bears to 90% of value--9/9 of $50,000 = $50,000 and the insurance pays $70,000. The clause does not prevent the district from obtaining its full loss for it has complied with conditions.

2. If the insurance is less than the per cent to value which you agreed to carry but the loss equals or exceeds that per cent of the value, then the insurance pays its full face value.

Example:  
Value of Property Insured $100,000
90% of Value 90,000
Insurance Carried 60,000
Loss 90,000

6/9 of $90,000 = $60,000 and the insurance pays $60,000, or the total insurance and again the clause does not prevent the district from obtaining the full amount of its insurance. However, note that there is a $30,000 uninsured loss in this example.

3. If both your insurance and your loss are less than the per cent to total value which you agreed to carry--then the insurance will pay only such proportion of the loss as the amount of the insurance bears to the agreed-upon per centage of value.
Example: Value of Property Insured $100,000  
90% of Value 90,000  
Insurance Carried 60,000  
Loss 40,000

Insurance pays 6/9 of $40,000 = $26,666.67, and the district stands 1/3 or $17,777.78 of the loss itself, thus becoming a co-insurer.

It is most important for trustees to remember that increased building costs may leave the district insured below the per cent required by the co-insurance clause, in which case it would have to pay its share of a partial loss.

D. Saving Money

Buying your school's fire insurance on a "Five Year Plan" has advantages over other plans in economy and convenience and permits equal annual budgeting, once the plan is in operation.

Under such a plan, the entire insurance coverage is divided into five equal policies. For example, five policies of $20,000 each for one, two, three, four, and five years respectively for a $100,000 building, are paid for in advance, at pro rata of the full term rate. Thereafter, one $20,000 policy must be renewed each year. At this time the property's change in value should be considered.

As to the savings that can be effected; a three year policy ordinarily costs two and one-half times the yearly rate. A five year policy ordinarily costs four times the yearly rate. This is a saving of one-half year's insurance cost on a three year plan and a year's cost saving on a five year policy.

The uniformity of a five year plan is one of the conveniences of this solution to the insurance problem. Another is the certainty that the insurance has not been over-looked at a critical time. However,
most important, districts can get just as much insurance as they have ever had, and save money which may be diverted into direct educational costs.

E. Insurable School Hazards

The list of hazards that should have consideration in a school insurance program is a long one. While it would be a wasteful practice to insure against all claim hazards, all risks of loss or damage should be checked and their importance evaluated by the trustees and their insurance adviser.

The following list includes some of the hazards that are common to all schools in varying degrees. Only a careful study and analysis can determine what coverages are needed in a particular district.

Property Losses

1. Automobile collision or upset
2. Boiler explosion - property damage
3. Burglary - school safes and vaults
4. Burglary - open school contents
5. Damage to automobiles caused by tornado, cyclone, windstorm, hail, earthquake, explosion, and water damage
6. Damage to buildings caused by windstorm, hail, explosion, riot, aircraft and motor vehicles
7. Demolition - consequential damage
8. Earthquake - buildings
9. Fire, lightning and transportation - automobiles
10. Fire and lightning - buildings
11. Glass breakage - buildings
12. Glass breakage - automobiles
13. Holdup
14. Loss - packages lost in mail
15. Rental value
16. Smoke damage - from oil burning system
17. Theft, robbery and pilferage - automobiles
18. Sprinkler leakage
19. Transportation - movable properties (band instruments)
20. Water damage
Direct Financial Loss

21. Dishonesty of treasurers, collectors and employees handling money
22. Forgery and alterations of checks, drafts

F. Conservation

The time to save a school from fire is when the plans are on the drafting board. The "Standard Requirements" found in the uniform schedule for rating schools, sets rating standards that will produce low insurance rates for years to come if they are complied with. Many of the standard requirements are simply and interestingly discussed in a very readable booklet:


A reduction in insurance rates may sometimes be obtained by re-locating certain activities in separate buildings. The correction of certain hazards may also result in a reduction of insurance rates. The district's insurance adviser can usually obtain for little or no cost to the district the services of an insurance company inspector to check the school for hazards.

First Aid Fire Protection. All school buildings, whether fire-resistant or of ordinary construction should have a standard system of "first aid" fire protection consisting of a sufficient number of hose connections on adequate water supply. Each should be equipped with fifty feet of inch and a half approved, labeled linen hose and nozzle (where the facilities permit such an installation), so distributed that any point of the building may be reached by the nozzle of the hose.

