



**Superintendent**  
Dr. Tyler Ream  
324-200

**Business Manager**  
Janelle Mickelson  
324-2007

## **Policy Committee Meeting**

May Butler Center  
55 South Rodney

**Tuesday, December 4, 2018**

Noon – 1:00 p.m.

### **AGENDA**

- I. INTRODUCTIONS**
- II. REVIEW OF AGENDA**
- III. GENERAL PUBLIC COMMENT**
- IV. REVIEW November 8, 2018, BOARD POLICY MEETING MINUTES**
- V. PRESENTATION OF POLICIES FOR FIRST REVIEW:**
  - A. 7405 Procurement Card Use Policy
- VI. PRESENTATION OF POLICIES FOR SECOND REVIEW:**
  - A. 5015 Employee Harassment, Intimidation and Bullying Prevention
  - B. 3005 Harassment, Intimidation and Bullying Prevention
- VII. CONTINUE REVIEW OF POLICY MANUAL – SERIES 2000 and 3000:**
  - 4050 - School Resource Officer Program
  - 2070 – Network Information and Communication
  - 2080 – Grading, Progress Reports, and Promotion
  - 2090 – Credit Transfer Assessment for Placement Policy
  - 2115 – Community and Adult Education
  - 2120 – Wellness
  - 3000 – Equal Educational Opportunities
  - 3005 – Harassment, Intimidation and Bullying
  - 3010 – School Admissions
  - 3015 – Attendance and Truancy
  - 3020 – Education of Homeless Youth
  - 3022 – Children of Military Families
  - 3025 – Discretionary Nonresident Student Attendance
  - 3035 – Student Appearance
  - 3040 – Search and Seizure
  - 3045 – Access to and Release of a Student During School Hours
  - 3050 – Student Discipline
  - 3055 – Student Due Process Rights
  - 3060 – Misconduct by Students with Disabilities
  - 3065 – Participation in Inter-Scholastic Athletics
  - 3066 – Obligation of Students Participating in School Sponsored Activities
  - 3067 – Academic Eligibility for Activities
  - 3070 – Administration of Medication

3075 – Student Charges, Fines and Fees  
3080 – Maintenance of Student Records  
3085 – Transfer of Student Records  
3090 – Receipt of Confidential Records  
3097 – Use of Video Monitoring Cameras  
3100 – Publications and Distribution or Posting of Materials  
3105 – Student Use of Buildings – Equal Access  
3110 – Concussion Management  
3145 – Foreign Exchange Students  
3150 – Tobacco Free Schools  
3155 – Part-Time Attendance

**VIII. SUPERINTENDENTS' REPORT**

**IX. ADJOURNMENT**

**NEXT MEETING:**

**Tuesday, January 8, 2019 - May Butler Center**

**Noon – 1:00 p.m.**



**Superintendent**  
Dr. Tyler Ream  
324-2001

**Business Manager**  
Janelle Mickelson  
324-2007

## **Policy Committee Meeting**

May Butler Center  
55 South Rodney

**Tuesday, August 7, 2018**  
Noon – 1:00 p.m.

### **MINUTES**

**Present:**

Luke Muszkiewicz, Committee Chair/Trustee

Sanjay Talwani, Trustee

Staff:

Tyler Ream, Superintendent

Josh McKay, Assistant Superintendent

Barb Ridgway, Chief of Staff

Elizabeth “Bea” Kaleva, Attorney

Stacy Collette, Human Resources Director

Jacqueline Young, Human Resources Administrative Assistant

#### **I. INTRODUCTIONS**

Committee Chair, Luke Muszkiewicz, called the meeting to order at 12:04 p.m.

#### **II. REVIEW OF AGENDA**

No change to agenda.

#### **III. GENERAL PUBLIC COMMENT**

No public comment.

#### **IV. REVIEW OCTOBER 2, 2018 BOARD POLICY MEETING MINUTES**

No changes.

#### **V. PRESENTATION OF POLICIES FOR FIRST REVIEW:**

A. 5015 Employee Harassment, Intimidation and Bullying Prevention

B. 3005 Harassment, Intimidation and Bullying Prevention

Chair Muszkiewicz opened the meeting with a review of the agenda and a request for public comment.



