



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 August 6, 2019 – 12:00p.m.

MINUTES

Committee:

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

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

I. CALL TO ORDER / INTRODUCTIONS

Meeting was called to order at 12:02pm by Chairperson, Ms. 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 6.4.2019 POLICY COMMITTEE MINUTES

Ms. Goldes requested a correction to the spelling in the last sentence to “adjourned.” Ms. Goldes requested an increase of margins, so text is not cut off when printing minutes.

V. PRESENTATION OF POLICIES FOR SECOND REVIEW

A. Policy 2090: Credit Transfer Assessment for Placement

Ms. Ridgway said this policy will be presented to the committee at the September Policy Committee Meeting. She will be meeting with counselors to review their practices. She will have them prior to the next meeting.

Helena Public Schools Board of Trustees

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VI. PRESENTATION OF POLICIES FOR FIRST REVIEW

A. Policy 1027: Board Member Conflict of Interest

Ms. Kaleva stated the requested changes include adding additional language to policies currently in place. The recommended addition is “perform an official act directly and substantially affecting a business or undertaking to its economic detriment a business or other undertaking in which the trustee has a substantial personal interest in a competing firm or undertaking” with pertaining legal references. Ms. Kaleva clarified by saying trustees cannot perform any act that directly or indirectly affects him/her financially. Mr. Beaver referenced Lines 27-28 asking if he was in conflict with the policy. Ms. Kaleva clarified that the board can hire a relative of a trustee, but that specific trustee must refrain from that specific vote, and a unanimous vote must occur. Mr. McEwen asked what constitutes 2nd degree versus 4th degree. Ms. Kaleva answered that there is a chart on file with the state. Ms. Goldes recommended taking this policy to the full board.

B. Policy 1030: Resignations and Other Vacancies

Ms. Kaleva said the recommended change to Policy 1030 was due to a change in statute. She detailed that previously, if a trustee wished to resign, the resignation took place in 72 hours, which gave the trustee time to revoke the resignation. Ms. Kaleva continued that under new statute, trustees must provide written notice with a date of resignation. Mr. Beaver asked – with reference to Line 15, if the three consecutive meetings included work sessions. Ms. Kaleva answered that issue has never been challenged, adding that statute doesn’t stipulate how often meetings take place or what occurrence qualifying as a meeting. Ms. Goldes asked why the word “good” was before excuse. Ms. Kaleva answered that it hasn’t been challenged and added that the board must be flexible. Ms. Goldes asked if there was policy dictating who trustees notify if they are not attending a meeting. Ms. Kaleva answered that, when updating trustee handbooks, language regarding whom to notify will be added. She said she will send the template to Mr. Muszkiewicz for review. Ms. Ridgway noted trustees who will be absent should notify the chair. Ms. Ridgway will work with Ms. Kaleva on the process and recommended sending this policy to the full board.

C. Policy 3010: School Admissions

Ms. Kaleva said the revision to this policy would be removing the reference to “six-year-old” to align with statute. She continued that the district can place a student wherever they decide if the student is over six; no testing is required. Mr. McEwen asked if Statute 20.5.101 was being removed. Ms. Kaleva answered that the whole statute was not being removed, adding that the district offers full-day kindergarten with an option for half-day if a parent requests. Mr. McEwen asked if full-day versus half-day kindergarten was in statute and it was noted it is. Ms. Kaleva answered the language in the student handbook will include language stating the district offers full-day kindergarten with an option for half-day. Ms. Goldes referenced Line 21, which stipulates proof of age must be provided within 40 days, asking if the 40 days was in reference to enrollment or start of school. Ms. Kaleva answered the requirement is per state statute (MCA 44-2-511). Ms. Goldes requested that statute be reference in the policy. Ms. Goldes referenced Lines 27-29 – which references students photocopying immunization record – and stated that students wouldn’t be doing this. She recommended changing the language to “present” a photocopy. Ms. Kaleva answered that it is statutory language – the district aligns to statute. Ms. Goldes requested a rework of the immunization paragraph in the policy. Mr.

