



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 December 3, 2019 – 12:00pm

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. 10.1.2019 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. **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.

VII. PRESENTATION OF POLICIES FOR FIRST REVIEW

- A. **2035 Federal Funding and Title I** - This policy has been updated to incorporate the standards for Title I as amended by ESSA and the focus on family engagement.
- B. **4040 School, Student, Parent, Family and Community Engagement in Education** - This policy has been revised to reference coordination of family engagement required under Montana law with the requirement for family engagement under Title I as well as the requirements under Montana with respect to family engagement.
- C. **5105 Conflicts of Interest** - This policy has been revised to reflect the ethical standard whereby an employee may have a conflict of interest whereby a vote may result in an economic detriment for a competitor of an entity in which the employee may have a significant interest. It has also been updated with additional legal references.
- D. **7053 Food Service Procurement** - This policy has minor revisions to the cross-references section. Policies relating to procurement and purchasing and conflicts of interest are cross-referenced.

VIII. SUPERINTENDENT'S REPORT / BOARD COMMENTS

IX. ADJOURNMENT

**Next Meeting:
January 7, 2020
MBC Conference Room**

Helena Public Schools Board of Trustees

Luke Muszkiewicz
Board Chair

Terry Beaver
Vice Chair

Libby Goldes
Trustee

Siobhan Hathhorn
Trustee

Jeff Hindoién
Trustee

John E McEwen
Trustee

Sarah Sullivan
Trustee

Jennifer Walsh
Trustee



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.

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

Helena Public Schools Board of Trustees

Luke Muszkiewicz
Board Chair
Jeff Hindoién
Trustee

Terry Beaver
Vice Chair
John E McEwen
Trustee

Libby Goldes
Trustee
Sarah Sullivan
Trustee

Siobhan Hathhorn
Trustee
Jennifer Walsh
Trustee

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. Ridgeway 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

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 must also provide additional student records including
24 original immunization records within 30 days. If the parent of the student does not provide proof of
25 identification within 40 days, the District shall notify the Missing Children Information Program and
26 a local law enforcement authority of the fact that no proof of identity has been presented for the
27 child.

28
29 Students who are homeless, in foster care, or are the child of a military family are entitled to
30 immediate enrollment regardless of presentation of the required documentation. Nonresident
31 students shall be admitted when required by law or as permitted by District policy.

32
33 A student who transfers from one school district to another may photocopy immunization records in
34 the possession of the school of origin. The District shall accept the photocopy as evidence of
35 immunization. ~~Within 30 days after a transferring pupil ceases attendance at the school of origin, the~~
36 ~~District should have the original immunization records.~~ When a student enrolls in the Helena School
37 District the school the student left must send the original immunization records within thirty (30)
38 days after the student has transferred out.

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

44
45 Parents who choose not to immunize their child based on religious tenets or personal practices must
46 annually submit to the District a signed and notarized affidavit on the form prescribed by the State of

47 Montana. The form must be presented to the District prior to the child's first day of attendance. The
48 statement must be maintained as part of the student's immunization records. The District will also
49 accept medical exemptions as required by law.

50

51 *Placement*

52

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

61

62 *Transfer Students*

63

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

67

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

72

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

76

77

78	Legal References:	§ 1-1-215, MCA	Residence -- rules for determining
79		§ 20-5-101, MCA	Admittance of child to school
80		§ 20-5-403, MCA	Immunization requirements
81		§ 20-5-404, MCA	Conditional attendance
82		§ 20-5-405, MCA	Medical or religious exemption
83		§ 20-5-406, MCA	Immunization record
84		§ 20-5-502, MCA	Enrollment by caretaker relative -- residency -- 85 affidavit
86		§ 20-7-117, MCA	Kindergarten and preschool programs
87		§ 44-2-511, MCA	School enrollment procedures for missing children
88		10.55.701, ARM	Board of Trustees
89		10.55.906, ARM	High School Credit

