



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.

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. 9.3.2019 Policy Committee Minutes

V. PRESENTATION OF POLICIES FOR THIRD REVIEW

- A. **3010 School Admissions** - This policy has been updated to reflect the change in law adopted by the 2017 Legislature in SB 11 which defines a pupil as an individual who reaches age 5 on or before September 10th and removes the references to age 6.

VI. PRESENTATION OF POLICIES FOR SECOND REVIEW

- A. **5256 Reduction in Force** – This policy is intended to describe how reduction in force will be determined for any staff not covered by a collective bargaining agreement.
- B. **7005 Revenue and Investments** - This policy is recommended to address revenue and gifts and incorporate the changes adopted by the 2017 Montana Legislature in HB 576 to allow school boards to have greater flexibility in the use of gifts/endowments where no conditions are imposed by the donor.

VII. PRESENTATION OF POLICIES FOR SECOND REVIEW

- A. **7012 Procurement of Supplies, Materials, Equipment and Services Using Federal Funds** - This new policy is recommended to provide the standards applicable under federal law for the procurement of goods and services using federal funds. It incorporates state limits but includes the information required by the [Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards](#).

- B. **7065 Contracts with Third Parties Affecting Student Records** - This new policy must be adopted to enter into contracts with providers of educational software and applications that will be used in schools. The Montana Legislature passed HB 745, which is entitled the Montana Pupil Online Personal Information Act. The intent of the law is to protect student information from being gathered and used by third party providers to engage in targeted advertising. While the legislation largely focuses on these third parties and the requirements that apply to their protection and use of student information, the law also requires that districts must have a policy to contract with these providers and the contracts must contain the provisions specified by law.

VIII. SUPERINTENDENT'S REPORT / BOARD COMMENTS

IX. ADJOURNMENT

Next Meeting:
November 5, 2019
MBC Conference Room

Helena Public Schools Board of Trustees

Sarah Sullivan
Board Chair

Terry Beaver
Vice Chair

Tyler Emmert
Trustee

Luke Muszkiewicz
Trustee

Jeff Hindoien
Trustee

Libby Goldes
Trustee

Sanjay Talwani
Trustee

Jennifer Walsh
Trustee



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Board of Trustees – Policy Committee

May Butler Center | 55 S. Rodney Ave
Tuesday, September 3, 2019 – 12:00p.m.

MINUTES - DRAFT

Committee:

Terry Beaver, Committee Member
John McEwen, Committee Member
Libby Goldes, Committee Chair
(excused absence)

Others:

Luke Muszkiewicz, Board of Trustees Chair
Tyler Ream, Superintendent
Josh McKay, Assistant Superintendent
Barb Ridgway, Chief of Staff
Stacy Collette, Human Resources Director
Elizabeth “Bea” Kaleva, Attorney
Jane Shawn, HEA President

I. CALL TO ORDER / INTRODUCTIONS

Meeting was called to order at 12:02pm by Committee Member, Terry Beaver.

II. REVIEW OF AGENDA

There were no requested changes to the agenda.

III. GENERAL PUBLIC COMMENT

There was no public comment.

IV. REVIEW OF 8.6.2019 POLICY COMMITTEE MINUTES

No changes were requested.

V. PRESENTATION OF POLICIES FOR SECOND REVIEW

A. Policy 1027: Board Member Conflict of Interests

Ms. Ridgway mentioned this policy was discussed at the full Board meeting, at which some concern was raised regarding unclear language. Ms. Kaleva recommended leaving language as is since it aligns with state statute. Mr. Beaver suggested sending this policy back to the full Board for a second reading.

Helena Public Schools Board of Trustees

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B. Policy 1030: Resignations and Other Vacancies

Ms. Kaleva stated the revisions to this policy reflect statutory change from the last legislative session. Mr. Beaver recommended sending this policy back to the Board.

C. Policy 3050: Student Discipline

Ms. Kaleva said the only change to this policy was the additional language to include alternative drug, alcohol and tobacco products. Mr. Beaver recommended sending this policy to the full Board.

D. Policy 4015: Conduct on School Property

Ms. Ridgway stated revisions to Policy 4015 are based on the same premise as the previous policy revisions: adding language to include alternative drug, alcohol and tobacco products. Mr. Beaver recommended sending this policy to the full Board.