Beaver asked whether it was the general practice of the district that transfers are an administrative prerogative and recommended removing the board from that process. Ms. Goldes asked if it was law to include approval of the board. Ms. Kaleva answered that it's statute that the board must approve transfers. She continued that no one adheres to this in large districts because there are so many other concerns, but statute still states board approval. Mr. Beaver questioned whether it would benefit the policy to add "each waiver request will be judged independently and may require an executive session." Ms. Kaleva answered that it is already required to consider waivers individually, and they must be considered in a closed session. Ms. Goldes asked if it should be added to policy. Ms. Kaleva answered that it certainly could be added to clarify the procedure for parents to follow. Ms. Goldes requested this policy be returned to the committee for further review. Mr. Muszkiewicz confirmed that requests for early admission were presented without specific student information, continuing that if information was to be discussed, it would be pulled from Consent Items. Ms. Kaleva said the board must prove exceptional circumstances for early admission waivers per statute. She continued that Out-of-District Transfers can be treated differently, adding that a denial of an Out-of-District has an opportunity to be challenged. She continued that admitting kids on waivers is a separate issue, and in the future, the board should enter a closed session for each kid requesting early admission. Mr. Muszkiewicz requested that clarification be added to the policy. Ms. Kaleva was unsure whether it should be added to policy for fear of leaving out something. She recommended creating and using a template letter for each time a parent requested a waiver. Mr. Muszkiewicz reference two standards: one for kindergarten and one for first grade, adding that there were meaningful differences in policy. Ms. Kaleva said the two statutes could be combined into one – combining kindergarten and grade one – but the state separates them. She suggested getting guidance from OPI. Mr. McEwen asked if the board could say it was not going to consider any waivers. Ms. Kaleva answered yes, stating she has some districts who say they can't allow waivers, but not any AA districts. She added that AA boards are so isolated from what happens at the elementary level that they rely on school and district recommendation. Mr. Beaver reference Line 53 which reads "placement decisions rests with the Principal..." He asked if an 8th grader was advanced, would the decision go before the board. Ms. Kaleva answered that it would go before the board only if the parents disagreed with the decision – providing an avenue to review the decision. Ms. Goldes requested "if challenged" be added to the sentence in Line 53. Ms. Ridgway said she would rework the sentence. Mr. McKay said that specific paragraph refers to educational placement, which is a school-based decision on where students are placed. He added that the decision is handled at the school level because boards don't necessarily know the whole story for each student. Ms. Ridgway said the policy would be reworked and brought back to the committee.

D. Policy 3050: Student Discipline

Ms. Kaleva recommended adding language regarding powdered alcohol. Additionally, she recommended revising the language to read "tobacco, vapor, and alternative nicotine." She added that new products constantly come up, and the committee is always adjusting the language to reflect the changes. Ms. Kaleva recommended adding "powdered alcohol" to the language. Mr. Beaver referenced Line 63, asking if the board was obligated to expel students in possession of firearms. He said he felt more comfortable stating the board would be compelled to expel based on recommendation of the district. Ms. Kaleva said she didn't want to change

the language because it mirrors federal statute; the law says the district must expel. Ms. Goldes recommended a reword – the board is obligated to expel for at least one calendar year – and asked if the language is out of Federal Statute. Ms. Kaleva answered that it is. Ms. Goldes asked if the media has ever requested information on an expulsion, and Ms. Kaleva answered that information is protected by FERPA (Family Educational Rights and Privacy Act). Ms. Goldes questioned Line 49, which references cyberbullying, and asked for clarification that it only applies to school property. Ms. Kaleva clarified that what happens on a student’s own time is their own business until it becomes the district’s business. She added that the district has jurisdictions on anything that disrupts operations, but the key is finding a balance between jurisdictions and honoring the First Amendment. Ms. Goldes asked if the school could bring an SRO into that situation. Ms. Kaleva said to a degree. Ms. Ridgway confirmed the revisions would be taken to the board.