He initiated a discussion on bullying prevention and intervention strategies and asked Dr. Ream to review bullying incident data. Dr. Ream shared two years of PowerSchool data related to bullying and intimidation incidents and explained that if the incident went to the Principal it should be recorded in PowerSchool. If a report is made to an educator and the educator says, "I'll take care of it." and the incident is not reported to the Principal then it is not recorded in PowerSchool. He reiterated that minor incidents that are not targeted, repeated and deliberate and aren't referred to the Principal are not recorded in PowerSchool

Mr. McKay talked about how administrators handle complains from his experience and the steps that are taken not only to intervene but to prevent incidents. Mr. Muszkiewicz asked if all schools handled incidents the same way. Mr. McKay said that generally the response is pretty standard but there is also personal judgement involved because each incident can be different. Typically, a student or staff member will make a report, then a written response is taken, an investigation is undertaken which will determine what the response is and who needs to be involved. You work through each situation differently. You encourage development of a culture to prevent opportunities for incidents – for example the development of routines and patterns like reducing crowded lines – what we would call MBI strategies.

Mr. Muszkiewicz asked what expectations and training do we have for staff to deal with incidents that don't rise to the level of the Principal? When do we expect staff to intervene immediately versus referring them to the Principal. Mr. McKay described minor and major incidents and the response to each. This is an MBI strategy. He explained that some common sense is also involved as well, and that frequency can change minor incidents into major incidents.

Mr. Muszkiewicz asked if we were confident that bullying is being handled consistently on all of our campuses? Dr. Ream responded that no we aren't and this is an opportunity to review policies and practices. He further explained that it is important to understand that if a school has higher numbers of incidents versus another school it may, in fact, be the result of a stronger program of monitoring and responding to inappropriate behaviors. The adoption of these policies will necessitate a raising of the bar and the need to provide training.

Mr. McKay explained that the success of a policy like this is really dependent on how you communicate to staff and students. All parties have to be invested in the solution. Creating the civil culture is critical and it is difficult.

Dr. Ream that in his experience across three different states none of which have nailed this and have good consistent understanding of what bullying is and isn't. This is an area of improvement across the nation.



Mr. Talwani asked about developing procedures that define when we intervene and when we escalate. What is the follow-up plan and what is the timeframe for implementing the plan? There needs to be consistent guidance. Our current policies seem old, short and outdated. Teachers should know when they have to report and intervene. Is it the second time or the tenth time something happens – expectations need to be clear. There needs to be clarity regarding when things are reported and recorded so we have data and can track results.

Mr. Talwani believes there are things that happen that don't seem like bullying but are exclusionary and provided an example to illustrate what is seemed as harmless but is unintentionally excludes a student. He believes we need to be proactive and help everyone when they are being exclusionary and unwelcome without maybe recognizing it. We need a greater push to consistency and let teachers and parents know what their options are related to the policy and procedure and what the consequences are when an incident occurs. He suggested incentives for everyone doing their part and consequences for those that don't. In the end we rely on the administration to implement.

Dr. Ream shared that he understands Mr. Talwani's concerns. He further explained that he has seen state policies that are ultra-specific and detail first you do this and then you do this and in fact. It ultimately resulted in it almost becoming a fulltime job. Investigations for minor events sometimes took two days. There is a judgement call and it can be more aligned through training for sure. I have had situations that weren't bullying which is targets and repeated.

Mr. Muszkiewicz thanked Mr. Talwani for his perspective which he believes reflects the view of other Board members and he hopes the administration will use this process to evaluate what is happening and work toward consistency. He also asked about more detail regarding MBI and wondered if we talked about it in any of our policies. Ms. Kaleva said MBI is really driven by the administrators and where administrators truly believe in the process it goes well. Mr. McKay shared that MBI has evolved to become Positive Behavior Intervention Supports (PBIS) and what those changes look like. He further stated that he believes all administrators are really invested in their cultures and want them to be positive and supportive.

Mr. Muszkiewicz believes that administrators are invested in their school's culture but he believes there has been a lack of consistency and we need to make this a focus.

Mr. Muszkiewicz introduced the committee to the existing student policy and shared that he liked the widening definition of what bullying looks like and it encourages reporting and it compels other adults to intervene and report. He asked if we are compelling staff to intervene do we provide staff with the tools to do it.

