



*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, October 1, 2019 – 12:00p.m.

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# MINUTES

*Committee:*      *Others:*

Libby Goldes, Committee Chair  
Terry Beaver, Committee Member  
John McEwen, Committee Member

Tyler Ream, Superintendent  
Josh McKay, Assistant Superintendent  
Barb Ridgway, Chief of Staff  
Janelle Mickelson, Business Services Administrator  
Stacy Collette, Human Resources Director  
Pat Boles, Technology Administrator  
Elizabeth “Bea” Kaleva, Attorney  
Jane Shawn, HEA President

### I. CALL TO ORDER / INTRODUCTIONS

Meeting was called to order at 12:06pm by Committee Chair, Libby Goldes.

### II. REVIEW OF AGENDA

There were no requested changes to the agenda.

### III. GENERAL PUBLIC COMMENT

There was no public comment.

### IV. REVIEW OF 9.3.2019 POLICY COMMITTEE MINUTES

Mr. McEwen requested a change to “not” in the first line of Section G to “to.” Mr. McEwen requested a change within Section H to “non-CBA employees” versus “non-CBA contracts.

### V. PRESENTATION OF POLICIES FOR THIRD REVIEW

#### A. Policy 3010: School Admissions

Ms. Goldes asked for comments or questions on the third reading of this policy. Mr. McEwen referenced Line 32 and asked if it referred to in-district transfers. Ms. Goldes replied that it did

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not. Ms. Kaleva clarified that the law states if a school district does not receive immunization records within 30 days, the school district is required to exclude that child. Ms. Kaleva added the parents can complete a religious exemption form. Ms. Ridgway read the changes as “Within 30 days after a student transfers out of a school and enrolls in the Helena School District, the original school must send immunization records.”

Ms. Goldes asked what would happen if immunization records were not received. Ms. Kaleva answered that the school district is required to exclude the student from school. Ms. Ridgway said the Helena school district does everything within its power to prevent that from happening and added that parents can submit a religious exemption form.

Ms. Goldes asked if the language in the referenced sentence was in statute. Ms. Kaleva answered that a version of it was. Ms. Goldes asked if the language could be changed to “when a student enrolls in the Helena school district, the original school must have sent...” Ms. Kaleva said the statute reads an original immunization record must be sent to the new district, and the old district is required to keep certified copies.

Mr. Beaver asked what would happen if the records were destroyed. Ms. Kaleva answered that by law, records are required to be kept in a fire-proof vault. She added that if they are unavailable, the parents must work with a medical provider to produce an original document.

Mr. McEwen asked if the sentence could be removed. Ms. Kaleva recommended changing the first sentence to “Students enrolling in the district for the first time must present a birth certificate or other reliable proof of identity and age within 40 days. Students must provide additional student records including immunization records within 30 days.” Ms. Goldes recommended “within 40 days and proof of residence.” Ms. Kaleva said those are separate issues, covered by separate policies and statutes. Ms. Ridgway suggested separating the 40-day requirement and 30-day requirement and bringing it back to the committee.

Ms. Ridgway added the change to Line 41 was in response to Mr. Jeff Hindoien’s comment that there is no personal privacy exemption, just religious and medical.

Ms. Goldes referenced the first paragraph, noting that it doesn’t specifically state that a pupil reaching his/her birthday 19th birthday before or on September 10th may also request a waiver of the age requirement. Ms. Kaleva recommended a change to that sentence as “a waiver of the age limitation must be reviewed and approved by the board in an executive session.” Ms. Goldes requested it read “...this age limitation.” Ms. Goldes confirmed the policy will be brought back to the committee.

## **VI. PRESENTATION OF POLICIES FOR SECOND REVIEW**

### **A. Policy 5256: Reduction in Force**

No changes were requested to this policy. Ms. Goldes said it will be moved to the board for a second reading.

## **B. 7005 Revenue and Investments**

Mr. McEwen referenced Lines 18-19 and requested clarification why it included receiving “financial information...from the Superintendent and public comment.” Ms. Kaleva clarified that prior to making any investment decision, the Board must properly notice it prior to a meeting and accept public comment regarding the investment during a board meeting. Mr. McEwen asked how the district currently invested. Ms. Mickelson answered the district currently invests with the county and has a couple of endowments handled by a trust. She added that since statutes limit what school districts can invest in, the trust gives the district enough money to pay for scholarships. She continued that all the money is invested in the county except for the Activities Fund.

Mr. Beaver mentioned a recent donation received by the district and asked how the donation would be distributed. Ms. Mickelson answered that the funds will be allocated to the programs requested by the donor. Mr. Beaver asked whether that could be considered discriminatory since middle school teachers were not recipients. Ms. Kaleva answered that per Montana law and district policy, when someone gives a gift, he/she can put nondiscriminatory conditions on that gift.

Mr. McEwen asked if the district would be interested in making its own decisions where to invest. Ms. Mickelson answered that with the current interest rates, she didn't think it would be worth the additional labor it would require. Ms. Kaleva added that the statute also limits where a public entity can invest its money.

