



**Superintendent**  
Rex Weltz  
324-2000

**Business Manager**  
Janelle Mickelson  
324-2007

**BOARD OF TRUSTEES  
POLICY COMMITTEE MEETING**

**May Butler Center  
55 South Rodney  
Tuesday, September 7, 2021  
Noon – 1:00 p.m.**

- I. INTRODUCTIONS**
- II. REVIEW OF AGENDA**
- III. GENERAL PUBLIC COMMENT**
- IV. REVIEW MAY 4, 2021, BOARD POLICY MEETING MINUTES**
- V. PRESENTATION OF POLICIES FOR THIRD READING/REVIEW:**
  - A. 1027 Board Member Conflict of Interest
  - B. 1035 Board Development and Self Evaluation
  - C. 1040 Board Member Expenses
  - D. 1055 Communication to and From the Board
  - E. 1060 Committees
  - F. 5056 Vacation
- VI. PRESENTATION OF POLICIES FOR FIRST READING:**
  - A. 2016 Human Sexuality Instruction
  - B. 3000 Equal Educational Opportunities
  - C. 3022 Children of Military Families
  - D. 5000 Equal Employment Opportunity and Non-Discrimination
  - E. 5100 Breastfeeding in the Workplace
  - F. 7062 Outdoor Air Quality
- VII. SUPERINTENDENT OR BOARD COMMENTS**
- VIII. ADJOURNMENT**

**NEXT MEETING:  
Tuesday, October 5, 2021  
Noon – 1:00 p.m.**



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 Meeting

Tuesday, May 4, 2021

### MINUTES - DRAFT

#### Attendees

##### Committee:

Libby Goldes, Committee Chair  
John McEwen, Committee Member  
Jennifer McKee, Committee Member  
Luke Muszkiewicz, Board Chair

##### Others:

Tyler Ream, Superintendent  
Josh McKay, Assistant Superintendent  
Barb Ridgway, Chief of Staff  
Janelle Mickelson, Business Services Director  
Gary Myers, Education Technology Director  
Rex Weltz, Incoming Superintendent  
Elizabeth Kaleva, District Counsel  
Jane Shawn, HEA President

#### I. CALL TO ORDER

The meeting was called to order at 12:06 pm by Committee Chair, Libby Goldes.

#### II. REVIEW OF AGENDA

No changes were requested to the agenda.

#### III. GENERAL PUBLIC COMMENT

There was no public comment.

#### IV. REVIEW OF THE 04.06.2021 POLICY COMMITTEE MINUTES

The committee reviewed minutes from the 04.06.2021 committee meeting.

#### V. PRESENTATION OF POLICIES FOR SECOND READING

##### A. Policy 5056: Vacation

Ms. Ridgway informed the committee there have been no changes to the policy since the committee's first reading. She reminded the committee this was a new policy addressing what happened to accrued, untaken vacation for employees not covered by a CBA. Ms. Kaleva added Montana law included a provision stating an individual could accrue vacation leave up to a certain amount. Beyond

that amount, the employee must either use the accrued leave or lose it. However, there was section in the law granting school boards with sole discretion to provide cash compensation in lieu of losing vacation time. Ms. Kaleva encouraged the board to make the policy broad enough to include administrators, special education administrators, principals, etc. Ms. Ridgway provided the committee with historical values of unused vacation for the past five years.

The committee agreed to revisit this policy – with revisions and additional language from Ms. Kaleva – at the next committee meeting. Upon approval by the committee, it will be presented to the board with a comparison to other AA districts and associated costs for payouts.

**B. Policy 1027: Board Member Conflict of Interest**

Ms. Ridgway presented the policy with amended language from the previous committee meeting along with a degree of separation chart for reference. Ms. Kaleva added the changes made to language were better reflective of the statute. She clarified if a trustee abstains from a vote, the vote counted as a “no” when a unanimous vote was required.

This policy will be sent to the full board for a second reading.

**C. Policy 1035: Board Development and Self-Evaluation**

Ms. Ridgway stated this policy had been amended to formalize a board evaluation process. It changes the intent from “may” to “will.”

This policy will be forwarded to the full board for a second reading.

**D. Policy 1040: Board Member Expenses**

Ms. Ridgway outlined the changes to this policy requested at the previous committee meeting. Ms. Kaleva added if a trustee had a receipt for a reasonable tip, the district would reimburse the trustee. Ms. Mickelson asked if the practice extended to all staff members or just trustees. Ms. Kaleva clarified this policy pertained to trustees; staff members needed to be addressed in a different policy.

