



*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.

### **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. 8.6.2019 Policy Committee Minutes
- V. **PRESENTATION OF POLICIES FOR SECOND REVIEW**
  - A. 1027 Board Member Conflict of Interest
  - B. 1030 Resignations and Other Vacancies
  - C. 3050 Student Discipline
  - D. 4015 Conduct on School Property
  - E. 5020 Tobacco Products, Drug, and Alcohol Free Workplace
  - F. 5032 Prohibition on Aiding and Abetting Sexual Abuse
  - G. 3010 School Admissions
- VI. **PRESENTATION OF POLICIES FOR FIRST REVIEW**
  - A. 5256 Reduction in Force
  - B. 7005 Revenue and Investments
  - C. 7012 Procurement of Supplies, Materials, Equipment and Services Using Federal Funds
- VII. **SUPERINTENDENT’S REPORT / BOARD COMMENTS**
- VIII. **ADJOURNMENT**

**Next Meeting:**

**October 1, 2019 | MBC Conference Room**



*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

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*

## **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 2<sup>nd</sup> degree versus 4<sup>th</sup> 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 8<sup>th</sup> 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**

2  
3 SCHOOL DISTRICT ORGANIZATION

4  
5 Board Member Conflict of Interest

6 Board members are expected to be familiar with and observe those provisions of Montana law  
7 that define school board authority and govern conflict of interest. Board members shall not only  
8 to adhere to all laws regarding conflict of interest, but also to be alert to situations that may have  
9 the appearance of a conflict of interest and to avoid actions that might compromise himself or  
10 herself or the Board. Therefore, a trustee may not:

- 11 • engage in a substantial financial transaction for the trustee’s private business  
12 purpose with a person whom the trustee inspects or supervises in the course of  
13 official duties;
- 14 • perform an official act directly and substantially affecting, to its economic benefit,  
15 a business or other undertaking in which the trustee has a substantial financial  
16 interest or is engaged as counsel, consultant, representative or agent;
- 17 • act as an agent or solicitor in the sale or supply of goods or services to the  
18 District;
- 19 • have a pecuniary interest, directly or indirectly, in any contract made by the Board  
20 when the trustee has more than a 10% interest;
- 21 • **perform an official act directly and substantially affecting a business or other**  
22 **undertaking to its economic detriment a business or other undertaking in**  
23 **which the trustee has a substantial personal interest in a competing firm or**  
24 **undertaking;**
- 25 • be employed in any capacity by the District, except to officiate at athletic  
26 competitions under the auspices of the Montana Officials Association; or
- 27 • take part in the appointment or employment of any person related or connected by  
28 blood within the 4<sup>th</sup> degree or by marriage within the 2<sup>nd</sup> degree, except as  
29 provided by statute.

30

31 Legal References:	<b><u>§ 2-2-105, MCA</u></b>	<b><u>Ethical Requirements for Public Officers and</u></b>
32		<b><u>Public Employees</u></b>
33	<b><u>§ 2-2-121, MCA</u></b>	<b><u>Rules of Conduct for Public Officers and Public</u></b>
34		<b><u>Employees</u></b>
35	§ 20-9-204, MCA	Conflict of interest
36	§ 20-1-201, MCA	School officers not to act as agents
37	§ 2-2-302, MCA	Appointment of relative to office of trust or
38		emolument unlawful -- exceptions -- publication of
39		notice.

40 Cross Reference:

41  
42 Policy History:

43 Adopted on: 2.8.2011

44 Revised on:

2  
3 SCHOOL DISTRICT ORGANIZATION

4  
5 Resignations and Other Vacancies

6  
7 Any elected trustee position shall be vacant whenever the incumbent:

- 8
- 9 (1) dies;
- 10 (2) resigns;
- 11 (3) moves his residence from the District, or from the nominating district in the case of
- 12 an additional trustee in a high school district;
- 13 (4) is no longer a registered elector of the District;
- 14 (5) is absent from the District for 60 consecutive days;
- 15 (6) fails to attend three consecutive meetings of the trustees without a good excuse;
- 16 (7) has been removed under the provisions of § 20-3-310, MCA; or
- 17 (8) ceases to have the capacity to hold office under any other provision of law.
- 18