E. Policy 5020: Tobacco Products, Drug, and Alcohol Free Workplace

Ms. Kaleva said revisions to this policy include the alternative drug, alcohol and tobacco products language. She added that additionally under this policy, cessation products are only allowable with administrative approval. Ms. Kaleva continued that this policy also allows said restricted drug, alcohol and tobacco products if they are used as teaching devices, for example as part of an instructional presentation.

F. Policy 5032: Prohibition on Aiding and Abetting Sexual Abuse

According to Ms. Kaleva, revisions to this policy stem from the last legislative session. The policy prohibits current employees from writing a letter of recommendation for a former employee who has been known to have acted sexually inappropriate with a minor. Ms. Ridgway mentioned previous concern from the Board on why the policy was not applicable to students, and Ms. Kaleva answered that typically students do not write letters of recommendation. Mr. McEwen asked how the policy affected trustees as members of the public. Ms. Kaleva clarified that the policy applies to Board members as trustees, not as members of the public. Dr. Ream asked how the policy would affect personal recommendations, and Ms. Kaleva answered that if it was for an employee, it shouldn't be written. She offered additional clarification by stating an employee cannot write a letter recommending another for any occupation; the policy is not restricted to an educational field. Mr. Beaver recommended forwarding Policy 5032 to the full Board.

G. Policy 3010: School Admissions

Mr. McEwen noted that Line 41 was missing the word "not." He questioned which religion would not permit vaccinations. Ms. Kaleva answered that parents wishing to complete an immunization exemption form need only note it is for religious reasons, not the specific religion. Mr. Muszkiewicz questioned whether the committee had interest in incorporating "exceptional standards" in policy language. Ms. Kaleva answered that no Board has ever been challenged on what standard they use. Ms. Ridgway added that some districts have found "exceptional circumstances" with each student requesting early admission, and that standard has also raised issues. Mr. Muszkiewicz speculated whether the Board should place a higher standard on the circumstances for when district leadership brings cases to the Board. He expressed concern over updating district policy without giving the Superintendent any direction. Ms. Kaleva

clarified that the Board is seeking “exceptional circumstances,” not “exceptional children.” Ms. Ridgway added that some districts are offering A and B kindergarten as a solution to early enrollment acceptance or denial. Dr. Ream asked if the additional kindergarten program was added, would it limit the Board’s ability to see exceptional circumstances. Ms. Kaleva encouraged the committee to take the recommendation of staff – let them be the experts. She recommended leaving the language open to allow for other measures of “exceptional,” including social and emotional readiness. Mr. Muszkiewicz clarified his intentions were to bring the Superintendent and the Board into alignment, not for the Board to become more involved in the process. Mr. McKay confirmed that moving forward, district leadership would take templates already completed and adjust them with direction from the Board. He added that some qualifiers might change over time and recommended the language in the policy remain open. Mr. Muszkiewicz questioned if statute explicitly states what happens if administration recommends a denial of waiver or only if administration recommends acceptance. Ms. Kaleva answered that either recommendation should be brought to the Board, per statute. She added parents should be given the option – if administration recommends denial of a waiver - to bring their case before the Board. Mr. Beaver referenced Line 15, mentioning the language sounded like it only referred to a nineteen-year-old. He added that – also in Line 15 – the policy reads a student may request a waiver, but it doesn’t refer to a parent. Ms. Ridgway recommended a change in language to “a waiver” must be reviewed by the Board in an executive session. Ms. Ridgway referenced the rework of Lines 32-34 was for clarity and at the request of the Board. Mr. Beaver recommended moving the policy to the Board with the two changes detailed. Mr. McEwen questioned whether the Board would like to continue considering waivers or just say no in all cases. Ms. Kaleva answered that if the Board wished to do so, she recommended a change to the policy. Mr. Beaver recommended leaving the language as is, noting a need for flexibility in Board decisions and referencing instances like an adopted child whose parents may not be able to determine the child’s age.