Mr. Talwani shared the LA Unified policy and emphasized the need for follow-up, using a consistent form, a mechanism for seeing if a situation has improved and also a timeline. He also



shared what hazing is and how it is addressed. There needs to be a message to staff and language included in handbooks that outline expectations. He shared some language from the LA policy that simply spoke to treating people with respect. Staff needs to know when to shut things down and not tolerate disrespectful behavior.

Mr. Muszkiewicz shared that he would like to move forward and discuss the specific policies. Ms. Ridgway provided background and shared that we have not had a staff policy that addressed bullying, harassment and intimidation. She further shared that Terry had concerns about the definition of District which was limiting. Ms. Kaleva agreed that the definition is limiting and that it would be in our interest to remove “The District” as a definition of jurisdiction. There was agreement to remove the other definitions are fine.

Ms. Kaleva said the language “interference with school purposes” has been stricken by the courts and that language needs to be revised. As currently written it is too vague.

Mr. Muszkiewicz shared that using the MTSBA policy as a baseline is a good start. Ms. Kaleva agreed and that this is a good start but we need to know if something is impacting your ability to learn or come to school and that we want to know so we can address the issue.

Mr. Muszkiewicz addressed Mr. Talwani’s point regarding the following language, “The complainant shall be notified of the findings of the investigation and, as appropriate, that remedial action has been taken.” Both believed this was an important component of the policy.

However, Ms. Kaleva reminded everyone that we don’t share consequences with others unless it falls under guidance regarding sharing of consequences per Title IX and Section 504. You can’t violate FERPA (Family Educational Rights Privacy Act). Examples of when consequences can be shared with a victim of bullying can be shared were provided. You can discuss remedial action when it directly applies to interaction between the perpetrator and the victim. For example, you can share the students will no longer be on the playground at the same time or will no longer ride the same bus. You can’t share that the perpetrator was suspended or received other punishment.

Ms. Kaleva provided background on Title IX and 504 and the process for disclosing remedial action. We share the remedy but not the disciplinary action that doesn’t impact the victim.

Mr. Muszkiewicz noted the error in numbering. Ms. Ridgway will amend the numbering. Mr. Muszkiewicz would prefer we align our numbering system with MTSBA. Ms. Ridgway will take care of this.

A discussion followed on making sure the policy doesn’t apply to protected categories only. Following considerable discussion Mr. Talwani suggested the language be modified to say,



“based on but not limited to the following” and then list the protected categories...” There was consensus for the change.

Ms. Collette asked the committee to consider adding language in the staff policy that establishes reporting responsibility. Mr. Muszkiewicz sought clarification asking if she was suggesting that if you are a victim or if you are a bystander who observes bullying, intimidation or harassment you have a responsibility to report in both instances. There was general agreement that we would revise to include reporting language.

Mr. Muszkiewicz felt the group had made important changes to 5010. He suggested that if we made changes to 5010 that apply to 3005 we include them.

Mr. Talwani asked about adding timelines. Ms. Kaleva says we have a complaint policy that establishes timelines.

VI. ADJOURNMENT Committee Chair Muszkiewicz adjourned the meeting at 1:10 p.m.

**NEXT MEETING:**

December 4, 2108-May Butler Center  
Noon-1:00 PM

Procurement Card Use

The Board of Trustees permits the use of District procurement cards for actual and necessary expenses incurred in the performance of work-related duties for the District. A list of those individuals that will be issued a District procurement card will be maintained in the business office.

Procurement cards may only be used for legitimate District business expenditures. The use of procurement cards is not intended to circumvent any District policy on purchasing.

Users must take proper care of District procurement cards and take all reasonable precautions against misuse, damage, loss, or theft. Any misuse, damage, loss, or theft must immediately be reported to the business office and to the appropriate financial institution. Failure to take proper care of procurement cards or failure to report damage, loss, or theft may subject the employee to financial liability.

Purchases that are unauthorized, illegal, represent a conflict of interest, are personal in nature, or violate the intent of this policy may result in procurement card revocation and discipline of the employee.