Ms. Goldes referenced Line 39 and asked why medical marijuana, hemp, gambling, political parties, etc. were not listed among industries from whom the district would not accept advertising or corporate sponsorships, asking if “tobacco or alcohol industry” was from statute. Ms. Kaleva said there are few restrictions in Montana as far as advertising, so the Board could add any industries it deemed offensive. Ms. Goldes asked if the board should be more specific or say decisions will be considered on an individual basis. Ms. Kaleva answered that the previous sentence referenced “subject to certain restrictions” and clarified that the board had the ability to deny any advertising or corporate sponsorship if the decision was not discriminatory. Mr. Beaver asked how the policy would affect a restaurant who served alcohol. Ms. Goldes answered that the policy referenced “industry,” and allowed for case-by-case approval. Ms. Kaleva recommended removing the entire sentence to allow for 100% flexibility.

Mr. McKay asked for clarification that “Board” also referred to designees. Ms. Kaleva asked what the current procedure was for approval. Mr. McKay requested adding into the policy that school principals would be able to make decisions pertaining to advertising. Ms. Kaleva recommended revising the sentence in Lines 37-38 to “These opportunities are subject to certain restrictions as defined by the superintendent on a case-by-case basis.”

Ms. Goldes confirmed that, with the revisions discussed, this policy would be forwarded to the board for second review.

## VII. PRESENTATION OF POLICIES FOR FIRST REVIEW

### A. Policy 7012: Procurement of Supplies, Materials, Equipment, and Services Using Federal Funds

Ms. Kaleva stated this policy was created in response to a new statute requiring districts to have a policy specifically stating there are certain requirements when the district uses federal funds to purchase equipment, supplies, etc. She continued that all districts will be adopting a similar policy because it is very specific in the law what can be purchased with federal funds. Ms. Mickelson offered additional clarification that the federal law says “small purchases” are those under \$275,000, but state law requires them to be under \$80,000. She said the district aligns with state law. Ms. Goldes asked if the \$80,000 figure was set by the Montana Legislature. Ms. Kaleva replied that it was.

Mr. Beaver referenced Lines 17-18 and asked to what extent “minority businesses, women's business enterprises, and labor surplus area firms” were given preference. Ms. Kaleva replied that when advertising, the district must include that it encourages those businesses to apply but that Montana bidding laws still require the district to accept the lowest responsible bidder. Ms. Mickelson confirmed that this policy only applies to federal funds.

Mr. McEwen asked for examples of federal expenditures over \$80,000. Ms. Kaleva answered there currently are none. Mr. McEwen why the \$80,000 limit couldn't apply to all funds. Ms. Kaleva answered that the district wouldn't want to be restricted on what they could spend non-federal funds, adding that federal restrictions are always the strictest.

Mr. McEwen asked for confirmation – with regards to Lines 33-34 – that a person could be excluded from a bid if they wrote the specs. Ms. Kaleva answered that someone could be excluded from a bid if they copied someone else's bid. She continued that it wasn't what the federal government wanted to see in terms of encouraging competition.

Mr. McEwen questioned Line 119. Ms. Kaleva replied that it refers to non-competitive proposals – sole source.

Mr. McEwen inquired into the procedure for district purchasing. Ms. Ridgway explained the requisition process, which ultimately results in Ms. Mickelson's approval of all purchases. Ms. Mickelson added that the district does use the state coop contracts. Mr. Boles confirmed that the Technology Department uses those contracts for all Chromebook purchases. Ms. Goldes confirmed the policy will be sent to the board.

### C. Policy 7065: Contracts with Third Parties Affecting Student Records

Ms. Kaleva said this policy was a result of House Bill 745 in conjunction with FIRPA. She said it requires any contract with a third party for the storage management or retrieval of student records or any contract authorizing a third party to retrieve those records must contain certain language. She said the district started reviewing previous contracts about a year ago in anticipation of this law, but new contracts must be reviewed to ensure compliance. Ms. Ridgway said the biggest challenge will be the national vendors who may not agree to these terms. Ms.

Kaleva confirmed that as of October 1, if they want to do business with school districts in Montana, they will have to comply, per state law.

Dr. Ream referenced Lines 20-22 as another challenge to compliance. He mentioned free apps currently being used that may store personal data and stated there are no contracts in place because the apps are free. Ms. Kaleva recommended going building to building to determine who is using what software. Ms. Goldes recommended sending the policy to the full board since it is time sensitive.

Mr. McEwen said Line 13 was missing the word “of.”

Mr. McEwen reference Lines 21-22 and asked how it pertains to students taking online courses. Dr. Ream answered that the district has MOU’s with Digital Academy and Helena College. Ms. Kaleva said the district will develop a template contract to use that complies with this policy. Ms. Ridgway asked Ms. Kaleva if she has encountered any companies unwilling to comply. Ms. Kaleva said there have been a few, but the necessary requirements in the contract aren’t unreasonable; they just state there is liability if the company screws up. She added that the liability was already there via state statute and FIRPA.

Ms. Goldes recommended moving this policy to the board for a first reading.

#### **VIII. BOARD COMMENTS**

Mr. McEwen asked what the next steps would be. Ms. Ridgway answered that the committee will be working on a facilities chapter after it gets through necessary changes from new statutes.

#### **IX. ADJOURNMENT**

Committee Chair, Ms. Goldes, adjourned the meeting at 1:02pm.

Next Meeting: November 5, 2019 | MBC Conference Room