VI. PRESENTATION OF POLICIES FOR FIRST REVIEW

A. Policy 5256: Reduction in Force

Ms. Kaleva noted that this policy specifically excludes all employees covered by a CBA (collective bargaining agreement). She added that in instance of a RIF (reduction in force), the Board would take into consideration seniority, endorsements, recommendations, etc., which gives the Board a lot of decision-making flexibility. Mr. McEwen questioned how many employees in the district would be affected by this policy, and Ms. Collette answered about 100, which includes non-CBA secretaries, administration, etc. Mr. McEwen asked if the years of experience included out-of-district experience. Ms. Collette answered that it would be taken into consideration, and Ms. Kaleva added that the less specific the district was in detailing qualifications, the better. Ms. Kaleva said there was a time when all non-tenured teachers were non-renewed each year, adding that now that budgets are more secure, the practice doesn’t happen much anymore. Mr. McEwen asked if all contracts have a RIF provision, and Ms. Collette answered that they do. Mr. McEwen asked if CBA contracts look different than non-CBA contracts, and Ms. Collette answered that they look significantly different. Ms. Collette referenced Lines 14-15 and recommended adding “all or some.” Ms. Collette requested the addition of “staff needs” to policy language. Mr. Beaver recommended the policy be sent to the Board with revisions.

B. Policy 7005: Revenue and Investments

Ms. Kaleva began by saying this policy covers what the district does/can do with several types of funds. She continued that the policy gives the district the flexibility to invest accordingly, but there are some limits on where the district can invest. Ms. Kaleva addressed gifts and endowments, stating that there are some that cannot be accepted, for instance funds for gender specific activities per Title 9. She added the district may not accept funds from hate groups or the tobacco industry or receive a gift with an associated cost that cannot be maintained. Ms. Kaleva then discussed advertising as revenue, stating that the district has to be mindful of the type of advertising allowable in schools. She recommended reviewing the current procedures to ensure compliance with the policy, noting specifically that no advertising can be placed on schools' websites without district approval. Ms. Ridgway added that employees running their own independent camp or clinics aren't exempt from this policy. Mr. McEwen questioned what gifts are typically received, and Ms. Kaleva answered that sometimes donations are left in a will, or a nonprofit donates money or equipment. She added that the process needs to include approval by the Superintendent. Ms. Kaleva said the district can set up an endowment fund within the district which would allow the district to access the funds as long as the endowment fund doesn't supplant the budget. Mr. McEwen mentioned Helena Education Foundation and asked if that was similar to an endowment fund. Mr. Beaver referenced, "Advertising or corporate sponsorship opportunities from the tobacco industry will not be considered or approved," from Lines 39-40 and asked why the district did not add alcohol and drugs to the sentence. Ms. Kaleva answered the sentence complied with the tobacco-free campus status of the district. Mr. Beaver questioned if "firearms" should be added. Ms. Kaleva answered that it depends on what the district defines as "industry," noting that tobacco was a predefined industry, where the others were not necessarily. Ms. Ridgway said she has received questions regarding local bars advertising on a radio station covering a high school activity. Ms. Kaleva answered that it was not under the district's jurisdiction, noting that some things are not in policy but in procedure. Mr. McEwen asked why the policy only references federal funds, and Ms. Kaleva answered because the federal government is requiring this language, adding that there has been more push for similar policies from the federal side. Ms. Ridgway confirmed this policy will be brought back to committee.

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

No time was left to discuss this policy. Ms. Ridgway confirmed it will be on the next Policy Committee meeting agenda.

VII. BOARD COMMENTS

None were offered.

VIII. ADJOURNMENT

Committee Member, Terry Beaver, adjourned the meeting at 1:02pm.

Next Meeting: October 1, 2019 | MBC Conference Room

2
3 STUDENTS

4
5 School Admissions

6
7 *Age*

8
9 No pupil may be enrolled in the kindergarten or first grade whose 5th ~~or 6th~~ birthday does not occur
10 on or before September 10 of the school year in which child registers to enter school. A parent may
11 request a waiver of the age requirement. All waivers are ~~in~~ at the discretion of and subject to the
12 approval of the Board. ~~A student who meets the 6-year-old requirement to enter 1st grade, but~~
13 ~~who has not completed a kindergarten program, will be tested and placed at the discretion of~~
14 ~~the administration.~~ No pupil may be enrolled in the District if that pupil has reached his or her 19th
15 birthday on or before September 10 of the school year in which the child registers to enter school. A
16 student may request A waiver of the age limitation, ~~which~~ must be reviewed and approved by the
17 Board in an executive session.

