



The Helena Public Schools educate, engage, and empower each student to maximize his or her individual potential with the knowledge, skills and character essential to being a responsible citizen and life-long learner.

Board of Trustees – Policy Committee

May Butler Center
55 S. Rodney Ave

Tuesday May 7, 2019 – 12:00p.m.

AGENDA

- I. CALL TO ORDER / INTRODUCTIONS
- II. REVIEW OF AGENDA
- III. **GENERAL PUBLIC COMMENT:** *This is the time for comment on public matters that are not on the agenda. Public matters do not include any pending legal matters, private personnel issues or private student issues. Please do not attempt to address such issues at this time or you will be ruled out of order. The Board cannot enter into a discussion during General Public Comment.*
- IV. **APPROVAL OF MINUTES**
 - A. 4.2.2019 Policy Committee Minutes
- V. **PRESENTATION OF POLICIES FOR FIRST REVIEW**
 - A. 5025 Employment and Assignment
 - B. 5255 Disciplinary Action
- VI. **PRESENTATION OF POLICIES FOR SECOND REVIEW**
 - A. 5122 Criminal Background Investigations
 - B. 2333 Participation in Commencement Exercises
- VII. **CONTINUE REVIEW OF POLICY MANUAL: Series 2000 and 3000**
 - 2080 – Grading, Progress Reports, and Promotion*
 - 2090 – Credit Transfer Assessment for Placement Policy*
- VIII. **BOARD COMMENTS**
- IX. **ADJOURNMENT**

Next Meeting:
June 4, 2019
MBC Conference Room



Superintendent
Tyler Ream, Ed.D
324-2001

Business Manager
Janelle Mickelson
324-2040

Policy Committee Meeting

May Butler Center
55 South Rodney

Tuesday April 2, 2019

Noon – 1:00 p.m.

MINUTES

Committee:

Luke Muszkiewicz, Committee Chair/Trustee

Sanjay Talwani, Trustee

Terry Beaver, Trustee

Others:

Sarah Sullivan, Board Chair

Tyler Ream, Superintendent

Josh McKay, Assistant Superintendent

Barb Ridgway, Chief of Staff

Elizabeth “Bea” Kaleva, Attorney

I. INTRODUCTIONS

Committee Chair, Luke Muszkiewicz, called the meeting to order at 12:04 p.m.

II. REVIEW OF AGENDA

No changes.

III. GENERAL PUBLIC COMMENT

No public comment.

IV. REVIEW MARCH 4, 2019 BOARD POLICY MEETING MINUTES

No changes.

V. PRESENTATION OF POLICIES FOR FIRST REVIEW:

A. 5122 Criminal Background Investigations

Stacy Collette started the discussion giving a general outline about how the background checks are completed and how the employee is tracked in the system. After “we want to make an offer of employment...we do an electronic background check procedure through the Department of Justice by submitting fingerprints, identification...if it is successful online, we get a report back through a secure folder...if there are no felonies or

convictions in the last 10 years...we proceed and enter them in on a contract...we do this with staff, volunteers, and contractors...". Luke Muszkiewicz asked about the contractors. "Anyone who is on an active school site, we do background checks", stated Stacy Collette. Sanjay Talwani asked, "what happens if something comes up...what is the level of discretion?" Bea Kaleva stated, "Essentially it's whatever the District determines poses a danger to the safety and welfare of the children...as long as we are consistent amongst groups of people...the HR department sets that tone with direction from the Board." Extensive discussion about what the HR department considers acceptable and not acceptable. "If we are hiring someone in the Business department, sometimes we do credit checks and sometimes we do an even more extensive background check on people, depending on what the position...we are qualified to background and fingerprint check substitutes as well...", stated Bea Kaleva. A "verifiable form of identification" is the language that should be used in the procedure. "Our policy application is strict about chaperones...we have background checked them...", Stacy Collette stated. "The policy doesn't state what we do if there is a hit...", Sanjay stated. "The Department of Justice directs that part...", stated Stacy. "When Principals and Administrators talk about this, we need to make sure parents know the difference between showing up for a bake sale, or being unsupervised with children...", stated Sanjay. We need to make sure "unsupervised" is in any kind of communication with parents and volunteers. "When you have a registered sex offender, we say "no"...", stated Bea. "Should we add "overnight" to the policy?", asked Sanjay. Assistant Superintendent Josh McKay pointed out that it's important that our staff knows who has had a background check and who hasn't because those who haven't cannot be with a child unsupervised, so "why not do background checks on everyone so they don't have to worry about it?". Discussion about how to keep parents involved if a background check doesn't get approved. Luke asked, "Do keys get handed out before a background check?". "Once a background check is passed, we let the administration know and then keys will be given...", stated Stacy. "We have a standard policy that we use for everyone...", Bea stated. "Do we have the guarantee in the policy that the procedures are doing what they need to do [based on the hiring process]...", Luke asked. "When we took a look at the hiring process and the internal procedures...we have made some progress on things that we need to look as hiring managers...we also give people opportunity to address any issues that they might have had upfront...". The only change to this particular policy is the "social security card change" per Barb Ridgway. This is just about the criminal background investigation policy and we have talked about the entire hiring process policy, but the committee will take a look at the other hiring policy as well. The hiring process policy 5025 will be brought back to review at the next policy meeting. This particular policy is okay to go to the full board.