Where such protection is not available (and also to supplement such protection), approved extinguishers should be placed throughout
the building, especially at points where a grease or electrical hazard is present, such as kitchens, repair shops, etc. Two-and-a-half gallon extinguishers on the basis of one to each 2,500 square feet of floor area should be distributed and annually discharged and recharged. All personnel should be instructed in the proper use of such equipment.

Self-Inspection Blank for Schools. The attention of all trustees is called to the Self-Inspection Blank for Schools prepared by the National Board of Fire Underwriters and approved by The National Association of Public School Business Officials. This single sheet inspection blank will enable trustees to check their school for themselves and determine the condition of the insurable hazards. The source of this blank is given in Chapter X.

THE SCHOOL PLANT

A. School Building Program

The construction of a new school building is one of the most important activities that a community can undertake. The building will probably cost more than any other building in the community. It will last for many years. During that time it will have a tremendous influence on the lives of hundreds of boys and girls who pass through it. For years, it will limit and control the kind of education the youth of the community receive.

In the past many school buildings have been planned and built entirely too hurriedly. Trustees would do well to insist on a long range planning program even if they do not contemplate a building program in the immediate future. Even in an emergency situation, an extra month or two spent in planning will be time well spent.
The following steps in a building program are suggestive only. Trustees will find that their local situation may demand revision of the plan.

1. Formulate a philosophy of education for the community. School officials and community leaders may work on this co-operatively. Find out what the community wants the school to do.

2. Determine the educational need of the community. What type education is best for the youth of the community? Should certain courses, such as vocational agriculture, mechanics, etc., be added?

3. Formulate the community's educational program. The building should be flexible enough to allow for those items planned for the future. It should be adaptable enough to allow changes in the future.

4. Formal endorsement of the educational plan by the school board. Such endorsement should be recorded in the official minutes in clear and concise language as a guide for future board members.

5. The selection of a site might be the next step. The location of the site might depend upon such factors as (1) traffic and natural barriers, (2) existing, proposed, and possible future sites, (3) patterns of community trends in residential development, (4) possible changes in school district boundaries and organization, and (5) compatibility to surrounding school districts. Trustees should also familiarize themselves with the legal requirements regarding sites and building programs (Chapter 108, School Laws of the State of Montana).

6. The selection of an architect is the next logical step. This might prove to be the most important single thing a school board must do in conducting a school building program. The architect generally can be expected to perform the following services: (1) research, (2) planning and designing, (3) preparation of such technical documents as working drawings, specifications and contracts, (4) supervision of construction and installation, and (5) business administration of the construction operations. Recent legislation includes Chapter 109, Laws of 1953, which gives the architect's maximum rate of compensation allowable under the law.

7. After the architect has drawn the plans and they are approved by the board of trustees and the State Board of Health (108: 1174), plans should be made for a bond election.
8. Following the bond election, the final adoption of the plans by the board of trustees and the State Board of Health is necessary.

9. The sale of the bonds follows.

10. The last step before construction actually begins is the acceptance of bids for the construction of the building.

11. After construction is completed, the final step is the inspection and acceptance of the building by the board of trustees.

B. The Use of the Building by Outside Agencies

Every board of trustees, whether of a large or small rural school system, should adopt a set of rules and regulations governing the use of the school building by community organizations. Trustees have the power to rent, lease, and let to organizations or persons whom the board deems proper, grade school halls, gymnasiums, and buildings (all or part) for such time and rental as they see fit (93:1015).

A set of rules and regulations for the use of the school building gives assurance to the various groups in the community that they are being treated alike. Much of the work of granting permission for such use can be reduced to a business-like routine by also adopting a duplicated or printed form entitled "Application for Use of Building or Grounds."

Generally, four types of use are made of school buildings. All four types may be found in one school building.

1. Use by various local groups at whatever time they desire, provided the use does not interfere with the regular activities of the school.

2. Use for activities which are initiated and supervised by the school authorities.
3. Use by pupils of the regular school and by organizations closely affiliated with the regular school, such as parent-teacher units.

4. Use by organizations in which there is no direct relation between the school, and that organization such as a church, political organization, etc.

Trustees should appraise their community and draw up a set of regulations that will cover all cases. Nominal rental should be charged if the trustees deem it advisable. Such rental fees should be clearly set forth in the rules and regulations.

There is nothing mandatory about trustees renting school facilities to various organizations. The final decision rests with the local school board.
A clear understanding of the relationship of the board of trustees to school personnel is essential for a smooth running and efficient school system. The establishment of sound personnel policies is therefore a very important function of the school board. The following discussion may help trustees to develop relationships desirable for their school system.