Users must submit detailed documentation, including itemized receipts for commodities, services, travel, and/or other actual and necessary expenses which have been incurred in connection with school-related business for which the procurement card has been used.

The Superintendent or designee shall establish regulations governing the issuance and use of procurement cards. Each cardholder shall be apprised of the procedures governing the use of the procurement card, and a copy of this policy and accompanying regulations shall be given to each cardholder.

The Business Office shall monitor the use of each procurement card every month and report any serious problems and/or discrepancies directly to the Superintendent.

Cross Reference:     7010   Purchasing  
                          7020   Travel Allowances and Personal Reimbursement

Legal Reference:     §2-7-503, MCA         Financial reports and audits of local government

Policy History:  
Adopted on:  
Revised on:

2 **PERSONNEL**

3 **Bullying/Harassment/Intimidation Prevention and Reporting**

4 The Helena Public School District strives to provide a safe and civil working and learning  
5 environment. Bullying, harassment, intimidation, between employees or by third parties, are  
6 strictly prohibited and shall not be tolerated. This includes bullying, harassment, or intimidation  
7 via electronic communication devices (“cyberbullying”).

8 **Definitions**

9 The District expressly prohibits any form of harassment, intimidation or bullying based on but  
10 not limited to the following: race, color, religion, ancestry, creed, gender, sexual orientation,  
11 sexual identity, age, culture, marital status, national origin, political ideas, or perceived or actual  
12 gender identity, sexual orientation or disability.

- 13 1. “Third parties” include but are not limited to students, coaches, school volunteers,  
14 parents, school visitors, service contractors or others engaged in District business, such  
15 as School District Trustees, employees of businesses or organizations participating in  
16 cooperative work programs with the District, and others not directly subject to District  
17 control at inter-district and intra-District athletic competitions or other school events.  
18
- 19 2. ~~“District” includes District facilities, District premises, and non-District property if the~~  
20 ~~employee is at any District sponsored, District approved, or District related activity or~~  
21 ~~function, such as field trips or athletic events, where the employee is engaged in~~  
22 ~~District business.~~
- 23
- 24 3. “Harassment, intimidation, or bullying” means any act that substantially interferes  
25 with an individual’s opportunities, work or learning performance, that takes place on  
26 or immediately adjacent to school grounds, at any school-sponsored activity, on  
27 school-provided transportation, or anywhere conduct may reasonably be considered to  
28 be a threat or an attempted intimidation of a staff member / third party ~~or an~~  
29 ~~interference with school purposes or an~~ interference with educational function, and  
30 that has the effect of:  
31
  - 32 A. Physically harming an individual or damaging an individual’s property;
  - 33 B. Knowingly placing an individual in reasonable fear of physical harm to the  
34 individual or damage to the individual’s property; or
  - 35 C. Creating a hostile working environment.
- 36
- 37 4. “Electronic communication device” means any mode of electronic communication,  
38 including, but not limited to, computers, cell phones, PDAs, or the Internet.

39 **Reporting**

40 If an employee feels that he or she has been the subject of harassment, intimidation or bullying or

41 has witnessed or become aware of harassment, intimidation or bullying in violation of these  
42 policies, he or she is encouraged to immediately report his/her concerns to the building principal  
43 or the District Administrator, who has overall responsibility for such investigations. Complaints  
44 against the building principal or other supervisors shall be filed with the Superintendent.  
45 Complaints against the Superintendent or District Administrator shall be filed with the Board.

46  
47 All complaints about behavior that may violate this policy shall be promptly investigated. Upon  
48 receipt of the complaint alleging harassment, Human Resources will take appropriate action to  
49 prevent the alleged conduct from continuing pending completion of the investigation. All  
50 complaints of harassment will be investigated as discreetly and confidentially as possible, but the  
51 District cannot promise anonymity to any individual. Employees are required to participate fully  
52 in investigations related to harassment, intimidation and bullying. No employee will be retaliated  
53 against for making a complaint in good faith or for participating in an investigation regarding a  
54 violation of District policy.

55 The complainant shall be notified of the findings of the investigation and, as appropriate, that  
56 remedial action has been taken.

### 57 58 **Responsibilities**

59  
60 The District Administrator shall be responsible for ensuring that notice of this policy is provided  
61 to staff and third parties and for the development of administrative regulations, including reporting  
62 and investigative procedures, as needed.