90

91	Cross References:	Policy 1085	Uniform Grievance Procedure
92		<u>Policy 1065</u>	<u>Board Meetings</u>

93		
94	<u>Policy History:</u>	
95	Adopted on:	2.12.2013
96	Revised on:	10.8.2013
97		

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 of 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

2 STUDENT INSTRUCTION

3 Federal Funding and Title I

4
5 The Board may participate in federal programs which in the judgment of the administrative staff
6 shall be beneficial to the total school program. All projects written to secure federal funds shall
7 be on the recommendation of the Superintendent and approval of the Board. The Board shall
8 comply with all federal and state certification requirements for alcohol and drug abuse education
9 and prevention programs.

10
11 The Superintendent or designee shall pursue funding under Title I, ~~Improving the Academic~~
12 ~~Achievement of the Disadvantaged~~, of the Elementary and Secondary Education Act, to
13 supplement instructional services and activities in order to improve the educational opportunities
14 of educationally disadvantaged ~~or deprived~~ children.

15
16 All District schools, regardless of whether they receive Title I funds, shall provide services that,
17 taken as a whole, are substantially comparable. Teachers, administrators and other staff shall be
18 assigned to schools in a manner that ensures equivalency among the District’s schools.
19 Curriculum materials and instructional supplies shall be provided in a manner that ensures
20 equivalency among the District’s schools.

21
22 In keeping with the requirements of ~~ESSIA(1) and EDGAR(2)~~ federal law, the Board assures:

- 23 1. A salary schedule which applies to all instructional personnel,
- 24 2. Equivalence among schools in teachers, administrators, and auxiliary personnel,
- 25 3. Equivalence among schools in the provision of curriculum materials and instructional
- 26 supplies, and
- 27 4. Parental consultation in project planning, implementation and evaluation.

28
29 Parental ~~Involvement~~ and Family Engagement

30
31 ~~The District maintains programs, activities, and procedures for the involvement of parents of~~
32 ~~students receiving services, or enrolled in programs, under Title I. These programs, activities,~~
33 ~~and procedures are described in the District—School Parental Involvement Compact, which is~~
34 ~~hereby incorporated by reference.~~

- 35
- 36 1. ~~Elementary and Secondary School Improvement Amendments~~
- 37 2. ~~Education Department General Administrative Regulations~~

38
39 ~~The Superintendent shall develop District—School Parental Involvement Compact according to~~
40 ~~Title I requirements. The Compact shall contain:~~

- 41 1. ~~the District’s expectations for parental involvement,~~
- 42 2. ~~specific strategies for effective parent involvement activities to improve student~~
43 ~~academic achievement and school performance, and~~
- 44 3. ~~other provisions as required by federal law.~~

The Superintendent shall ensure that the Compact is distributed to parents of students receiving services, or enrolled in programs, under Title I.

District schools operating Title I programs shall undertake the following to engage parents and families:

- Host an annual meeting that accommodates parents’ needs to inform parents about Title I requirements and about the right of parents to be involved in the Title I program.
- Involve parents and families in an organized, ongoing, and timely way, in the planning, review, and improvement of the school’s Title I program and the school-parent compact.
- Provide parents with timely information about the Title I program/services.
- Provide parents with an explanation of the curriculum used at the school, the assessments used to measure student progress, and the proficiency levels students are expected to meet.
- Provide opportunities for regular meetings that allow the parents to participate in decisions relating to the education of their children.
- Develop, with the assistance of parents and families, and conduct an effective evaluation process regarding the Title I program.

School-Parent Compact

The District will distribute to parents a school-parent compact for each school operating a Title I program. The compact, jointly developed with parents, explains how parents, the entire school staff, and students share the responsibility for improved student academic achievement. It shall describe specific ways the school and families will partner to help children achieve the State’s academic standards. It will address the following:

- The school’s responsibility to provide high-quality curriculum and instruction;
- The ways parents will be responsible for supporting their children’s learning;
- The importance of ongoing communication between parents and teachers through, at a minimum, annual parent-teacher conferences; reports on student progress; access to staff; opportunities for parents to volunteer and participate in their child’s class; and opportunities to observe classroom activities .