A. The Superintendent

One of the most important single functions of the board of trustees is the selection of a suitable head for their school. The best man for the position may not always be immediately at hand. Therefore, it is the responsibility of the board to determine those qualifications it seeks in an executive officer for the district school (or schools) and then search until a person is found who meets those qualifications.

The qualifications of district school superintendents are set forth in Chapter 117, Section 1262.40, School Laws of the State of Montana. In addition to these requirements, the State Board of Education has set up certain requirements leading to an administrator's certificate. After July 1, 1954, the following certificates will be required for certain positions unless the party involved remains in the position held prior to July 1, 1954. Trustees should consult their county superintendent or the State Department of Public Instruction for the latest information regarding these certificates.
1. District Superintendent's Certificate
2. Secondary School Principal's Certificate
3. Elementary School Principal's Certificate
4. Supervisor's Certificate

The relationship of the board of trustees to the superintendent can probably best be described as one of teamwork. Some of their functions are not readily separable. However, through long years of experience, boards of education and superintendents have learned that the most effective management of the schools results when the following functions are clearly understood:

1. The board of trustees is the legislative body of the school unit. It exercises control over the schools through the formulation of policies and the adoption of rules and regulations.

2. The superintendent of schools is the executive officer of the board (117:1262.41) and the chief administrative officer of the district.

In today's school system, the superintendent is not only the executive officer, but also the professional expert. He is what the general manager is to a board of directors in an industrial organization. He provides information, makes suggestions, gives advice to the board, and directs the affairs of the school system as authorized by the board.

In addition to technical training which the superintendent must have to gain the "know how" to run a modern school program, the superintendent must have vision, patience, resourcefulness, and, above all, the ability to organize the educational staff into an efficient and orderly working unit.

The outline which follows is but one of many lists in which the responsibilities of the school board and the superintendent are divided for illustration. The list is by no means complete—each trustee could probably add many more responsibilities with which he has been confronted.
The Superintendent is responsible for:

1. Nominating teaching and non-teaching employees.

2. Recommending the discharge of unsatisfactory employees.

3. Proposing salary schedules, sick leave schedules, etc.

4. Presenting a proposed budget.

5. Proposing major modifications in the educational program.

6. Scheduling classes, assigning teachers, determining instructional procedures.

7. Providing data concerning needed buildings, alterations of buildings, purchase of sites, etc.

8. Directing the guidance and conduct of pupils.

9. Proposing plans for interpreting the school program to the public.

10. Proposing regulations concerning the use of school property.

The School Board is responsible for:

1. Approving or disapproving the superintendent's nominations. It may request other nominations.

2. Approving or rejecting recommendations for discharge.

3. Accepting or rejecting, or accepting as modified, such proposals concerning these items.

4. Approving or modifying the proposed budget.

5. Approving or disapproving such proposals.

6. Making decisions in controversial situations or in cases of radical departure from established procedures concerning educational matters.

7. Deciding when, where, if, and how such buildings shall be erected or altered and such sites purchased.

8. Making regulations applicable to the guidance and conduct of pupils.

9. Adopting plans for interpreting the school program and, with the assistance of the superintendent, putting those plans into practice.

10. Adopting regulations concerning the use of school property.

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1Maurice E. Stapley, *The Indiana School Board Member*, Bloomington, Indiana: School of Education, Indiana University, 1949, p. 4.
When the board has selected a superintendent, it should give executive authority to the superintendent and give him a chance to work. Unless the board supports the superintendent and makes him feel secure in his position, the district's educational program will not receive maximum efficiency and leadership from the executive officer. If such support cannot be given by the board, another superintendent should be chosen.

Delegating full responsibility to the superintendent for all phases of the educational program does not mean that the board of trustees itself is a rubber stamp. A good board of trustees is a deliberative body. Its decisions should be the result of a combined judgment and not the judgment of the superintendent or any individual board member. If the superintendent does not have the facts to support his recommendations, both he and the board will profit if action is delayed until the facts can be obtained.

The board of trustees may hire a superintendent for a term not to exceed three years (117:1262.39). After his second successive election, his contract is automatically renewed for another year, and successively thereafter for like terms of one year, UNLESS the board of trustees shall, by a majority vote of its members, give written notice to the superintendent on or before the first day of February of the last year of his current term that his services will not be required after the expiration of his existing contract (117:1262.39).

B. The Principal

The school principal should have no direct administrative relations with the local board of trustees. His relations with the board
should be directly through the superintendent.

Generally speaking, the principal is held responsible for his school (either elementary or high school). The superintendent and principal should cooperate in the selection of the school staff and in the development of the school program.

The principal of a county high school in Montana is required to have the same qualifications as a district superintendent of schools (117:1262.83(3)). However, a county high school principal may not be employed for more than two years at one time (117:1262.83(3)).