18
19 *Entrance – Identity and Immunization*

20
21 Students enrolling in the District for the first time must present a birth certificate or other reliable
22 proof of identity and age within 40 days, as well as proof of residence, and immunization from
23 disease as required by Montana. Students who are homeless, in foster care, or are the child of a
24 military family are entitled to immediate enrollment regardless of presentation of the required
25 documentation. If the parent of the student does not provide proof of identification within 40 days,
26 the District shall notify the Missing Children Information Program and a local law enforcement
27 authority of the fact that no proof of identity has been presented for the child. Nonresident students
28 shall be admitted when required by law or as permitted by District policy. A student who transfers
29 from one school district to another may photocopy immunization records in the possession of the
30 school of origin. The District shall accept the photocopy as evidence of immunization. ~~Within 30~~
31 ~~days after a transferring pupil ceases attendance at the school of origin, the District should have the~~
32 ~~original immunization records.~~ Within 30 days after a student transfers out of a school and enrolls in
33 a new school, the original school should have sent the original immunization records to the new
34 school in which the student has newly enrolled.

35
36 ~~When a parent signs and files with the District, prior to the commencement of attendance each~~
37 ~~school year, a notarized affidavit on a form prescribed by the State of Montana stating that~~
38 ~~immunization is contrary to the religious tenets and practices of the parent. Immunization of the~~
39 ~~student seeking to attend in the District will not be required prior to attendance.~~

40
41 Parents who choose not to immunize their child based on religious tenets or personal practices must
42 annually submit to the District a signed and notarized affidavit on the form prescribed by the State of
43 Montana. The form must be presented to the District prior to the child’s first day of attendance. The
44 statement must be maintained as part of the student's immunization records. The District will also
45 accept medical exemptions as required by law.

47 *Placement*

48
49 The goal of the District shall be to place students at levels and in settings that will enhance the
50 probability of student success. Developmental testing, together with other relevant criteria,
51 including but not limited to, health, maturity, emotional stability, and developmental disabilities,
52 may be considered in the placement of all students. Final disposition of all placement decisions rests
53 with the Principal subject to review by the Superintendent. ~~and the Board~~. If a student is assigned to
54 a school in the District outside of the adopted school boundaries applicable to that student, this
55 decision is subject to the District's Uniform Grievance Procedure. Upon completion of these
56 procedures, the Board's decision regarding the assignment is final.

57
58 *Transfer Students*

59
60 Resident students seeking to transfer to a District school will be admitted and placed pursuant to the
61 terms of this policy. The District will request the student's records from the prior school district
62 prior to making any final decision on placement.

63
64 Elementary students shall be placed at their current grade level on a probationary basis for a period
65 of two weeks. Should any doubt exist with the teacher and/or Principal as to grade and level
66 placement of the student, the student shall be subject to an educational assessment to determine
67 appropriate grade and level placement

68
69 High school students shall be placed according to the number of credits earned in their previous
70 accredited school districts, subject to Montana Accreditation Rules and Standards and local alternate
71 procedures for earning credit.

72
73

74 Legal References:	§ 1-1-215, MCA	Residence -- rules for determining
75	§ 20-5-101, MCA	Admittance of child to school
76	§ 20-5-403, MCA	Immunization requirements
77	§ 20-5-404, MCA	Conditional attendance
78	§ 20-5-405, MCA	Medical or religious exemption
79	§ 20-5-406, MCA	Immunization record
80	§ 20-5-502, MCA	Enrollment by caretaker relative -- residency -- 81 affidavit
82	§ 20-7-117, MCA	Kindergarten and preschool programs
83	§ 44-2-511, MCA	School enrollment procedures for missing children
84	10.55.701, ARM	Board of Trustees
85	10.55.906, ARM	High School Credit

86
87 Cross References:

88 <u>Policy 1085</u>	Uniform Grievance Procedure
89 <u>Policy 1065</u>	<u>Board Meetings</u>

90 Policy History:

91 Adopted on: 2.12.2013
92 Revised on: 10.8.2013

1 **Helena Public Schools**

2
3 **PERSONNEL**

5256

4
5 Reduction in Force

6
7
8 The Board has exclusive authority to determine the appropriate number of employees. A
9 reduction in employees may occur as a result of but not be limited to changes in the education
10 program, staff realignment, changes in the size or nature of the student population, financial
11 considerations, or other reasons deemed relevant by the Board.

