

**STATE OF MONTANA  
COMMUNITY CHOICE SCHOOLS COMMISSION**

**BYLAWS**

**Article I. Name**

The legal name of the Commission is the Community Choice Schools Commission (“Choice Commission”).

**Article II. Objective**

The objective of the Commission is to carry out its statutory responsibilities under the Community Choice Schools Act, 20-11-101 et seq., MCA, including performing the functions of a community choice school authorizer and authorizing other authorizers (20-11-105 and 106, MCA) and overseeing the performance and effectiveness of all other authorizers established in the state (20-11-107, MCA). The overall goal of the Choice Commission is to foster other public educational institutions open to all K-12 students, especially to those students at risk of academic failure or academic disengagement and to advance Montana’s commitment to the preservation of American Indian cultural identity. The Choice Commission is an autonomous entity and operates under the general supervision of the Board of Public Education in accordance with 20-11-104, MCA.

**Article III. Membership**

- A. The Choice Commission consists of seven members. Per 20-11-104, MCA two members are appointed by the Governor, one member by the State Superintendent of Public Instruction, one member by the Senate President, one member by the Senate Minority Leader, one member by the Speaker of the House, and one member by the House Minority Leader. Members of the Choice Commission must collectively possess substantial experience and expertise in board governance, business, finance, education, management, and philanthropy. All members of the Choice Commission must have a demonstrated understanding of and commitment to Choice Schools as a strategy for strengthening public education.
- B. The Choice Commission members will serve staggered three-year terms to ensure the orderly succession of officers and members. To initiate staggering, the terms of initial members are as prescribed at 20-11-104, MCA.
- C. When a vacancy occurs, the appointing authority of the vacant seat shall appoint a new member for the remainder of the term of the incumbent.
- D. If any appointing authority fails to make an appointment within 60 days of the expiration of a term or the occurrence of a vacancy, the remaining appointing authorities may make the appointment (20-11-104, MCA). Members appointed to the Choice Commission, before discharging their duties, shall take and subscribe to the constitutional oath of office.

- E. A member of the Choice Commission may be removed by a majority vote of the Commission for any cause that renders the member unable or unfit to discharge the duties of the office, as prescribed at 10-11-104(7), MCA.
- F. The Choice Commission shall establish a conflict-of-interest policy. If a member of the Choice Commission has a conflict of interest regarding a matter that comes before the Commission, the member shall recuse himself or herself from the Commission's deliberations and voting on the matter.

#### **Article IV. Officers**

- A. The officers of the Choice Commission shall consist of a Chairperson, Vice Chairperson and Treasurer. The officers must be members of the Choice Commission.
- B. The initial presiding officer, the Chairperson, shall be designated by the governor for a two-year period (20-11-104(5)). The other officers shall be elected to serve a term of one year. Officers may serve up to three consecutive terms. After the Chairperson's initial two-year term, subsequent Chairpersons shall be elected for a term of one year. Elections of the officers shall be conducted by voice vote or roll call. The Chairperson, Vice Chairperson and Treasurer elect shall assume their respective offices upon adjournment of the meeting at which they were elected.
- C. If an office is vacated prior to the expiration of the term, the Choice Commission will hold an election to fill the vacated office. The newly elected officer will serve for the remainder of the unexpired term.
- D. The duties of the Chairperson shall include presiding at meetings, participation in the construction of meeting agendas and appointing all committees. The Chairperson may vote on all matters and may make motions. In the absence of the Chairperson, the Vice Chairperson shall preside and shall perform such duties as are prescribed for the Chairperson.
- E. The duties of the Vice Chairperson shall include substituting for the Chairperson as needed and carrying out additional leadership duties related to the functioning, responsibilities, and effectiveness of the Commission.
- F. The duties of the Treasurer shall include acting as the general liaison for the Choice Commission in working with other agencies and support staff on matters regarding budget planning, financial reporting, record-keeping, and managing incoming and outgoing funds.

#### **Article V. Meetings**

- A. The Choice Commission shall meet at least quarterly. Special meetings may be called by the Governor, the Chairperson of the Board of Public Education, the Chairperson of the Choice Commission, or by a written request to the Chairperson submitted by four members. The purpose of a special meeting must be described in any call or request for a meeting.