C. The Teacher

The best superintendent and/or principal is helpless without a competent teaching staff. The teacher occupies a place unique in American society. No other person deals with such a precious product—the minds of the nation's youth, and no other person has received such a disproportionate share of the nation's esteem and respect.

The relationship of the teacher to the board of trustees is indirect. In schools where there are no principals the teacher is responsible first to the superintendent and through him to the board of trustees. If principals are employed, the teacher is directly responsible to the principal and through him to the superintendent, and then to the board of trustees. This does not mean that the teacher should not have access to the superintendent or to the board of trustees. A cooperative relationship must exist if the schools are to function properly. Rural teachers are responsible jointly to the county superintendent and the local board of trustees.
Towers and duties of teachers. Chapter 101, School Laws of the State of Montana, is devoted to the powers and duties of teachers. Chapter 100, Sections 1071-1073, charges teachers with the duty of holding fire drills, instructing in fire danger and the prevention thereof, and instructing pupils in the prevention of communicable diseases.

Teacher certification. The state legislature established the kinds of teaching certificates. It further empowers the State Board of Education to prescribe and adopt all rules and regulations concerning the issuance of certificates in accordance with the methods and policies formulated and recommended by the State Superintendent of Public Instruction (142:1).

Currently, the following secondary school certificates may be held:

1. Secondary School Standard General (requires four years training)
2. Secondary Advanced (requires five years training)
3. Secondary Special (requires four years training, including 45 quarter hours in some special field)
4. Counselors Certificate (requires four years training, including 15 quarter hours in specified subjects in the guidance field)
5. Life Certificate, Secondary (not issued after 1955, valid if held)

The following elementary school certificates are now in use:

1. Elementary School Standard (requires two years training)
2. Elementary Advanced (requires four years training)
3. Elementary School Special (requires two years training)
4. Life Certificate, Elementary (not issued after 1955, valid if held)

In general, all teachers and administrators in Montana must meet the following qualifications:

1. Must be a citizen of the United States.
2. Must be between the ages of 18 and 70.
3. Must have a health certificate showing that the applicant is free from tuberculosis or other communicable diseases.

4. Must subscribe to the oath of office required of all teachers (121:1372.2)

5. All out-of-state teachers must meet the same requirements as Montana teachers.

Teacher tenure. The teacher tenure law in Montana provides that after the teacher or principal has been elected for the third consecutive time, such teacher or principal is automatically reelected from year to year thereafter, at the same salary, unless the board of trustees, by a majority vote of its members, gives written notice to the teacher or principal on or before the first day of April that his services are no longer required for the coming year. In this written notice, the board of trustees, if requested by the teacher or principal, must declare clearly and explicitly the specific reason or reasons for not rehiring the teacher or principal. If the teacher or principal so requests, he shall be granted a hearing and reconsideration before the board of trustees (101:1075).

Such a request for a hearing must be made in writing and submitted to the board of trustees within ten days after receipt of notice of dismissal (101:1075).

Teachers have no recourse to the courts until they have first appealed to the county superintendent of schools and then to the State Superintendent of Public Instruction, according to an opinion of the Attorney General of Montana (Opinion No. 47, Volume 24, Report of the Attorney General of the State of Montana).

Teachers salaries. The State of Montana has no salary schedule established through legislation or State Board of Education action.
However, many districts have adopted the Montana Education Association's salary schedule either in whole or in part.

A good salary schedule is most important. Basically, a salary schedule providing each teacher with a clear-cut statement of salary policies should (a) facilitate the recruitment of new teachers who are competent and well-trained, (b) encourage the professional growth of these teachers while they are in service, and (c) retain in the system the services of the most capable teachers.

While it may not be necessary to adopt a formal salary schedule in rural or village schools employing one or two teachers, it nevertheless is essential that some plan for salary increases be provided to serve as an incentive for teacher improvement.

With a majority of the teachers in the larger systems of the United States receiving compensation determined by a salary schedule, it no longer is a question of whether or not to adopt a schedule, but rather a question of adopting the kind of schedule which will most effectively meet the needs of the local school system.

It is generally agreed that between 60 and 70 per cent of the General Fund Budget should be allotted to the teachers' salaries item. The typical salary schedule determines the initial salary, the number and amount of yearly increases, the maximum salary to be paid to teachers, and the conditions under which salary increases are granted.