12
13 The Board will consider in no particular order all or some of the following criteria in determining
14 order of dismissal when it reduces staff or discontinues some type of educational service:

- 15
16
 - 17 • performance evaluations,
 - 18 • staff needs,
 - 19 • seniority,
 - 20 • experience inside and outside the district,
 - 21 • professional development,
 - 22 • curricular or industry knowledge,
 - 23 • endorsements and/or certifications, and / or
 - 24 • other reasons it deems relevant.

25 For any employees covered by a collective bargaining agreement the Board will follow the
26 procedure stated in the current CBA when considering a reduction in force. ~~for staff covered by a~~
27 ~~collective bargaining agreement.~~

28
29 Cross Reference: 5250 Non-Renewal of Employment/Dismissal from Employment

30
31 Legal Reference: § 20-4-206, MCA Notification of nontenure teacher reelection –
32 acceptance – termination

33
34 Policy History:

35 Adopted on:

36 Reviewed on:

37 Revised on:

2
3 OPERATIONAL SERVICES

4
5 Revenue and Investments

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7 The Superintendent is responsible for making all claims for property tax revenue, state aid,
8 special state funds for specific programs, federal funds, and categorical grants when such grants
9 may assist in improving the educational program. The County Treasurer is the depository and
10 custodian of all District funds except as provided by law and by agreement between the County
11 Treasurer and the Board.

12
13 *Investments*

14
15 The Board shall either direct the County Superintendent to invest its funds or establish an
16 independent investment account as provided by law. In addition, the Board may choose to
17 participate in an investment pool as provided by law. All decisions regarding the investment of
18 District funds shall be made by the Board, after receiving financial information from the
19 Superintendent and public input.

20
21 *Gifts and Endowments*

22
23 The Board may accept gifts, endowments, legacies, and devises subject to the lawful conditions
24 imposed by the donor. Except where otherwise specified by the donor, the Board may deposit
25 the gift, legacy, devise, or proceeds in any budgeted or nonbudgeted fund and may thereafter
26 transfer any portion of the gift, legacy, devise, or proceeds to any other fund at the Board’s
27 discretion. The Board may transfer any previously donated funds deposited into an endowment
28 fund along with any accumulated interest to any other budgeted or nonbudgeted fund and may
29 spend such funds at the discretion of the Board unless restricted by the donor. In the event the
30 donor has specified or imposed any conditions for the gift, legacy, or devise, the Board shall
31 deposit the gift, legacy, devise, or proceeds into an endowment fund. Neither the Board nor the
32 Superintendent will approve any gifts that are inappropriate.

33
34 *Advertising as Revenue*

35
36 The Board may choose to enhance its revenue through a variety of District approved marketing
37 activities, including but not limited to advertising, corporate sponsorship, signage, etc. These
38 opportunities are subject to certain restrictions as approved by the Board on a case by case basis.
39 Advertising or corporate sponsorship opportunities from the tobacco or alcohol industry will not
40 be considered or approved. All sponsorship contracts will allow the District to terminate the
41 contract at least on an annual basis if it is determined that it will have an adverse impact on
42 implementation of curriculum or the educational experience of students.

43
44 Legal References: § 20-6-702, MCA Funding for K-12 school districts

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§ 20-9-235, MCA	Authorization for school district investment account
§ 20-9-212, MCA	Duties of county treasurer
§ 20-9-604, MCA	Gifts, legacies, devises and administration of endowment fund
10.10.306, ARM	Bank Accounts or Other Repositories
10.10.611, ARM	Establishment of Investment Accounts
10.10.625, ARM	Investment Pools

Cross References:

Policy History:

Adopted on:

Revised on:

2

3 OPERATIONAL SERVICES

4

5 Procurement of Supplies, Materials, Equipment and Services Using Federal Funds

6 Procurement of all supplies, materials, equipment, and services paid for from federal funds or
7 District matching funds shall be made in accordance with all applicable federal, state, and local
8 statutes and/or regulations, the terms and conditions of the federal grant, Board policy, and
9 administrative procedures. Procurement of any supplies, materials, equipment or services not
10 using federal funds shall be subject to Board Policy 7010 and state law.