19 A trustee position also shall be vacant when an elected candidate fails to qualify under the  
 20 provisions of § 20-3-307, MCA. A resignation of a trustee, for whatever reason, must be  
 21 submitted in writing to the Clerk of the District **and shall specify an effective date.** ~~A~~  
 22 ~~resignation is effective seventy-two (72) hours after its submission unless withdrawn during~~  
 23 ~~that period by the trustee in writing and delivered to the Clerk of the District.~~

24  
 25 When a trustee vacancy occurs, the remaining trustees shall declare the position vacant and shall  
 26 fill such vacancy by appointment. The Board may request applications from any qualified  
 27 persons seeking to fill the position, and may appoint one (1) candidate to fill the position.  
 28 Should the Board fail to fill a vacancy within sixty (60) days from the declaration of such  
 29 vacancy, the county superintendent shall appoint, in writing, a competent person to fill such  
 30 vacancy. An appointee shall qualify by completing and filing an oath of office with the county  
 31 superintendent with fifteen (15) days after receiving notice of appointment and shall serve until  
 32 the next regularly scheduled school election and a successor has qualified.

33

34 Legal Reference:	§ 2-16-502, MCA	Resignations
	§ 20-3-307, MCA	Qualification and oath
	§ 20-3-308, MCA	Vacancy of trustee position
	§ 20-3-309, MCA	Filing vacated trustee position – appointee qualification and term of office

39  
40 Cross References:

41  
42 Policy History:

43 Adopted on: 2.8.2011  
 44 Revised on:  
 45

2  
3 STUDENTS

4  
5 Student Discipline

6  
7 Students are expected to conduct themselves within the bounds set by the Board and the  
8 administrative regulations set forth by the Superintendent. Consideration for the rights and well-  
9 being of others, cooperation with all members of the school community and respect for oneself and  
10 others are the basic principles guiding student behavior.

11  
12 The primary responsibility for student discipline within the school rests with the Principal. The  
13 primary responsibility for the maintenance of discipline within the classroom lies with the individual  
14 classroom teacher. Corporal punishment shall not be used. Corporal punishment does not include  
15 reasonable force as needed to maintain safety for students, staff, or other persons, or for the purpose  
16 of self-defense or defense of property.

17  
18 Disciplinary action may be taken against any student in violation of the Student Code of Conduct.  
19 Disciplinary action may range from conferring with a teacher to expulsion from school. Continued  
20 infractions will have a cumulative effect in terms of disciplinary action.

21  
22 These grounds stated above below for disciplinary action apply whenever a student’s conduct is  
23 reasonably related to school or school activities, including, but not limited to the circumstances set  
24 forth below:

- 25 · On, or within sight of, school grounds before, during, or after school hours or at any other
- 26 time when school is being used by a school group;
- 27 · Off school grounds at a school-sponsored activity or event or any activity or event that bears
- 28 a reasonable relationship to school;
- 29 · Travel to and from school or a school activity, function, or event;
- 30 · Anywhere if conduct may reasonably be considered to be a threat or an attempted
- 31 intimidation of a staff member, an interference with school purposes or an educational
- 32 function, a threat to the safety and welfare of the student population, or conduct that
- 33 detrimentally effects the climate or efficient operations of the school.

34  
35 A student is in violation of the Student Code of Conduct if the student engages in any inappropriate  
36 behavior, including but not limited to:

- 37
- 38 · Using, possessing, distributing, purchasing, or selling tobacco **products, ~~or~~ vapor products,**
- 39 **or alternative nicotine products** (tobacco includes, but is not limited to, cigarettes, cigars,
- 40 snuff, smoking tobacco, smokeless tobacco, ~~alternative nicotine product~~, or any other
- 41 tobacco or nicotine innovation);
- 42 · Using, possessing, distributing, purchasing, or selling alcoholic beverages **including**
- 43 **powdered alcohol or any other alcohol innovation.**
- 44 · Using, possessing, distributing, purchasing, or selling illegal drugs or controlled substances,
- 45 including medical marijuana, look-alike drugs, and drug paraphernalia.