Who makes the salary schedule? Three groups—the board of trustees, representing the general public; the administrator; and the teaching staff—are concerned with the salary schedule. Consequently, the practice of encouraging the active participation of selected representatives of these groups in constructing a schedule is desirable.
While the final product may not have the personal approval of every individual concerned, a schedule produced through the cooperative efforts offers the greatest promise of securing the understanding and approval of all groups concerned.

The best single guide in the preparation of a salary schedule is found in several bulletins of the National Educational Association. The steps usually followed are summarized briefly below:

1. The school board authorizes the superintendent or the superintendent and others to make a salary schedule study.

2. The study committee may be composed of the superintendent, a member of the board, a representative of the principals (if such are employed), several representatives of teachers, and two or three citizens of the district.

3. The facts are secured and studied. These facts may include such items as the present salary schedule, schedules of other comparable districts, payments to workers in other occupations, the economic status of the teaching staff, the professional status of the teaching staff, budget figures for the past several years, and the financial resources of the district.

4. The type of schedule to be set up needs consideration. The single salary schedule, whereby elementary and secondary, male and female teachers are paid on the same basis, is generally accepted.

5. Decision next needs to be made as to which workers the schedule shall apply. Teachers, principals and supervisors are often included.

6. Minimums, maximums, and increments for experience, additional training, merit, dependents, etc. next need to be established.

7. Provisions for sick leave, leave of absence, and sabbatical leave (for larger systems) need consideration and formulation.

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8. A policy on credit allowed for experience gained outside the local system may also be set up.

9. After the schedule has thus been formulated and found to be within the financial limits of the district, it should be presented to the board for final adoption and official action. Possibly public hearings may precede this step.

10. After the board adoption there remains the financing of the schedule which becomes a matter for each ensuing budget.

In regard to teachers' salary, the Attorney General has ruled that a board of trustees of a school district which elects to close its school during the annual session of the Montana Education Association Convention does not have the authority to withhold the pay of any teacher during the days school is closed for the Convention regardless of whether the teacher joins the organization and attends the convention or not. (Opinion No. 9, Volume 25, Report of the Attorney General of the State of Montana).

D. Other Personnel

Trustees have the power to employ other personnel besides administrative officers, supervisors, and teachers. Most Montana schools have a janitor and all have a clerk of the board. Many districts employ school bus drivers, hot lunch cooks, and some even employ summer recreation personnel.

The Attorney General has ruled that school district employees, with the exception of school teachers, are entitled to vacation leave with pay in accordance with the provisions of Chapter 131, Laws of 1949. This calls for one and one-quarter (1\(\frac{1}{4}\)) days vacation for each month of service, such service being computed from the date of employment (Opinion No. 127, Vol. 23, Report of the Attorney General of the State of Montana).
The board's relationship with the pupils of the school should be almost entirely through adopted policies and regulations.

Who may attend? The public schools of Montana are open to all children between the ages of six and twenty-one years of age who reside in the school district. Provisions are also made to admit children not residing in the district (98:1056). The Attorney General has ruled that trustees may not lawfully make any rule or regulation prohibiting the attendance of a child who is a resident of the district and who has attained the age of six years (Opinion No. 72, Volume 21, Report of the Attorney General of the State of Montana). This means that local boards of trustees may make rules insisting that a child will not be admitted to school unless he reaches his sixth year by such and such a date, BUT the minute the child becomes six years of age, the parent may insist that he be permitted to attend school and the trustees must admit him. Obviously, the only thing to do is to convince the parents that such a move would be unwise for the sake of the child, if such would be the case.

Compulsory attendance. Attendance is compulsory between the ages of eight and sixteen (106:1135). Children over fourteen years of age who have completed the eighth grade successfully, or whose wages are necessary to the support of the family of such child, may work during the time school is in session upon making the proof and securing the age and schooling certificate required (106:1135 - 1136).

Excused absences. The board of trustees of every school district should be certain that a policy concerning absence from school is adopted and understood. Local conditions should regulate what
constitutes an excused absence. By adopting a firm, but common sense attitude, the board of trustees can achieve much in the regulation of school attendance.

**Truant officers.** The powers and duties of truant officers as granted by law give this officer police powers, the authority to serve warrants, and the authority to enter workshops, factories, stores, and all other places where children may be employed. The truant officer may also take into custody any youth between eight and sixteen years of age who is illegally out of school. (106:1137).

**Suspension of pupils.** Boards of trustees may suspend or expel from school pupils who refuse to obey the rules thereof (93:1015 (10)). Superintendents may suspend only (101:1076). Teachers also have the power to suspend pupils from school for good cause where no principal or superintendent is employed. Such suspension must be reported to the board of trustees as soon as possible for their final decision (101:1076). The principal of a county high school also may suspend pupils (117:1262.11).