- B. At the discretion of the Chairperson, meetings may be conducted in-person or electronically, including by telephone or by using an internet meeting service.
- C. The Chairperson shall notify each member either by email, by mail or by telephone sufficiently in advance of any regular or special meetings of the Choice Commission to allow all members to arrange for travel or for electronic means of attendance. The purpose of any special meeting shall be provided with notice of the meeting.
- D. Meetings of the Commission shall be open to the public in accordance with Montana law. The Chairperson may close the meeting to the public in accordance with Montana law if he or she determines:
  - 1. That the demand of individual privacy clearly exceeds the merits of public disclosure, or
  - 2. That an open meeting would have a detrimental effect on the bargaining or the litigating position of the Commission.

The Chairperson shall briefly state the reason for the closing.

#### **Article VI. Quorum; Voting**

A majority of the members of the Choice Commission shall constitute a quorum for the transaction of business. A vote of a majority of members present and casting a vote is required to approve any action of the Choice Commission.

#### **Article VII. Committees**

- A. Standing Committees shall be as follows:
  - 1. An Executive Committee composed of the Chairperson, Vice Chairperson and Treasurer. The duties of the Executive Committee shall include facilitation of decision making between board meetings or in urgent and crisis circumstances. The Executive Committee shall also act as the communication link to any employees or vendors and shall perform performance evaluations of any hired staff.
- B. The Choice Commission may create special committees as deemed necessary to carry out the responsibilities of its work. The Choice Commission shall prescribe the duties, duration, and scope of work of any special committees. Members of the special committees shall be appointed by the Chairperson.
- C. Committee meetings may be scheduled and held as necessary to execute committee assignments.
- D. Committees may not take action on behalf of the Choice Commission. Committees shall review, report on, and make recommendations concerning any item referred to them and

alert the Chairperson on any matters which should be placed on the agenda for Choice Commission discussion or action.

- E. Upon request of the Board of Public Education, the Chairperson of the Commission may appoint a designated member of the Board to contribute on special committees of the Choice Commission.

### **Article VIII. Order of Business**

The regular order of business shall be as follows:

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Statement of Public Participation
5. Welcome Visitors
6. Items Pulled from Consent Agenda
7. Consent Agenda Adoption
8. Agenda Adoption
9. Agenda
10. Public Comment
11. Date and Place of Next Meeting
12. Adjournment

### **Article IX. Communications**

All official communications should come to the attention of the Commission through the Chairperson. The Chairperson shall serve as the official spokesperson for the Choice Commission. No Commission member shall be limited in personal, First Amendment rights in discussing their role in Commission work.

### **Article X. Parliamentary Procedure**

The Commission will use Robert's Rules of Order as a guide on questions of parliamentary procedure to the extent those Rules are not inconsistent with these bylaws.

### **Article XI. Amendments**

These bylaws may be added to or amended by a majority vote at any meeting of the Choice Commission provided that a quorum is present and provided that the proposed amendment is sent in writing to members of the Commission at least seven days in advance.

### **Article XII. Professional Development**

The Choice Commission may offer professional development opportunities for Commission members, subject to funding. Members may attend at least one professional development

conference each year when funding is available. All requests must be submitted to the Chairperson and Treasurer at least one month prior to the conference on a form developed by the Choice Commission. All requests shall be considered by and subject to approval of the Executive Committee based upon criteria developed by the Executive Committee and approved by the Choice Commission.

### **Article XIII. Member Compensation and Expense Reimbursement**

- A. Members shall not receive compensation for serving on the Choice Commission.
- B. Subject to funding, members shall be entitled to reimbursement of travel expenses as provided for in 2-18-501 through 2-18-503, MCA. Members shall submit requests for travel expenses to the Treasurer on a form developed and approved by the Choice Commission. If funding is available and the Treasurer determines that the travel expense reimbursement is adequately documented and allowable under 2-18-501 through 2-18-503, MCA, the Treasurer shall authorize reimbursement.
- C. Subject to funding, members may receive reimbursement for other expenses incurred by them in performance of their duties and responsibilities as a member of the Choice Commission under criteria and procedures developed and approved by the Choice Commission.

These bylaws were approved and adopted by the Choice Commission on the 2<sup>nd</sup> day of October, 2023.

Tish Schweiber. , Community Choice School Chairperson