The committee agreed to forward this policy to the full board for a second reading.

**E. Policy 1055: Communication to and from the Board**

Ms. Ridgway told the committee of one change requested in the previous committee meeting: “electronic mail” to “digital communications.” She confirmed the MCA reference listed was correct. Ms. Kaleva provided historical context for the committee by stating this policy was from a Montana School Boards Association (MTSBA) template used to address any issue of staff members jumping the chain of command to individual board members and vice versa.

The committee agreed to forward this policy to the full board for a second reading.

**F. Policy 1060: Committees**

Ms. Kaleva advised the committee that all boards were required to have some form of committees meeting that must be noticed per open meeting laws. She added committee members participating remotely in meetings had the same rights as those attending in person. Ms. Ridgway told the committee that since the language was taken from state government language, clarification would be

made to modify “trustee” to “a member of the committee.” Ms. Kaleva added if a committee made recommendations to the board, it must be publicly noticed; administrative meetings read “may” be open to the public in Montana law.

Ms. Goldes asked how the policy applied to the Wellness Committee. Dr. Ream answered that committee was a citizen committee with no trustees serving as members. Ms. Kaleva added the distinguishing factor was whether the committee made recommendations to the Board; if so, committee meetings must be noticed.

Mr. McEwen inquired into the effect of this policy on the Health and Benefits Committee. Ms. Kaleva answered those meeting should be noticed.

Ms. Goldes asked who determined the chair of committees. Ms. Kaleva answered the committee typically determined their own chair.

Dr. Ream noted the lack of guidance on any requirements of meeting frequency on administrative meetings. Ms. Kaleva clarified if it was a regularly scheduled meeting, she recommended opening it to the public.

Mr. Muszkiewicz asked if the Health Benefits Committee meetings would need to be public meetings if no trustee sat on it. Ms. Kaleva replied they would not since no recommendations would be made to the Board. Ms. Collette added the formation of the health benefits plan required a trustee be on the committee; it was in the bylaws of the self-funded plan.

The committee and Ms. Kaleva walked through several instances and clarified when the policy would or would not apply before determining to forward the policy to the full board for a second reading.

## **VI. PRESENTATION OF POLICIES FOR TERMINATION**

### **A. Policy 1904: Use of Transportation Funds During Periods of School Closure**

Ms. Kaleva clarified this policy fell under the set of 1900 policies set to sunset in June 2020. She advised the committee to wait until June to let it sunset naturally rather than seeking board action to terminate the policy. Mr. Wertz cautioned against allowing any policies to sunset that the district wished to retain.

## **VII. BOARD COMMENTS**

No further board comments were offered.

## **VIII. ADJOURNMENT**

Committee Chair, Ms. Goldes, adjourned the meeting at 1:05pm.

2 SCHOOL DISTRICT ORGANIZATION

3 Board Member Conflict of Interest

4  
5 Board members are expected to be familiar with and observe those provisions of Montana law  
6 that define school board authority and govern conflict of interest. Board members shall not only  
7 ~~to~~ adhere to all laws regarding conflict of interest, but also to be alert to situations that may have  
8 the appearance of a conflict of interest and to avoid actions that might compromise himself or  
9 herself or the Board. Therefore, a trustee may not:

- 10
- 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 which
- 23 the trustee has a substantial personal interest in a competing firm or undertaking;
- 24 • be employed in any capacity by the District, except to officiate at athletic
- 25 competitions under the auspices of the Montana Officials Association; or
- 26 • ~~take part in the appointment or employment of any person related or connected by~~
- 27 ~~blood within the 4<sup>th</sup> degree or by marriage within the 2<sup>nd</sup> degree, except as~~
- 28 ~~provided by statute.~~
- 29 • Appoint or employ any person related or connected by consanguinity within the fourth
- 30 (4th) degree or by affinity within the second (2nd) degree.
  - 31 a. This prohibition does not apply to the issuance of an employment contract to a
  - 32 person as a substitute teacher who is not employed as a substitute teacher for more
  - 33 than thirty (30) consecutive school days.
  - 34 b. This prohibition does not apply to the renewal of an employment contract of a
  - 35 person related to a Board member who was initially hired before the Board member
  - 36 assumed the trustee position.
  - 37 c. This prohibition does not apply if trustees comply with the following
  - 38 requirements:
    - 39 1) all trustees, except the trustee related to the person to be employed or
    - 40 appointed, vote to employ the related person;
    - 41 2) the trustee related to the person to be employed abstains from voting;
    - 42 and
    - 43 3) the trustees give fifteen (15) days written notice of the time and place of
    - 44 their intended action in a newspaper of general circulation in the county
    - 45 where the school is located.
    - 46

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Degrees of Affinity

Affinity is the legal relationship arising as the result of marriage. Relationship by affinity terminates upon the death of one of the spouses or other dissolution of marriage, except when the marriage has resulted in issue still living.