**Board control.** Within the limits set by law, the board may make its own rulings regarding attendance requirements, types of excuses acceptable, etc. The board has broad authority over attendance.

**F. The Community**

With respect to the public, the boards of trustees have a dual relationship:

1. Education is legally a state function rather than a local function, and boards of trustees are state officers rather than local officers. Trustees receive all of their power from the state. They receive none of their power from the local district.
Boards of trustees are representative of the people of the district. They are elected by the voters of the district. The local board of trustees represents the school district in forming policies, in making contracts, and in the general management and control of the schools of the district. The school district is bound by the board's action.

The board of trustees must be sensitive to the needs of the local district, to the community's desires and aspirations, as well as to its criticisms of the schools. It is particularly important that the board of trustees keep the people of the district informed about the school's policies, and about the school's activities and accomplishments. In line with this, the local board should:

1. Establish a definite plan for interpreting its educational policies to the public.
2. Delegate the matter of presenting the facts to the public to the superintendent.
3. Require simple and readable educational and financial report to be presented to the public regularly.
4. Bear in mind that an adequate educational program is more productive than anything else in developing good public relations.

Boards of trustees should realize that good public relations are essential to the successful operation of a school program. The following are some of the agencies and devices used by schools to keep the public informed about the school's activities and accomplishments:

1. School publications
2. The local and state press
3. The radio
4. Plans for visits by parents and the public
5. Forums and other types of school sponsored meetings for the discussion of current problems
6. Adult education programs of various types
7. School-community planning councils
8. Active Parent-Teachers Associations
CHAPTER IX
LEGAL INTERPRETATIONS

The law is a fluid thing, constantly changing. What is law at the time of writing this handbook may not be law a month or two later. Court interpretations, Supreme Court decisions, and Attorney General's opinions may change the apparent meaning of a law. Trustees should realize that legislation enacted into law may be changed by any one of several methods.

Several of the more recent opinions are set forth below for the convenience of trustees. In no case is the contents of this handbook meant to replace competent legal authority, or existing legal publications. The opinions are listed by volume and opinion number: 29:99 - the first number refers to Volume 29, Report of the Attorney General of the State of Montana; while the second number refers to Opinion No. 99 in that volume.

A. The Montana School System

24:71 The County Superintendent of Schools does not have to retire at age 70.

24:51 A deputy county superintendent does not have to have the same qualifications as does a County Superintendent.

22:134 A school district has the authority to operate and maintain a school located upon ground which has been leased to it by the United States government and the students attending such school will receive full credit for their work as in any public school of this state, if the school is supervised and accredited by the proper officers of the state.

B. School District Organization

24:25 Retail beer and liquor establishments must close on annual election of school trustees and special bond elections, during the hours the polls are open.

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A majority of the board of trustees may be elected at an annual election when one trustee selected will fill the unexpired term resulting from a vacancy.

1. Trustees appointed to office after creation of a new school district by consolidation and change of classification of district hold office until the next school election.

2. When terms of five trustees in second class districts expire at the next school election because they were appointed, five shall be elected at the election, one shall serve for one year, two shall serve for two years, and two shall serve for three years.

In conformity with the law as given by the legislature, in an election, on the consolidation of school districts, voters in the district which would assume an indebtedness by reason of consolidation must have the qualifications set out in Section 1002, Revised Codes of Montana, 1935, as amended by Chapter 65, Laws of 1941, and also the qualifications required by Section 5199.1, Revised Codes of Montana, 1935. Thus, in addition to the requirements of Section 1002, Revised Codes of Montana, as amended, the voters in such district must be registered and their names must appear on the last preceding assessment roll. In the district not assuming an indebtedness, the voter need only have the qualifications under Section 1002, Revised Codes of Montana, 1935. In other words, when no indebtedness is assumed, the voter need not be a taxpayer, or registered voter.

Third class districts annexed to first or second class district do not assume any of the bonded indebtedness of the first or second class district, but the bonded indebtedness of the third class district is assumed by the first or second class district.

If a third class district, or any class district, is consolidated with one or more school districts, and a new district formed, the bonded indebtedness of each component district is assumed by the new district and all territory of the new district, including the third class district, is liable for payment.

The commission which divides the county into high school districts under the provisions of Chapter 275, Laws of 1947, must divide the whole county without omitting any portion and may create high school building districts which, at the time of the division, do not have high schools.

C. The School Board in Action

1. A second class district may purchase lots adjoining a grade school for playground purposes without submitting the question to a vote.
2. School trustees may enter into a contract for the purchase of additional land adjoining a school site and the purchase price paid by an appropriation provided in the next ensuing budget or the purchase price may be paid in installments by provisions in three successive budgets.