- 46 · Using, possessing, controlling, or transferring a weapon in violation of the “Possession of a
- 47 Weapon in a School Building” section of this policy.
- 48 · Using, possessing, controlling, or transferring any object that reasonably could be considered
- 49 or used as a weapon.
- 50 · Disobeying directives from staff or disobeying rules governing student conduct.
- 51 · Using violence, force, coercion, intimidation or other comparable conduct toward anyone or
- 52 urging other students to engage in such conduct.
- 53 · Causing or attempting to cause damage to, or stealing or attempting to steal, school property
- 54 or another person’s property.
- 55 · Engaging in any activity that constitutes an interference with school purposes or an
- 56 educational function or any other disruptive activity.
- 57 · Unexcused absenteeism.
- 58 · Misconduct of any sort on any means of District transportation.
- 59 · Hazing or bullying, including cyberbullying.
- 60 · Forging any signature or making any false entry or attempting to authorize any document
- 61 used or intended to be used in connection with the operation of a school.

62

63 *Gun Free Schools*

64

65 The Board is obligated to expel **for a definite period of time of at least one (1) calendar year** any

66 student who uses, possesses, controls, or transfers a firearm. The Board hereby authorizes the

67 Superintendent to modify the disciplinary action on a case-by-case basis **including implementing**

68 **lower levels of discipline that do not include a recommendation for expulsion.**

69

70 *Possession of a Weapon in a School Building*

71

72 The District will refer to law enforcement any person who possesses, carries, or stores a weapon in a

73 school building, except as provided below. For the purposes of this section only, “school building”

74 means all buildings owned or leased by the District that are used for instruction or for student

75 activities; "weapon" means any type of firearm, a knife with a blade 4 or more inches in length, a

76 sword, a straight razor, a throwing star, nun-chucks, brass or other metal knuckles, or any other

77 article or instrument possessed with the purpose to commit a criminal offense. The Board may grant

78 persons advance permission to possess, carry, or store a weapon in a school building. All persons

79 who wish to possess, carry, or store a weapon in a school building must request permission of the

80 Board at a regular meeting. The Board has sole discretion in deciding whether to allow a person to

81 possess, carry, or store a weapon in a school building.

82

83 Legal References:

84	§ 16-11-302, MCA	Definitions
85	§ 20-1-220, MCA	Use of tobacco products in public school building or on public
86		school property prohibited
87	§ 20-4-302, MCA	Discipline and punishment of pupils
88	§ 20-5-202, MCA	Suspension and Expulsion
89	§ 45-8-361, MCA	Possession of a weapon in school building
90	§ 45-8-317, MCA	Exceptions
91	§§ 50-46-301 et seq., MCA	Montana Marijuana Act

92            20 USC §§ 7101 et seq.        Safe and Drug-Free Schools & Communities Act  
93            20 USC § 7961                        Gun-Free requirements

94

95    Cross References:

96

97    Policy History:

98    Adopted on:    3.26.2013

99    Revised on:    8.15.2017

100

101

2  
3 SCHOOL/COMMUNITY RELATIONS

4  
5 Conduct on School Property

6  
7 In addition to prohibitions stated in other District policies, no person on school property shall:

- 8
- 9 . Injure or threaten to injure another person;
- 10 . Damage another’s property or that of the District;
- 11 . Violate any provision of the criminal law of the state of Montana or town or
- 12 county ordinance;
- 13 . Smoke or otherwise use **a tobacco product, or** vapor products, **or alternative**
- 14 **nicotine product** (tobacco includes, but is not limited to, cigarettes, cigars, snuff,
- 15 smoking tobacco, smokeless tobacco, **alternative nicotine product,** or any other
- 16 tobacco or nicotine innovation);
- 17 . Consume, possess, or distribute alcoholic beverages **including powdered alcohol**
- 18 **or any alcohol innovations,** illegal drugs, including medical marijuana, or
- 19 possess dangerous weapons at any time;
- 20 . Impede, delay, or otherwise interfere with the orderly conduct of the District’s
- 21 educational program or any other activity occurring on school property;
- 22 . Use vulgar or obscene language or gestures;
- 23 . Disregard the directives of school officials or security personnel;
- 24 . Enter upon any portion of school premises at any time for purposes other than
- 25 those which are lawful and authorized by the Board; or
- 26 . Violate other District rules and regulations.
- 27