B. 2333 Participation in Commencement Exercises

This is a new policy. "This comes up frequently to recognize the fact that you cannot tell American Indian heritage students that they cannot wear cultural tribal regalia...are we going to review and tell students what they can or cannot say before the commencement...if we do review, they cannot say anything God related...if we do not, they can say just about anything...that is what the ninth circuit says...If you want me to review the speech for grammar and not content, we can, and then we can put in the commencement program that the speeches were not reviewed to

eliminate anyone being offended...”, stated Bea. “They are competing at Capital High School for commencement speeches, so they are reviewed...but do the reviewers know what they can or cannot say”, Luke asked. “Our Principals do review the speeches”, per Assistant Superintendent Josh McKay. Someone can thank God, but they cannot talk about their faith in their speech. Can we just change “may” to “will review and will revise” on line 20 and 21. This will be moving forward to the full Board.

VI. PRESENTATION OF POLICIES FOR SECOND REVIEW:

None.

VII. CONTINUE REVIEW OF POLICY MANUAL – SERIES 2000 and 3000:

None.

VIII. SUPERINTENDENTS’ REPORT

None.

IX. ADJOURNMENT

Committee Chair Muszkiewicz adjourned the meeting at 1:00 p.m.

**NEXT MEETING:
May 7, 2019 – May Butler Center
Noon – 1:00 p.m**

2 PERSONNEL

3 Employment and Assignment

4 Each certificated employee will be employed under a written contract, subject to the terms and
5 conditions of the collective bargaining agreement and District policies. ~~Renewal and nonrenewal~~
6 ~~will be determined by the Board after receiving a recommendation from the Superintendent and~~
7 ~~in conformance with law. The Board, after receiving the recommendations of the~~
8 Superintendent, will determine the non-renewal or termination of certified and classified staff, in
9 conformity with state statutes and applicable District policy.

10 Classified employees whose positions are covered by a collective bargaining agreement will be
11 employed subject to the terms and conditions of the collective bargaining agreement. Classified
12 employees whose positions are not covered by a collective bargaining agreement will be subject
13 to a one year probationary period, after which their employment is governed by the District’s
14 policies and procedures. The District reserves the right to change employment conditions
15 affecting an employee’s duties, assignment, and/or supervisor, subject to collective bargaining
16 language.

17 *Assignment, Reassignment and Transfer*

18 The Superintendent may assign, reassign, and/or transfer positions and duties of all staff, subject
19 to any provisions contained in the collective bargaining agreements. The Superintendent will
20 provide for a system of assignment, reassignment, and transfer of classified staff, including
21 voluntary transfers and promotions. Nothing in this policy prevents reassignment of a staff
22 member during a school year.

23 Legal References: § 39-2-904, MCA Elements of wrongful discharge
24 § 39-2-912, MCA Exemptions (wrongful discharge)
25 10.57.601a, ARM Definition of Immoral Conduct
26

27 Cross References:

28 Policy History:

29 Adopted on: 8.13.2013

30 Revised on:

2 **PERSONNEL**

3 Disciplinary Action

4 District employees who fail to fulfill their job responsibilities or to follow reasonable directions
5 of their supervisors, or who conduct themselves on or off the job in ways that affect school
6 operations, may be subject to discipline. Behavior, conduct, or action that may call for
7 disciplinary action or dismissal includes but is not limited to reasonable job-related grounds
8 based on a failure to satisfactorily perform job duties, disruption of the District’s operation, or
9 other legitimate reasons.

10 Discipline will be reasonably appropriate to the circumstance and will include but not be limited
11 to a supervisor’s right to reprimand an employee and the Superintendent or building principal’s
12 right to suspend an employee, without pay, or to impose other appropriate disciplinary sanctions.
13 Disciplinary sanctions, including all forms or reprimands, will be documented and placed in the
14 employees personnel file accordance with Policy 5040. In accordance with Montana law, only
15 the Board may terminate an employee or non-renew employment.

16 The Superintendent or designee is authorized to immediately suspend a staff member, with pay,
17 in a non-disciplinary manner.