21:72 The board of trustees may not lawfully make any rule or regulation prohibiting the attendance of a child who is a resident of the district and who has attained the age of six years from entering and attending such district free public school.

24:102 The board of trustees of any school district may not engage in any activities which are not exclusively for educational purposes. (A cannery may not be used as a commercial or general service device.)

23:107 A school district has the authority to enter into a contract for the repair of a school building and provide in the contract for payment over a period of three years.

24:65 1. Trustees of a school district have the power to enter into a contract with the parents of non-resident students for payment of tuition.

2. It is the duty of the trustees of a school district to budget for and pay tuition for resident children who attend elementary school in another district if the county superintendent and the trustees of the school district of the school to be attended consent in writing to such attendance.

(Students may be excluded from school for non-payment of tuition—Peterson v. School Board, 73 Mont. 442, 236 Pac. 670.)

D. Montana School Finance

22:42 The excess funds in the salaries item of an elementary school budget cannot be transferred to the transportation budget, and any excess in the transportation budget cannot be transferred to any item in the general fund.

24:46 Federal funds from Public Law 874 must be used to relieve the tax burden in the district and may not be used in addition to the budget.

24:29 Levies on high school districts and the county wide levies for the maintenance of high schools are valid and legal levies.

24:101 Kindergarten pupils, in an established kindergarten, when age six is reached may be included in the ANB of the school district and may be used to figure the foundation program thereof.
The names of deceased voters may not be deducted from the registration list in determining the necessary forty per cent (40%) of the qualified electors voting on a bond proposition submitted at a school district election.

A high school is not entitled to state aid unless accredited by the State Board of Education.

Although state aid is not available to non-accredited high schools, the district may still vote extra levy for the maintenance of the high school.

E. Transportation

The payment of transportation to be made by the parent or guardian of a student attending a private or parochial school may be determined by dividing the total number of students using the bus, including those students attending the private or parochial school, into the cost of operating the bus as fixed by the current transportation budget.

1. A school district is not required to advertise for bids in the purchase of a school bus, although it may do so where the trustees deem it for the best interest of the district.

2. A school district may purchase a school bus under a conditional sales contract and pay for the same over a period of three years.

F. School Insurance

The trustees of a school district may use insurance money realized from the destruction of the school building by fire to replace the building without first securing the approval of the qualified electors for such expenditure.

The board of trustees of a county high school is not authorized to pay insurance premiums in an amount in excess of the amount appropriated for such item unless a transfer of funds may be made in an amount sufficient to pay the premium charge.

1. In the absence of a specific statute, neither school districts nor boards of trustees are liable in tort for injuries arising out of the governmental activities of the school.

2. School district boards of trustees have no authority to expend district funds to contract for liability insurance.
A teacher must appeal to the County Superintendent and then the State Superintendent before resorting to courts for review of trustees' action.

A member of the teachers' retirement system is compelled to retire on the first day of September following his or her 70th birthday.

School district employees, with the exception of school teachers, are entitled to vacation leave with pay in accordance with the provisions of Chapter 131, Laws of 1949.

(1½ working days for each month of service, service is computed from the date of employment.)

While this by no means exhausts the opinions rendered by the Attorney General, the district trustee is able to get some idea of an Attorney General's opinion from those given. Trustees should, however, always consult the county attorney of their county in matters requiring legal opinions.
SCHOOL BOARDS AND OTHER AGENCIES

School trustees should realize that they are not alone in their work. Several organizations stand ready to assist school boards in their task of providing the best possible education for the youth of Montana.

A. Montana School Boards Association

The Montana School Boards Association, Incorporated, is a voluntary organization of Montana school boards. The Association prints and circulates to members an official publication, The Trustee, in which news of interest to school trustees is printed.

The Montana School Boards Association takes a very active part in working for good school legislation. Its membership is made up of all classes of school boards, with the third class district boards having the largest membership.

The Association has an annual convention each year. Complete information on membership fees and the procedure for joining can be obtained by writing to:

Mr. J. L. Gleason, Sr.
Secretary, M.S.B.A.
Box 669
Livingston, Montana

B. Montana Education Association

The Montana Education Association is a voluntary, professional organization of teachers admitting to membership those qualified to teach in Montana or engaged in educational work.
The Montana Education Association works continually for the best in educational opportunities for Montana youth and the professional group serving them.

Each fall, the M.E.A. holds district conventions at which outstanding educational speakers bring to Montana the latest information on trends in education. Sectional meetings are devoted to the discussion of common problems shared by teachers and administrators of Montana.