63  
64 All staff have the responsibility to maintain a safe environment for students to academically and  
65 socially develop. Further, staff have a responsibility to report incidents. Educators and school  
66 staff can help prevent bullying by building strong relationships with students, intervening when  
67 signs of bullying are witnessed, and supporting a bullying prevention climate in the school.

### 68 69 **Consequences**

70  
71 Staff whose behavior is found to be in violation of this policy will be subject to discipline up to  
72 and including dismissal. Third parties whose behavior is found to be in violation of this policy  
73 shall be subject to appropriate sanctions as determined and imposed by the District Administrator  
74 or the Board. Individuals may also be referred to law enforcement officials.

### 75 76 **Retaliation and Reprisal**

77  
78 Retaliation is prohibited against any person who reports or is thought to have reported a violation,  
79 files a complaint, or otherwise participates in an investigation or inquiry. Such retaliation shall be  
80 considered a serious violation of Board policy, whether or not a complaint is substantiated. False  
81 charges shall also be regarded as a serious offense and will result in disciplinary action or other  
82 appropriate sanctions.

83

84 Legal References: 10.55.701(1)(g), ARM Board of Trustees  
85 10.55.801(1)(d), ARM School Climate  
86  
87 Cross References: 3005 Harassment, Intimidation and Bullying Prevention  
88 Title IX  
89 504  
90  
91 Policy History:  
92 Adopted on:  
93 Revised on:

2  
3 **STUDENTS**

4  
5 Harassment, Intimidation, and Bullying Prevention

6  
7 The Board is committed to providing students with a safe and civil school environment free from  
8 harassment, intimidation and bullying. The Board and District will not tolerate harassment,  
9 intimidation or bullying in any form at school, school-related events (including off campus  
10 events), school sponsored activities, school buses or any event related to school business.  
11 Bullying, harassment, intimidation or hazing by students, staff, or third parties, is strictly  
12 prohibited and shall not be tolerated. Inciting, aiding, encouraging, coercing or directing others  
13 to commit acts of harassment, intimidation or bullying is prohibited under this policy.

14  
15 Intimidation, bullying and harassment include any gesture or written, verbal or physical act that  
16 is reasonably perceived as being motivated either by any actual or perceived characteristic, such  
17 as race, color, religion, ancestry, creed, national origin, gender, sexual orientation, sexual  
18 identity, age, culture, social origin or condition, marital status, political affiliation or a mental,  
19 physical or sensory handicap, or by any other distinguishing characteristic.

20  
21 Intimidation, bullying and harassment include acts that a reasonable person knew or should have  
22 known, under the circumstances the gesture or written or physical act (a) will have the effect of  
23 harming a student or damaging the student’s property; or (b) will place a student in reasonable  
24 fear of harm to the student’s person or damage to the student’s property; or (3) has the effect of  
25 insulting or demeaning any student or group of students in such a way as to disrupt or interfere  
26 with the school’s educational mission or the education of any student.

27  
28 ***Definitions:***

- 29
- 30 1. “Third parties” include but are not limited to coaches, school volunteers, parents, school  
31 visitors, service contractors or others engaged in District business, such as employees of  
32 businesses or organizations participating in cooperative work program with the District,  
33 and others not directly subject to District control at inter-district and intra-District athletic  
34 competitions or other school events.
  - 35  
36 2. ~~“District” includes District facilities, District premises, and non-District property if the~~  
37 ~~student or employee is at any District sponsored, District approved, or District related~~  
38 ~~activity or function, such as field trips or athletic events, where students are under the~~  
39 ~~control of the District or where the employee is engaged in District business.~~
  - 40  
41 3. “Hazing” includes but is not limited to any act that recklessly or intentionally endangers  
42 the mental or physical health or safety of a student for the purpose of initiation or as a  
43 condition or precondition of attaining membership in or affiliation with any District-  
44 sponsored activity or grade-level attainment, including but not limited to forced  
45 consumption of any drink, alcoholic beverage, drug, or controlled substance, forced  
46 exposure to the elements, forced prolonged exclusion from social contact, sleep

47 deprivation, or any other forced activity that could adversely affect the mental or physical  
48 health or safety of a student; requires, encourages, authorizes or permits another to be  
49 subject to wearing or carrying any obscene or physically burdensome article, assignment  
50 of pranks to be performed, or other such activities intended to degrade or humiliate.