It will also address any other matters determined in development of the compact.

Interactions with Parents and Families

The District will engage parents and families in meaningful interactions with schools operating Title I programs. It will support flexible opportunities for a partnership among staff, parents, and the community to improve student academic achievement. To help reach these goals, schools will establish the following practices:

- Provide parents and families with assistance in understanding the State’s academic content standards, assessments, and how to monitor and improve the achievement of their children.
- Provide parents and families with materials and training to help them work with their children to improve their children's achievement.
- With the assistance of parents, educate staff members about the value of parent and family contributions, and in how to work with parents and families as equal partners.

2035 Continued

96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130

- Coordinate and integrate the Title I parental and family engagement program with other programs, and conducts other activities, such as parent/family resource nights/activities, to encourage and support parents and families in more fully participating in the education of their children.
- Distribute information related to school and parent and family programs, meetings, and other activities to parents and families in a format and language that the parents understand.

To the extent feasible and appropriate, the District will attempt to coordinate and integrate parent and family engagement strategies with other relevant federal, state, and local laws and programs.

Accessibility

The District will provides opportunities for the participation of all parents, including parents with limited English proficiency, parents with disabilities, and parents of migratory students. Information and reports shall be provided in a format and language that parents understand.

Review

The District shall undertake activities to engage parents and families in the review and revision of this policy.

Legal Reference: Title I of the Elementary and Secondary Education Act, 20 U.S.C. §6301- 6514, as implemented by 34 C.F.R. part 200 of the No Child Left Behind Act of 2001 Agostini v. Felton, 521 U.S. 103 (1997)

Cross References: Board Policy 4040 School, Student, Parent, Family and Community Engagement in Education

Policy History:
Adopted on: 2.28.2012
Revised on:

2 SCHOOL/COMMUNITY RELATIONS

3 School, Student, Parent, Family and Community Engagement in Education

4
5 ~~The Helena Public Schools Board of Trustees believes that meaningful engagement of students,~~
6 ~~parents, families and the community in our schools contributes to the success of all students. The~~
7 ~~Board of Trustees further believes that sustained engagement throughout all levels of school~~
8 ~~ensures a lasting and positive impact on lifelong student achievement and attitudes about~~
9 ~~learning.~~

10
11 ~~The Helena School District commits to building partnerships by conducting outreach, supporting~~
12 ~~multi-directional communications, encouraging participation in each school’s improvement~~
13 ~~planning process, and creating opportunities to volunteer and collaborate at all levels in support~~
14 ~~of student achievement.~~

15
16 ~~The Board believes that students, parents, families and the community must be actively invited~~
17 ~~and encouraged at stakeholders in education.~~

18
19 The District’s Board of Trustees recognizes the importance of engaging families in the education of children.
20 The Superintendent and staff shall undertake activities designed to:

- 21
- 22 (1) encourage families to actively participate in the life of their children’s schools;
- 23 (2) ensure families feel welcomed, valued, and connected to one another, school staff, and to what
24 students are learning and doing in class;
- 25 (3) encourage families and school staff to engage in regular, two-way meaningful communication about
26 student learning;
- 27 (4) ensure continuous collaboration between families and school staff to support student learning and
28 healthy development both at home and at school and have regular opportunities to strengthen their
29 knowledge and skills to do so effectively;
- 30 (5) empower families to be advocates for their own and other children to ensure that students are treated
31 equitably and have access to learning opportunities that will support their success;
- 32 (6) allow families and school staff to partner in decisions that affect children and families and together
33 inform, influence, and create policies, practices, and programs; and
- 34 (7) encourage families and school staff to collaborate with members of the community to connect
35 students, families, and staff to expand learning opportunities, community services, and civic
36 preparation.
- 37

38 To the extent feasible and appropriate, the District will attempt to coordinate and integrate parent and
39 family engagement strategies with other relevant federal, state, and local laws and programs, including but
40 not limited to Title I programs.