C. American Federation of Teachers

The American Federation of Teachers, affiliated with the American Federation of Labor, is a teachers' union. This group negotiates with school boards as a body in the matter of salaries, teacher welfare, and the like.

This group also works on school legislation and educational problems common to Montana. Anaconda and Butte have the two largest A.F.T. units in Montana.

D. Other Agencies

The Northwest Association of Secondary and Higher Schools is the regional accrediting association which governs the accreditation of colleges, universities, and high schools in the Pacific Northwest area. Trustees in districts operating high schools should familiarize themselves with the requirements of this organization for accreditation.

The Montana High School Association governs all inter-school athletic contests in the State of Montana. One of the requirements of the Northwest Accrediting Association for high school accreditation is
that organized athletics must be under the general supervision of a state athletic association.

Recently the Montana High School Association took over the supervision of other contests in addition to athletics. Trustees may obtain more information concerning this organization from their school superintendent.

The Montana Congress of Parents and Teachers is a well-known organization whose purpose it is to promote the welfare of children and youth in home, school, church, and community and to bring a closer relation between the home and the school.

Local PTA units can be helpful to district boards in matters of cooperating in health programs, publicizing school needs, and interpreting the school to the community.

One of the articles in the state constitution of the Montana Congress of Parents and Teachers makes it mandatory that each local organization refrain from interference in the administrative policies of the school system. All local units which are members of the state organization are required to abide by this article.

E. Sources of Information

The following are suggested references and readings for school board members. The purchase of such publications for the use of the school board is within the authority of trustees and local district funds may be expended for such purposes. In many cases, the school office will contain copies of some of the material listed below.

A comprehensive discussion of the role of the local school board. It treats at great length the responsibility and relationship of board members to the superintendent, the teacher, the pupil, and the community.


A very short, easy-to-read pamphlet that outlines steps involved in selecting a superintendent of schools.


This authoritative, well-illustrated pamphlet shows that in those places where the level of education of adults is high, incomes and the standard of living are high.


The more commonly found legal rights and responsibilities of school boards are brought together in one book. In using it, a board must be able to interpret the contents in the light of what its own state law permits or denies.


This bulletin gives an overview of American schools and reviews trends in many phases of board organization and board procedures.


An excellent booklet which cites actual court cases and the rulings handed down. Trustees will be surprised at the number of times the district has been held liable. Must be interpreted in the light of Montana State law.


The following monthly publications are designed to meet the interests and needs of school board members and school administrators. With the possible exception of *The Montana Taxpayer*, these publications are of little value to rural school boards except for inspirational purposes.

1. **The American School Board Journal.** Bruce Publishing Company, P. O. Box 2068, Milwaukee, Wisconsin. $3.00 per year.

2. **The School Executive.** American School Publishing Corporation, 470 Fourth Avenue, New York 16, N. Y. $3.00 per year.

3. **The Nation's Schools.** 919 North Michigan Avenue, Chicago 11, Illinois. $3.00 per year.

4. **The Montana Taxpayer**, a quarterly publication. The Montana Taxpayers Association, Box 577, Helena, Montana. Statistical data relevant to public school finance from the state taxpayers' standpoint. 50 cents per year, 3 years for $1.00.

The following are sources of information peculiar to the State of Montana. Trustees may find some of this material in the office of the district or county superintendent.

1. **School Laws of the State of Montana.** Tribune Printing and Supply Co., Great Falls, Montana. A new law book is published every four years.

2. **Biennial Report of the Department of Public Instruction.** Naegele Printing Company, Helena, Montana. A copy may usually be obtained from the county superintendent or the State Superintendent of Public Instruction in Helena.

3. **Transportation Manual.** Supervisor of Transportation, State Department of Public Instruction, Helena, Montana.

4. **School Lunch Manual.** Director of School Lunch Program, State Department of Public Instruction, Helena, Montana.

5. **Materials on bonding procedure and forms to be used in carrying on a bonding program.** State Commissioner of Lands and Investments, Capitol Building, Helena, Montana.

6. **State Department Bulletins.** State Department of Public Instruction, Helena, Montana.
7. **The Educational Directory.** (contains list of all schools, number of teachers, and number of pupils) State Department of Public Instruction, Helena, Montana. annual publication.

8. Statistical data relevant to public school finance from the state taxpayers' standpoint. Also **The Montana Taxpayer**, a quarterly publication (50 cents per year, 3 years for $1.00). The Montana Taxpayers Association, Box 577, Helena, Montana.

9. **Tuition forms.** Office of the county superintendent

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