11 The Superintendent shall maintain a procurement and contract administration system in
12 accordance with the requirements for the administration and management of Federal grants and
13 Federally-funded programs. The District shall maintain a contract administration system that
14 requires contractors to perform in accordance with the terms, conditions, and specifications of
15 their contracts or purchase orders. Except as otherwise noted, procurement transactions shall
16 conform to the provisions of the District’s general purchasing policy.

17 The District shall take affirmative steps to assure that minority businesses, women's business
18 enterprises, and labor surplus area firms are used when possible.

19 All District employees, officers, and agents who have purchasing authority shall abide by the
20 standards of conduct covering conflicts of interest and governing the actions of its employees,
21 officers, and agents engaged in the selection, award, and administration of contracts.

22 The District will avoid acquisition of unnecessary or duplicative items and shall give
23 consideration to mechanisms to obtain a more economical purchase (i.e., consolidating or
24 breaking out procurements where permitted under state law). Where appropriate, the District
25 shall conduct an analysis of lease versus purchase alternatives and any other appropriate options
26 to determine the most economical approach.

27 To foster greater economy and efficiency, the District may engage in cooperative purchasing
28 where appropriate for procurement or use of common or shared goods and services.

29 **Competition**

30 All procurement transactions paid for from federal funds or District matching funds shall be
31 conducted in a manner that encourages full and open competition and that is in good
32 administrative practice and sound business judgment. To promote these purposes, the District
33 shall exclude any contractor that has developed or drafted specifications, requirements,
34 statements of work, or invitations for bids or requests for proposals from competition for such
35 procurements.

36 Further, the District does not use statutorily or administratively imposed state, local, or tribal
37 geographical preferences in the evaluation of bids or proposals under this policy, unless (1) an

38 applicable federal statute expressly mandates or encourages a geographic preference; or (2) the
39 District is contracting for architectural and engineering services, in which case geographic
40 location may be a selection criterion provided its application leaves an appropriate number of
41 qualified firms, given the nature and size of the project, to compete for the contract.

42 To the extent that the District uses a pre-qualified list of persons, firms, or products to acquire
43 goods and services that are subject to this policy, the pre-qualified list shall include a sufficient
44 number of qualified sources as to ensure maximum open and free competition. The District
45 allows vendors to apply for consideration to be placed on the list at any time and they must re-
46 qualify every twenty-four (24) months in accordance with administrative procedures established
47 by the Superintendent.

48 **Solicitation Language**

49 The District shall require that all solicitations made pursuant to this policy incorporate a clear
50 and accurate description of the technical requirements for the material, product, or service to be
51 procured. Such description shall not, in competitive procurements, contain features which unduly
52 restrict competition. The description may include a statement of the qualitative nature of the
53 material, product, or service to be procured and, when necessary, shall set forth those minimum
54 essential characteristics and standards to which it shall conform if it is to satisfy its intended use.
55 Detailed product specifications will be avoided if at all possible.

56 When it is impractical or uneconomical to make a clear and accurate description of the technical
57 requirements, a "brand name or equivalent" description may be used as a means to define the
58 performance or other salient requirements of procurement. The specific features of the named
59 brand which shall be met by offers shall be clearly stated; and identify all requirements which the
60 offerors shall fulfill and all other factors to be used in evaluating bids or proposals.

61 The Board shall not approve any expenditure for an unauthorized purchase or contract.

62 **Procurement Methods**

63 The District shall utilize the following methods of procurement:

64 *Micro-Purchases*

65 Purchases of supplies, materials, services, or equipment using federal funds less than
66 \$10,000 shall be "Micro-Purchases." The District is not required to use a formal bidding
67 process for Micro-Purchases, but it shall ensure that purchases are reasonable and equitably
68 distributed among all qualified sources. The District shall maintain all procurement
69 documentation to ensure the cost is less than \$10,000 for a Micro-Purchase.