28 “School property” means within school buildings, in vehicles used for school purposes, or on  
29 owned or leased school grounds. These regulations are in effect year round, and during all  
30 District extra or co-curricular activities. District administrators will take appropriate action as  
31 circumstances warrant, up to an including recommending that the individual violating this policy  
32 be denied access to District property. If a recommendation is made to the Board to deny access  
33 to District property to an individual, that individual will be notified of date, time and place of the  
34 meeting of the Board as well as of the specific allegations to be presented to the Board.

35  
36 Legal References:

37 § 16-11-302, MCA	Definitions
38 § 20-1-206, MCA	Disturbance of school
39 § 20-1-220, MCA	Use of tobacco products in public school building or on 40 public school property prohibited
41 § 45-8-361, MCA	Possession of a weapon in a school building
42 §§ 50-46-301 et seq., MCA	Montana Marijuana Act
43 20 USC §§ 7101 et seq.	Safe and Drug Free Schools & Communities Act

44  
45 Cross References:

46  
47 Policy History:

48 Adopted on: 12.9.2014  
49 Revised on:

2  
3 PERSONNEL

4  
5 **Tobacco Product, Drug, and Alcohol Free Workplace**

6  
7 All District workplaces are **tobacco product**, drug and alcohol **product** free. All employees are  
8 prohibited from:

- 9
- 10 · **Smoking or otherwise using a tobacco product, vapor product, or alternative**
- 11 **nicotine product (tobacco includes, but is not limited to, cigarettes, cigars,**
- 12 **snuff, smoking tobacco, smokeless tobacco, or any other tobacco or nicotine**
- 13 **innovation) while on District premises or while performing work for the**
- 14 **District;**
- 15 · Unlawfully manufacturing, dispensing, distributing, possessing, using, or being under
- 16 the influence of a controlled substance while on District premises or while performing
- 17 work for the District; and
- 18 · Distributing, consuming, using, possessing, or being under the influence of alcohol
- 19 while on District premises or while performing work for the District.
- 20

21 **Nothing herein prohibits an employee from using a smoking cessation product on school**

22 **property. Upon prior notice and approval by a building administrator, a teacher or other**

23 **employee may possess a tobacco product, vapor product, or alternative nicotine product in a**

24 **classroom or otherwise on school property as part of a lecture, demonstration, or educational**

25 **forum concerning the risks associated with the use of a tobacco product, vapor product, or**

26 **alternative nicotine product.**

27

28 For purposes of this policy, a controlled substance is one that is not legally attainable, being used in

29 a manner other than as prescribed, legally obtainable but has not been legally obtained or referenced

30 in federal or state controlled-substance acts. For purposes of this policy, a controlled substance

31 includes medical marijuana. Any employee must notify his or her supervisor of his or her

32 conviction under any criminal drug statute, for a violation occurring on District premises or while

33 performing work for the District, no later than five (5) days after such conviction.

34

35 In order to make employees aware of dangers of drug and alcohol abuse, the District will endeavor

36 to:

- 37
- 38 · Provide each employee with notice of the District drug- and alcohol-free workplace
- 39 policy;
- 40 · Enlist the aid of community and state agencies with drug and alcohol informational
- 41 and rehabilitation programs, to provide information to District employees; and
- 42 · Inform employees of available drug and alcohol counseling, rehabilitation, reentry,
- 43 and any employee-assistance programs.
- 44

45 An employee who violates this policy may be subject to disciplinary action, including termination.

46 Should District employees be engaged in the performance of work under a federal contract or grant,  
47 or under a state contract or grant of \$5,000 or more, the Superintendent will notify the appropriate  
48 state or federal agency from which the District receives contract or grant moneys of an employee's  
49 conviction, within ten (10) days after receiving notice of the conviction

50  
51 Legal References: 20 USC 7101 Safe and Drug Free Schools & Community Act  
52 **§ 20-1-220, MCA** **Use of tobacco products in public school**  
53 **building or on public school property**  
54 **prohibited**  
55 § 50-46-101 *et al.*, MCA Montana Medical Marijuana Act  
56 10.57.601a, ARM Definition of Immoral Conduct