41
42 Cross Reference: Board Policy 2035 Federal Funding and Title I

43
44 Legal References: § 10.55.701, ARM Board of Trustees

45
46 Cross References:

47
48 Policy History:
49 Adopted On: 04.04.2006
50 Revised On:

2 PERSONNEL

3 Conflicts of Interest

4 Employees shall refrain from any activity that can be reasonably seen as creating a conflict of
5 interest with their duties and responsibilities as employees of the District.

6 The following conduct is specifically prohibited:

- 7 • Using public time, facilities, equipment, supplies, personnel, or funds for the
8 employee's private business purposes;
- 9 • Engaging in a substantial financial transaction for the employee's private business
10 purposes with a person whom the employee inspects or supervises in the course of
11 official duties;
- 12 • Assisting any person for a fee, contingent fee, or other compensation in obtaining
13 a contract, claim, license, or other economic benefit from the District;
- 14 • Performing an official act directly and substantially affecting to its economic
15 benefit a business or other undertaking in which the employee either has a
16 substantial financial interest or is engaged as counsel, consultant, representative,
17 or agent;
- 18 • Soliciting or accepting employment, or engaging in negotiations or meetings to
19 consider employment, with a person whom the employee regulates in the course
20 of official duties without first giving written notification to the employee's
21 supervisor and Superintendent; or
- 22 • Engaging in an intimate relationship with another employee who is in a
23 subordinate position and for whom one employee has supervisory and evaluation
24 responsibility.
25

26 Employees who violate this policy will be subject to disciplinary action, up to and including
27 termination from employment.

28

29 Cross Reference:

30 Legal Reference: § 2-2-104, MCA Rules of conduct for public officers, legislators, and
 31 public employees
 32 § 2-2-121, MCA Ethical requirements for public officers and public
 33 employees
 34 § 2-2-121, MCA Rules of conduct for public officers and public
 35 employees

36 Policy History:

37 Adopted on: 12.10.2013

38 Revised on:

2
3 OPERATIONAL SERVICES

4
5 Procurement of School Food

6
7 The District will abide by the following requirements for any procurement related to its food
8 services:

9
10 *Purchases Greater than \$80,000*

11
12 Except as permitted below, whenever the cost of food service supplies, products, or
13 equipment exceed \$80,000, the District will call for formal bids by issuing public notice as
14 required by law. Specifications will be prepared and made available to all vendors interested
15 in submitting a bid. The contract shall be awarded to the lowest responsible bidder, except
16 that the trustees may reject any or all bids. The Board, in making a determination as to which
17 vendor is the lowest responsible bidder, will take into consideration not only the amount of
18 each bid, but will also consider the skill, ability, and integrity of a vendor to do faithful,
19 conscientious work and to promptly fulfill the contract according to its letter and spirit.

20
21 The District may enter into cooperative purchasing contracts with one or more districts for
22 procurement of food supplies or services. Such services and supplies may be purchased
23 without complying with the above stated bidding requirements if the cooperative purchasing
24 group has a publicly available master list of items available with pricing included and
25 provides an opportunity at least twice yearly for any vendor to compete, based on lowest
26 responsible bidder standard, for inclusion of the vendor’s supplies and services on the
27 cooperative purchasing group’s master list.

28
29 *Purchases Less than \$80,000 but Greater than \$3,500*

30
31 Purchases of food service supplies, products, or equipment between \$3,500 and \$80,000 shall
32 be considered “Small Purchases.” The District is not required to use a formal bidding process
33 for Small Purchases, but it shall use a competitive process to ensure fairness. For any Small
34 Purchase, the District shall obtain at least two or more price quotes. The District shall
35 maintain all procurement documentation to ensure the cost is less than \$80,000 but more than
36 \$3,500 for a Small Purchase.