70

71 *Small Purchases*

72 Purchases of supplies, materials, services, or equipment using federal funds between
73 \$10,000 and \$80,000 shall be considered "Small Purchases." The District is not required to
74 use a formal bidding process for Small Purchases, but it shall use a competitive process to
75 ensure fairness. For any Small Purchase, the District shall obtain at least two or more price

76 quotes. The District shall maintain all procurement documentation to ensure the cost is less
77 than \$80,000 but more than \$10,000 for a Small Purchase.

78

79 *Sealed Bids*

80 Sealed bids shall be used when the procurement lends itself to a firm fixed price contract
81 and the selection of the successful bidder can be made principally on the basis of price.

82 Sealed, competitive bids shall be obtained when the purchase of, and contract for supplies,
83 materials, or equipment (including construction projects) which exceeds \$80,000 and
84 would utilize federal funds or District matching funds.

- 85 1. Bids shall be solicited in accordance with the provisions of state law and
86 board policy. Bids shall be solicited from an adequate number of qualified
87 suppliers, providing sufficient response time prior to the date set for the
88 opening of bids. The invitation to bid shall be publicly advertised.
- 89 2. The invitation for bids will include product/contract specifications and
90 pertinent attachments and shall define the items and/or services required in
91 order for the bidder to properly respond.
- 92 3. All bids will be opened at the time and place prescribed in the invitation for
93 bids; bids will be opened publicly.
- 94 4. A firm fixed price contract award will be made in writing to the lowest
95 responsive and responsible bidder.
- 96 5. The Board reserves the right to reject any or all bids for sound documented
97 reason.

98

99 *Competitive Proposals*

100 Procurement by competitive proposal, normally conducted with more than one source
101 submitting an offer, is generally used when conditions are not appropriate for the use of
102 sealed bids.

103 If this method is used, the following requirements apply:

- 104 1. Requests for proposals shall be publicized and identify all evaluation factors and
105 their relative importance. Any response to the publicized requests for proposals
106 shall be considered to the maximum extent practical.
- 107 2. Proposals shall be solicited from an adequate number of sources.
- 108 3. The District shall use its written method for conducting technical evaluations of
109 the proposals received and for selecting recipients.
- 110 4. Contracts shall be awarded to the responsible firm whose proposal is most
111 advantageous to the program, with price and other factors considered. Price may
112 not be considered where procuring architectural/engineering services;
113 compensation is subject to negotiation of a fair and reasonable fee after selection.

114

115 *Noncompetitive Proposals*

116 The District may only solicit a proposal from a sole source when one or more of the following
117 circumstances apply:

- 118 1. The item is available only from a single source;

- 119 2. The public exigency or emergency for the requirement will not permit a delay
120 resulting from competitive solicitation;
121 3. The federal awarding agency or pass-through entity expressly authorizes
122 noncompetitive proposals in response to a written request from the District; or
123 4. After solicitation of a number of sources, competition is determined to be
124 inadequate.

125 **Contract/Price Analysis**

126 The District shall perform a cost or price analysis in connection with every procurement action in
127 excess of \$80,000, including contract modifications. A cost analysis generally means evaluating
128 the separate cost elements that make up the total price, while a price analysis means evaluating
129 the total price, without looking at the individual cost elements.

130 The method and degree of analysis is dependent on the facts surrounding the particular
131 procurement situation; however, the District shall come to an independent estimate prior to
132 receiving bids or proposals.

133 **Time and Materials Contracts**

134 The District uses a time and materials type contract only (1) after a determination that no other
135 contract is suitable; and (2) if the contract includes a ceiling price that the contractor exceeds at
136 its own risk. A time and materials type contract is a contract whose cost to the District is the sum
137 of the actual costs of materials, and direct labor hours charged at fixed hourly rates that reflect
138 wages, general and administrative expenses, and profit.

139 **Suspension and Debarment**

140 The District will award contracts only to responsible contractors possessing the ability to
141 perform successfully under the terms and conditions of the proposed procurement. All
142 purchasing decisions shall be made in the best interests of the District and shall seek to obtain the
143 maximum value for each dollar expended. When making a purchasing decision, the District shall
144 consider such factors as (1) contractor integrity; (2) compliance with public policy; (3) record of
145 past performance; and (4) financial and technical resources.