- 51
- 52 4. “Bullying” means any harassment, intimidation, hazing, or threatening, insulting, or  
53 demeaning gesture or physical contact, including any intentional written, verbal, or  
54 electronic communication (cyberbullying) or threat directed against a student that is  
55 persistent, severe, or repeated, and that substantially interferes with a student’s  
56 educational benefits, opportunities, or performance, that take place on or immediately  
57 adjacent to school grounds, at any school-sponsored activity, on school-provided  
58 transportation, at any official school bus stop, or anywhere conduct may be reasonable be  
59 considered to be a threat or an attempted intimidation of a student or staff member or an  
60 interference with school purposes or an educational function, that has the effect of:
- 61 a. Physically harming a student or damaging a student’s property;
  - 62 b. Knowingly placing a student in reasonable fear of physical harm to the student or  
63 damage to the student’s property;
  - 64 c. Creating a hostile educational environment, or;
  - 65 d. Substantially and materially disrupts the orderly operation of a school.
- 66
- 67 5. “Electronic communication device” means any mode of electronic communication,  
68 including but not limited to computers, cell phones, PDAs, or the internet.  
69

### 70 ***Reporting***

71 All complaints about behavior that may violate this policy shall be promptly investigated. Any  
72 student, employee, or third party who has knowledge of conduct in violation of this policy or  
73 feels he/she has been a victim of hazing, harassment, intimidation, or bullying in violation of this  
74 policy is encouraged to immediately report his/her concerns to the building principal or the  
75 District Administrator, who have overall responsibility for such investigations. A student may  
76 also report concerns to a teacher or counselor, who will be responsible for notifying the  
77 appropriate District official. Students who have concerns about bullying or harassment from  
78 staff members are encouraged to report their concerns to the building principal. Complaints  
79 against the building principal shall be filed with the Superintendent. Complaints against the  
80 Superintendent or District Administrator shall be filed with the Board.

81

82 All staff are obligated to address bullying, harassment and intimidation as described in Board  
83 policy, administrative procedures and / or staff and student handbooks.  
84

### 85 ***Exhaustion of Administrative Remedies***

86 A person alleging violation of any form of harassment, intimidation, hazing, or threatening,  
87 insulting, or demeaning gesture or physical contact, including any intentional written, verbal, or  
88 electronic communication, as stated above, may seek redress under any available law, either civil  
89 or criminal, after exhausting all administrative remedies.  
90  
91  
92

93 **Consequences**  
94 Students whose behavior is found to be in violation of this policy will be subject to discipline up  
95 to and including expulsion. Staff whose behavior is found to be in violation of this policy will be  
96 subject to discipline up to and including dismissal. Third parties whose behavior is found to be in  
97 violation of this policy shall be subject to appropriate sanctions as determined and imposed by the  
98 District Administrator or the Board. Individuals may also be referred to law enforcement  
99 officials.

100  
101 **Retaliation and Reprisal**  
102 Retaliation is prohibited against any person who reports or is thought to have reported a  
103 violation, files a complaint, or otherwise participates in an investigation or inquiry. Such  
104 retaliation shall be considered a serious violation of Board policy, whether or not a complaint is  
105 substantiated. False charges shall also be regarded as a serious offense and will result in  
106 disciplinary action or other appropriate sanctions.

107  
108 Cross Reference: 5010 PERSONNEL: Harassment / Intimidation / Bullying

109  
110 Legal Reference: § 20-5-207, MCA “Bully-Free Montana Act”  
111 § 20-5-208, MCA Definition  
112 § 20-5-209, MCA Bullying of student prohibited  
113 § 20-5-210, MCA Enforcement – exhaustion of administrative  
114 remedies

115  
116 10.55.701(2)(f), ARM Board of Trustees  
117 10.55.719, ARM Student Protection Procedures  
118 10.55.801(1)(d), ARM School Climate

119  
120 Policy History:  
121 Adopted on:  
122 Revised on: 12.11.1990, 6.10.2003