Legal References:	§ 2-2-105, MCA	Ethical Requirements for Public Officers and Public Employees
	§ 2-2-121, MCA	Rules of Conduct for Public Officers and Public Employees
	§ 20-9-204, MCA	Conflict of interest
	§ 20-1-201, MCA	School officers not to act as agents
	§ 2-2-302, MCA	Appointment of relative to office of trust or emolument unlawful -- exceptions -- publication of notice.

Cross Reference:

Policy History:

Adopted on:	2.8.2011
Revised on:	9.10.2019

53

4  
5 SCHOOL DISTRICT ORGANIZATION

6  
7 Board Development and Self Evaluation

8  
9 The Board strives to learn, understand, and practice effective governance for the benefit of the  
10 District. As determined by the Board, individual members have the opportunity to attend state  
11 and national meetings designed to familiarize members with public school issues, governance  
12 and legislation. Notice of training opportunities will be provided either through the  
13 Superintendent or through the Board Chair.

14  
15 Newly elected or appointed trustees shall be ~~given a copy of the~~ made aware of the location of  
16 District policies manual on the District web site and shall have the opportunity to meet with the  
17 Superintendent and/or members of the Board for the purpose of answering questions and  
18 providing information about the District. The Board Chair may request that a veteran Board  
19 member mentor a new member.

20  
21 As part of the Board’s professional development and in an effort to ~~improve on~~ ensure a  
22 continuous improvement basis cycle, the Board ~~may conduct a self-evaluation as needed.~~ will  
23 conduct an annual self-evaluation.

24  
25 The Board of Trustees will ~~periodically~~ make adjustments in its conduct and practices to ensure  
26 continued improvement in its performance over time based on their self-evaluation.

27  
28 Legal Reference:

29  
30 Cross References:

31  
32 Policy History:

33 Adopted on: 2.8.2011

34 Revised on:

35 Reviewed on:

2  
3 SCHOOL DISTRICT ORGANIZATION

4  
5 Board Member Expenses

6  
7 Trustees are not compensated for their service to the District. Travel expenses in the form of a  
8 mileage reimbursement may be paid to any trustee who lives more than three (3) miles from the  
9 regular meeting place of the trustees at the rate specified in § 2-18-503, MCA.

10  
11 The District will pay the expenses for trustees to attend Board approved workshops, trainings  
12 and conferences both in state and out of state. The following expenses are eligible for payment  
13 and/or reimbursement at the rate established by the District:

- 14 1. Transportation as approved by the Board;
- 15 2. Hotel or motel costs as necessary;
- 16 3. Food costs as necessary;
- 17 4. ~~Telephone services as necessary~~ Communication services;
- 18 5. Incidental expenditures for tips and other necessary costs.

19  
20 The District will not pay for or reimburse expenses for ~~liquor~~ alcohol, expenses of a spouse,  
21 entertainment or other ~~unnecessary~~ unrelated expenses.

22  
23 Legal Reference: § 20-3-311, MCA Trustee travel reimbursement

24  
25 Cross Reference:

26  
27 Policy History:

28 Adopted on: 2.8.2011

29 Revised on:

30 Reviewed on:



2  
3 SCHOOL DISTRICT ORGANIZATION

4  
5 Communications To and From the Board

6  
7 The Board encourages open lines of communication between members of the education  
8 community. It also must maintain a chain of command as an organization to promote efficient  
9 and effective communications.

10  
11 All **official** communications to the Board should be directed to the Superintendent. Board  
12 member questions or communications to staff about programs and/or requests for information  
13 should also be submitted through the Superintendent.

14  
15 The Board acts only as a body. Individual school board members have no authority to act  
16 independently, and cannot commit or bind the board by their individual actions. Powers and  
17 duties of the board must be exercised by the board as a whole. If contacted individually, Board  
18 members should refer the matter to the Superintendent. Individual Board members may not take  
19 action to compromise the Board or the administration.