E. Policy 4015: Conduct on School Property

Ms. Kaleva said Policy 4015 would be changed to clarify nicotine products and to add “powdered alcohol.” She added that if the district bans someone from school property, the district must give advanced notice. Ms. Kaleva said this policy outlines what people can do on school property and deals with inappropriate conduct, adding that this policy is for the general public; staff are held to higher standards. Mr. Beaver addressed Lines 17-18: non-use on property and asked if it included medical marijuana for staff. Ms. Kaleva answered that federal law trumps state law, and employees cannot use it on or off site. She added that schools have an obligation to follow Federal laws, though eventually schools will have to deal with marijuana derivatives as part of an IEP. She stated that if kids are obviously under the influence, then it will become a problem. Dr. Ream requested clarification that the policy referred to products that were not prescribed, and Ms. Kaleva confirmed. Mr. McEwen asked if smoking tobacco was allowed on school property, and Ms. Kaleva answered that the district accepts tobacco-free Federal funds so couldn’t allow it. Mr. Beaver expressed concern over Lines 21-22, saying that those are problems that occur in schools all the time. He asked why those two are included with the more serious infractions. Ms. Kaleva answered that they are not minor; if they result in disruptions. She added that it becomes a major issue when staff or students feel threatened. Ms. Goldes questioned if clothing with inappropriate language would be included in this policy. Ms. Kaleva answered that students are given a warning and then the student is in trouble if he/she disregards the directive given regarding the clothing. Ms. Goldes recommended the policy proceed to the full board.

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

Ms. Kaleva described the recommended changes to this policy as additional clarification on tobacco products. She recommended adding that employees can use cessation products on property only after administrative approval. She emphasized the need for the policy to comply with state law. Ms. Kaleva clarified that employees are allowed to use these products on school property if the products are part of a demonstration or presentation, as outlined in the staff handbook. Mr. Beaver asked the length of time after consuming marijuana that a person is still considered under the influence. Ms. Kaleva answered that if a person acts like he/she is under the influence then he/she is considered under the influence. She continued that the district is limited by ADA requirement on what the district can ask an employee on what he/she is taking. Mr. Beaver asked for clarification whether an employee could consume other forms of

marijuana. Ms. Kaleva answered that if an employee tests positive for THC, then they cannot be at work. Ms. Goldes recommended sending the policy to the full board.

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

Ms. Kaleva clarified that the recommended changes to this policy resulted from the previous legislative session. Those recommended changes included adding that trustees and officers can't assist someone in getting a job who is known to have acted sexually inappropriately with a minor or a student. She added that a trustee/officer is not permitted to use district letterhead to write a recommendation without approval. Ms. Goldes asked for clarification on how the policy pertains to Adult Education and Access to Success. Ms. Kaleva answered that those students were not considered enrolled. Ms. Goldes recommended the language be changes to read "only enrolled." Ms. Kaleva answered that this language has been taken straight out of statute. Mr. McEwen asked for clarification on whether the job had to be in education, and Ms. Kaleva answered that it did not matter, adding that the individual seeking the job need not be convicted. Dr. Ream asked if what would happen if the employee does make a recommendation and doesn't inform the district. Ms. Kaleva answered that if the individual does not use district letterhead or make any reference to the district, he/she is free to make the recommendation. Ms. Kaleva further clarified that this policy does not restrict a person's right to the first amendment; it restricts a person's right to use district letterhead. Dr. Ream asked how it would be determined whether a person was aware of the act, and Ms. Kaleva answered that the employee would be required to have probable cause. She added that staff handbooks will contain language that employees may not make a letter of recommendation without administrative approval. Ms. Goldes recommended taking the policy to the full board.

VII. CONTINUE REVIEW OF POLICY MANUAL: Series 2000 and 3000

Ms. Goldes recommended fellow policy committee members continue their review of these series prior to meetings. Ms. Ridgway added that the academic team also reviews policies at academic leadership meetings to help determine the policies to bring before the committee.

VIII. BOARD COMMENTS

Ms. Goldes recommended adding an additional series of policies regarding facilities, adding that some existing facilities could be added to the new series. Ms. Goldes questioned the district procedure on notifying neighborhoods of construction projects. Dr. Ream answered that if permits are done through the city, the district was not legally required to notify neighborhoods, but added it would be a good practice moving forward. Ms. Kaleva said that some districts did have school facilities series. Ms. Goldes clarified that the series would not require new policies – just reassignment.

IX. ADJOURNMENT

Chair, Ms. Goldes, adjourned the meeting at 1:22pm.

Next Meeting: September 3, 2019 | MBC Conference Room