146 The Superintendent shall have the authority to suspend or debar a person/corporation, for cause,
147 from consideration or award of further contracts.

148 The District shall not subcontract with or award subgrants to any person or company who is
149 debarred or suspended. For contracts over \$25,000, the District shall confirm that the vendor is
150 not debarred or suspended by verifying such status.

151 **Maintenance of Procurement Records**

152 The District maintains records sufficient to detail the history of all procurements. These records
153 include, but are not limited to the following: rationale for the method of procurement, selection

154 of contract type, contractor selection, or rejection, and the basis for the contract price (including
155 a cost or price analysis).

156	Legal References:	§ 18-1-101 et seq., MCA	Public Contracts
157		§ 20-9-204, MCA	Conflicts of interest, letting contracts and
158			calling for bids
159		2 C.F.R. Part 180	
160		2 C.F.R. 200.317	
161		2 C.F.R. 200.318	
162		2 C.F.R. 200.319	
163		2 C.F.R. 200.320	
164		2 C.F.R. 200.321	
165		2 C.F.R. 200.322	
166		2 C.F.R. 200.323	
167		2 C.F.R. 200.324	
168		2 C.F.R. 200.325	
169		2 C.F.R. 200.326	
170		48 C.F.R. chapter 1	

171			
172			
173	Cross References:	Policy 5105	Conflicts of Interest
174		Policy 7010	Purchasing

175

176 Policy History:

177 Adopted on:

178 Revised on:

179

2
3 OPERATIONAL SERVICES

4
5 Contracts with Third Parties Affecting Student Records

6
7 The Board may enter into a contract with a third party provider of digital educational software or
8 services:

- 9
10 - For the digital storage, management, and retrieval of student records (including through
11 cloud-based services); or
12 - Authorizes a third-party digital software provider to access, store, and use student records in
13 accordance with the provisions any such resulting contract.

14
15 “Student records” include the student record maintained by the District in accordance with the
16 Family Educational Rights and Privacy Act (“FERPA”) and board policy and any information
17 acquired directly from the student through the use of instructional software or applications
18 assigned to the student by a teacher or other District employee.

19
20 District personnel may utilize digital educational software or services in accordance with this
21 policy. Personnel are not authorized to use third party digital educational software or services
22 for which the District has not entered into a contract pursuant to this policy.

23
24 All contracts entered into by the Board under this policy shall provide for the following at a
25 minimum:

- 26
27 1. All student records are and continue to be the property and under the control of the District;
28 2. A description of the means by which students may retain possession and control of their own
29 student-generated content if applicable, including the options through which a student may
30 transfer his or her own generated content to a personal account;
31 3. The third party is prohibited from using any information from a student record for any
32 purpose other than what is specifically authorized by the contract;
33 4. A description of the procedures through which a parent/guardian or adult student may review
34 personally identifiable information in the student’s record and correct erroneous information;
35 5. A description of the actions the third party shall take to ensure the security and confidentiality
36 of student records, including the designation and training of responsible individuals;
37 6. A description of the procedures for notifying the parent/guardian or adult student in the event
38 of an unauthorized disclosure of the student’s records;
39 7. Certification and a description of how certification will be verified that the third party shall
40 not retain or access the student records upon completion of the terms of the contract;
41 8. A description of how the District and third party will jointly ensure compliance with FERPA;
42 and
43 9. The third party is prohibited against using personally identifiable information in student
44 records to engage in targeted advertising.

46 The District may impose other restrictions, conditions or provisions in any contract subject to
47 this policy. Nothing herein shall, by itself, absolve a third party of liability in the event of an
48 unauthorized disclosure of student records.

49

50 Any contract failing to comply with these requirements and remains noncompliant after notice
51 and an opportunity to cure defects shall be void.

52

53 Legal References:	20 U.S.C. § 1232g	Family Educational Rights and Privacy Act
54	House Bill 745	Montana Pupil Online Personal Information Protection Act
55		
56		
57		

57

58 Cross References:	Board Policy 3080
59	
60	

59

60

61 Policy History:

62 Adopted on:

63 Revised on:

64