18

19 Cross Reference: Policy 5225 Termination from Employment / Non-Renewal of
20 Employment

21 Policy 5040 Personnel Records

22

23 Legal Reference: §20-3-324, MCA Powers and duties
24 §20-4-204, MCA Termination of tenure teacher services
25 §20-4-207, MCA Dismissal of teacher under contract
26 §39-2-903, MCA Definitions
27 §45-8-361, MCA Possession or allowing possession of a weapon in
28 school building – exceptions – penalties – seizure
29 and forfeiture or return authorized – definitions

30 Policy History:

31 Adopted on:

32 Revised on:

2
3 PERSONNEL

4
5 Criminal Background Investigations

6
7 *Paid Full & Part-time Employees / Certified and Classified Substitutes*

8
9 It is the policy of the Board that any finalist recommended for hire to a paid position with the
10 District shall authorize in writing their agreement to a comprehensive criminal background
11 check, which will include a fingerprint background check. The criminal background check will
12 be conducted by the appropriate state and/or federal agencies. Any offer of employment or
13 appointment shall be contingent upon the results of the comprehensive criminal background
14 check. The employee will not be allowed to begin work until the District has received and
15 approved the results of the criminal background check. The cost for the criminal background
16 check shall be borne by the District.

17
18 The District will accept the report of a previous fingerprint-based background check completed
19 within the six (6) months before for the non-licensed substitute teacher applied if it is submitted
20 by a Montana university or college where the applicant is currently or was formerly enrolled in
21 an accredited Montana professional educator program or from a public or nonpublic state-
22 accredited school that previously employed the applicant.

23
24 The Superintendent may determine that a critical staffing need exists and in such cases the
25 Superintendent and/or his or her designee may allow the employee to begin work after the
26 District has approved a name-based background check. Such employment will be temporary,
27 pending completion of the comprehensive criminal background check, including a fingerprint
28 background check.

29
30 *Volunteers*

31
32 All volunteers who work in the District’s school buildings will be required to provide two forms
33 of identification, (driver’s license and another reliable proof of identity) ~~and social security card.~~
34 In addition, all volunteers will be required to submit to a criminal background check, which will
35 include a name-based background check. Volunteers who have unsupervised access to students
36 or who serve as chaperones for school-sponsored trips are required to submit to a comprehensive
37 criminal background check including a fingerprint background check and will not be able to
38 serve until the District has received and approved the results of the criminal background check.

39
40 The District may, at its discretion, waive criminal background checks for volunteers who assist
41 with events similar in nature to bake sales and book sales and who do not have unsupervised
42 access to students.

47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92

Other

The following applicants for employment shall be required as a condition of any offer of employment to authorize, in writing, a comprehensive criminal background investigation to determine if he or she has been convicted of certain criminal or drug offenses:

- Education support personnel seeking full- or part-time employment within the District;
- Any employee of a person or firm holding a contract with the District;

Any requirement of an applicant or employee of a contractor to submit to a fingerprint background check will be in compliance with the National Child Protection Act and applicable state and federal regulations. If an applicant has any prior record of arrest or conviction by any local, state, or federal law enforcement agency for an offense other than a minor traffic violation, the facts must be reviewed by the Superintendent or his/her designee, who shall decide whether the applicant shall be declared eligible for appointment or employment.

Arrests resolved without conviction shall not be considered in the hiring process unless the charges are pending and prohibit the individual from working as an employee.

The Superintendent shall keep all criminal record information confidential as required by law.

93	Cross Reference:		
94			
95	Legal Reference:	42 USC 5119a	National Child Protection Act
96		10.55.716, ARM	Substitute Teachers
97		10.57.201a, ARM	Criminal History Background Check
98		§ 44-5-301, MCA	Dissemination of public criminal justice information
99		§ 44-5-302, MCA	Dissemination of criminal history record information
100			that is not public criminal justice information
101		§ 44-5-303, MCA	Dissemination of confidential criminal justice
102			information – procedure for dissemination through
103			court
104			
105	Policy History:		
106	Adopted on:		
107	Revised on:		
108			
109			
110			
111			
112			
113			
114			
115			

2
3 **STUDENT INSTRUCTION**

4
5 Participation in Commencement Exercises

6
7 A student’s right to participate in the Helena Public Schools commencement exercise is an
8 honor. Participation in the commencement ceremony is reserved for those members of the
9 graduating class who have completed all state and local requirements. The principal may allow
10 participation in the ceremony due to extenuating circumstances in cases where the student will
11 complete their requirements during the summer semester following their senior year.

12
13 The Helena Public Schools will permit students to honor their American Indian heritage through
14 the display of culturally significant tribal regalia at commencement ceremonies.

15
16 Prohibited items that may not be worn or incorporated into the graduation ceremony include but
17 are not limited to; items that promote drug use, weapon use, threats of violence, sexual
18 harassment, bullying or other intimidation, or violates a district policy, state or federal law.

19
20 The school administration ~~may~~ will review student presentations and specific content and ~~may~~
21 will advise participants about appropriate language for the audience and occasion.

22
23 **Cross Reference:**

24	Legal Reference:	Art. II, Sec. 5	Montana Constitution – Freedom of religion
25		Art. X, Sec. 1(2)	Montana Constitution – Educational Goals and Duties
26		Art. X, Sec. 7	Montana Constitution – Nondiscrimination in education
27		§ 20-5-201(3), MCA	Duties and Sanctions
28		§ 20-7-112, MCA	Sectarian publications prohibited and prayer permitted
29			
30			

31 **Policy History:**

32 Adopted on:

33 Revised on: