



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, September 3, 2019 – 12:00p.m.

MINUTES

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

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is since it aligns with state statute. Mr. Beaver suggested sending this policy back to the full board for a second reading.

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. Ms. Ridgway 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 "to." 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" into 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-union 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 Collective Bargaining Agreements look

different than non-union employee 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. Ms. Ridgway confirmed. 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 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