37
38 *Purchases Less than \$3,500*

39
40 Purchases of food service supplies, products, or equipment less than \$3,500 shall be “Micro-
41 Purchases.” The District is not required to use a formal bidding process for Micro-Purchases,
42 but it shall ensure that purchases are reasonable and equitably distributed among all qualified
43 sources. The District shall maintain all procurement documentation to ensure the cost is less
44 than \$3,500 for a Micro-Purchase.

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

Bid Specifications

The District will not award a contract to a potential vendor who has written any of the bid specifications, the solicitation documents, or any of the contract language.

Identical bid specifications and/or request for proposals will be provided to all potential vendors.

Geographic Preference

As part of a Farm to School program, the District has the discretion to apply a geographic preference for procurement of unprocessed locally grown or locally raised domestic products only.

Buy American

The District shall procure domestic commodities and products (“Buy American”) for the use of its Child Nutrition Program to the maximum extent practicable. The District is permitted to buy foreign goods only when:

- Food preferences can only be met with foreign goods;
- A sufficient quantity and/or quality is not available through domestic commodities or products; or
- The cost of domestic commodities and products is significantly higher.

Debarment and Suspension

For any food service purchase in excess of \$25,000, the District shall obtain verification or certification from a vendor that neither it nor any of its principals (e.g., key employees) have been proposed for debarment, debarred, or suspended by a federal agency.

Standard of Conduct

District employees engaged in the award and/or administration of food service contracts supported by federal funds are subject to the following code of conduct:

- No employee may participate in the selection, award, or administration of a food service contract supported by federal funds if he or she has a conflict of interest or can reasonably be perceived as having a conflict of interest.
- No employee may solicit any gratuities, favors, or anything else of monetary value from a potential vendor.
- No employee may participate in the selection, award, or administration of a food service contract supported by federal funds when the employee or member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of these individuals has a financial interest in a vendor.
- Employees are expected to demonstrate integrity and honesty.

93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138

Employees who fail to abide by this policy will be subject to disciplinary action up to and including discharge.

Bid Protest Procedures

Any vendor who desires to protest the award of a bid pursuant to this policy shall, within fifteen (15) days after award of the bid, give notice of their protest. The notice shall state in detail the basis of the claimant’s bid protest and the resolution requested. The bid protest shall be provided to the Business Manager or designee. The Business Manager or designee shall investigate the claim and issue a written decision within fifteen (15) days after receipt. If the claimant is not satisfied with the decision of the Business Manager or designee, the claimant may appeal the decision to the District’s Board of Trustees. The notice of appeal shall be filed with the Board of Trustees within fifteen (15) days after issuance of the decision from which the appeal is taken. The appeal shall state the basis of the appeal and provide to the Board the original bid protest, together with a copy of the decision being appealed from. The specific grounds for the appeal shall be stated in the appeal and shall not include additional claims or information not provided with the original bid protest.

The Board of Trustees at the next regular board meeting following the receipt of the appeal shall either hear the appeal or set a time to consider the appeal. The Board may in its discretion render a decision based upon the information and records before the Board of Trustees or, in the Board’s discretion, may request the claimant and a representative of the District to each present information pertaining to the bid protest.

The Board shall issue a written decision within thirty (30) days of the meeting in which it considered the appeal.

Legal References:	2 C.F.R. § 200.318	General Procurement Standards
	7 C.F.R. § 210.21	Procurement
	7 C.F.R. § 220.16	Procurement Standards
	7 C.F.R. § 225.17	Procurement Standards
	MCA § 20-9-204	Conflicts of interest, letting contracts, and calling for bids

Cross References:	Board Policy 5035	Staff Ethics and Political Activity
	Board Policy 5070	Disciplinary Action
	<u>Board Policy 5105</u>	<u>Conflicts of Interest</u>
	Board Policy 7010	Purchasing
	<u>Board Policy 7012</u>	<u>Procurement of Supplies, Materials, Equipment and Services Using Federal Funds</u>

139 Policy History:
140 Adopted on: 2.14.2017
141 Revised on: