



**Montana  
Office of Public Instruction**  
Denise Juneau, State Superintendent

[opi.mt.gov](http://opi.mt.gov)

Madison County Attorney's Office  
100 West Wallace Street  
Virginia City, MT 59755

Deputy County Attorney Chris McConnell,

The Montana Office of Public Instruction has reviewed the actions taken by the Board of Trustees of Ennis Public Schools regarding the funding sources being used for the new K-8 facility being built in that community. From the review of documents provided to OPI from numerous sources, official reports submitted to OPI through regular reporting processes, communications with school officials, and conversations with community members in Ennis it appears that this facility is intended to have multiple uses, in particular K-8 education and Adult Education. When a school facility has or will have multiple uses, especially those provided by statute, then multiple sources of revenue can be used toward the construction costs of that facility. At this time OPI has no reason to believe that Ennis Schools is in violation of any statute or rule governing this matter and further believes that the locally elected Board of Trustees hold the authority for decision-making and responsibility to their constituents for their actions relative to this matter. OPI will not be conducting any audits of Ennis Public Schools regarding this matter at this time.

However, there are several factors related to this building project that have brought the wisdom of some decisions made by the Trustees into question by some. For example, the method used to determine the proportionality of funding sources that has been used by the district has been based on 'square footage of use'. It is our opinion that another reasonable method that would be applicable to this situation is 'time of use'. There is no statute or rule that we have been able to find that governs or provides guidance on the selection of either method. Further, it is the understanding of OPI that Ennis Public Schools has not had an Adult Education program of substance in the past which has contributed to the concerns surrounding the unusual level of taxes levied for building purposes for pending or proposed programming. Despite this being unusual, we cannot find that is in violation of the law. If, in the future, the district does not hold to its intended plan to provide expanded Adult Education opportunities to the community, as provided by statute, in this new facility, there will be an issue of significant concern at that time. Additionally, although it appears the Trustees have followed acceptable procedures to engage the public in their planning efforts over time through Trustee meetings held in public and public printed announcements, the effectiveness of these efforts is not for OPI to assess and is the responsibility of the local Board of Trustees to determine through input from their constituents.

There is no legal requirement for the approval by voters for the level of funds levied, the use of the funds collected, or the methods for making these funds available for construction in this particular circumstance as enacted by Ennis School officials. The local electorate must always have the opportunity to influence decisions of the Trustees in this regard through attendance and input at

properly announced and conducted Trustee meetings and the annual elections of Trustees. School boards are very powerful, locally elected bodies. Montana's Constitution [Article X Section 8] puts these decisions under local control. The Office of Public Instruction understands its responsibility and authority regarding these matters. It is not the prevue of OPI regarding wisdom or sound nature of decisions or actions of local Trustees when they are within the rule of Montana statute. Your office has a greater authority representing the interests of the school districts residents regarding the opportunities provided by the local Trustees for participation by the public and access to district records than does OPI.

Respectfully,

Dennis J. Parman  
Deputy Superintendent of Public Instruction

Cc: Doug Walsh, Superintendent of Schools, Ennis Public Schools  
Firstname Lastname, Chair of Board of Trustees, Ennis Public Schools  
Firstname Lastname, Reporter Montana Standard