57  
58 Cross References:

59  
60 Policy History:

61 Adopted on: 8.12.2013

62 Revised on:

63

2  
3 PERSONNEL

4  
5 Prohibition on Aiding and Abetting Sexual Abuse

6  
7 The District prohibits any individual who is a school employee, **trustee, officer,** contractor, or  
8 agent from assisting a **current or former** school employee, contractor, or agent in obtaining a  
9 new **job employment** who knows or has probable cause to believe that such person engaged in  
10 sexual misconduct regarding a minor or student in violation of law. Assisting a person in  
11 obtaining a new **job employment** does not include the routine transmission of administrative or  
12 personnel files.

13 This prohibition does not apply if the information giving rise to probable cause:

- 14 1. Has been properly reported to a law enforcement agency with jurisdiction over the  
15 alleged misconduct and any other authorities required by federal, state or local law,  
16 including, but not limited to Title IX; and
- 17 2. One of the following three circumstances has occurred:
  - 18 a. the matter has been officially closed or the prosecutor or police with jurisdiction  
19 over the alleged misconduct has investigated the allegations and notified school  
20 officials there is insufficient information to establish probable cause that the  
21 school employee, contractor, or agent **engaged committed or attempted,**  
22 **solicited, or conspired to commit the violation of local, state, and/or federal**  
23 **law involving in sexual misconduct regarding** a minor or student **in violation**  
24 **of law;**
  - 25 b. the school employee, contractor, or agent has been charged with, and acquitted or  
26 otherwise exonerated of the alleged misconduct; or
  - 27 c. the case or investigation remains open and there have been no charges filed  
28 against or indictment of the school employee, contractor, or agent more than four  
29 years from the date the information was reported to law enforcement.

30  
31  
32 Legal References: §§ 8038, 8556 Every Student Succeeds Act

33  
34 **Title IX, 20 U.S.C. 1681 et seq.**  
35 **§ 20-4-110, MCA Letter of reprimand, suspension, revocation, and denial**  
36 **of certificate**  
37 **§45-5-501, MCA et seq. Definitions**  
38 **§41-3-101, MCA et seq. Declaration of Policy**  
39 **Senate Bill 132**

40  
41  
42 Cross References:

43  
44 Policy History:

45 Adopted on: 5.28.2018

46 Revised on:

2  
3 STUDENTS

4  
5 School Admissions

6  
7 *Age*

8  
9 No pupil may be enrolled in the kindergarten or first grade whose 5<sup>th</sup> ~~or 6<sup>th</sup>~~ 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 1<sup>st</sup> 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 19<sup>th</sup>  
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 approved by the Board in an  
17 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 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:	Policy 1085	Uniform Grievance Procedure
88	<u>Policy 1065</u>	<u>Board Meetings</u>

89

90 <u>Policy History:</u>		
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 all or some of the following criteria in determining order of dismissal  
14 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 The Board will follow the procedure stated in the current collective bargaining agreement when  
26 considering a reduction in force for staff covered by a collective bargaining agreement.

27  
28 Cross Reference: 5250 Non-Renewal of Employment/Dismissal from Employment

29  
30 Legal Reference: § 20-4-206, MCA Notification of nontenure teacher reelection –  
31 acceptance – termination

32  
33 Policy History:

34 Adopted on:

35 Reviewed on:

36 Revised on:

2  
3 OPERATIONAL SERVICES

4  
5 Revenue and Investments

6  
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 industry will not be  
40 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

47		
48		
49		
50		
51	§ 20-9-235, MCA	Authorization for school district investment account
52	§ 20-9-212, MCA	Duties of county treasurer
53	§ 20-9-604, MCA	Gifts, legacies, devises and administration of
54		endowment fund
55	10.10.306, ARM	Bank Accounts or Other Repositories
56	10.10.611, ARM	Establishment of Investment Accounts
57	10.10.625, ARM	Investment Pools
58		

59 Cross References:

60

61

62 Policy History:

63 Adopted on:

64 Revised on:

65

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