20  
21 Use of ~~electronic-mail~~ digital communication will conform to the same standards of judgment,  
22 propriety and ethics as other forms of Board related communication. E-mail may not be used as a  
23 substitute for deliberations at Board meetings or for other communications or business properly  
24 confined to Board meetings. E-mail and related attachments received or prepared for use in  
25 Board business may be regarded as a public record subject to disclosure upon request, unless  
26 otherwise made confidential by law.

27  
28 Legal Reference: § 2-3-301, MCA Agency to accept public comment electronically - -  
29 dissemination of electronic mail address and documents required --  
30 prohibiting fees

31  
32 Cross Reference: Policy 1065 Board Meetings

33  
34 Policy History:

35 Adopted on: 2.8. 2011

36 Revised on: 1.9.2018

37 Reviewed on:

38

2  
3 SCHOOL DISTRICT ORGANIZATION

4  
5 Committees

6  
7 *Board Member Committees*

8  
9 The Board may create Board member committees as deemed necessary. The Board Chair will  
10 make all appointments to board member committees. Notice of board member committee  
11 meetings shall be given in the same manner as notice for special meetings, and board member  
12 committee meetings shall be open to the public.

13  
14 A trustee who is a member of a committee and is participating remotely in a committee meeting  
15 has the same privileges, rights, and responsibilities as if the trustee were physically present.

16  
17 *Citizen Committees*

18  
19 The Board or the Superintendent may create committees that involve community members as  
20 deemed necessary, either on an ad hoc or regular basis. The board chair or the Superintendent  
21 will make all appointments to citizen committees and will establish the parameters and duties for  
22 the citizen committees. Notice of citizen committee meetings shall be given in the same manner  
23 as notice for special meetings, and citizen committee meetings shall be open to the public.

24  
25 *Administrative Committees*

26  
27 The Superintendent may create administrative committees as deemed necessary. The  
28 Superintendent will make all appointments to the administrative committees. In determining  
29 whether an administrative committee meeting shall be open to the public, the following factors,  
30 although not exhaustive in nature, should be considered:

- 31 (1) the frequency of the meeting held;  
32 (2) whether the committee is deliberating or just gathering facts;  
33 (3) whether the deliberations concern a matter of policy rather than ministerial or  
34 administrative functions;  
35 (4) whether the committee members have executive authority and experience; and  
36 (5) the results of the meeting.

37  
38 If the presiding officer determines that the administrative committee should be held  
39 in compliance with the Open Meeting Act, they shall provide notice of the meeting in the same  
40 manner as notice for a special meeting, and the administrative meeting shall be open to the  
41 public.

42  
43 Legal Reference: § 2-3-203, MCA Meetings of public agencies open to the public

44  
45 Cross Reference:

47 Policy History:  
48 Adopted on: 2.8 2011  
49 Revised on:  
50 Reviewed on:  
51

4.6.2021 Policy Committee -1<sup>st</sup> Reading  
5.4.2021 Policy Committee – 2<sup>nd</sup> Reading  
9.7.2021 Policy Committee – 3<sup>rd</sup> Reading

5.11.2021 Full Board – 1<sup>st</sup> Reading

1  
2 **Helena School District**

5056

3  
4 PERSONNEL

5  
6 Vacation

7  
8 Classified employees, Business Managers/District Clerks, and Superintendents will accrue  
9 annual vacation leave benefits in accordance with §§2-18-611, 2-18-612, 2-18-614 through 2-18-  
10 617 and 2-18-621, MCA. Nothing in this policy guarantees approval for granting specific days  
11 as annual vacation leave in any instance. The District will judge each request for vacation in  
12 accordance with staffing needs.  
13

14 Administrators not covered by a collective bargaining agreement who accrue vacation will be  
15 paid for earned hours that exceed the allowable accrual.

16  
17 Employees are not entitled to any vacation leave with pay until they have been continuously  
18 employed for a period of six (6) calendar months.  
19

20 Legal Reference:     §2-18-611, MCA     Annual Vacation Leave  
21                             §2-18-612, MCA     Rate earned  
22                             §2-18-617, MCA     Accumulation of leave – cash for unused – transfer  
23   – death benefit  
24

25 Cross Reference:

26  
27 Policy History:

28 Adopted on:

29 Revised on:

30 Reviewed on:

2  
3 STUDENT INSTRUCTION

4  
5 Human Sexuality Instruction

6  
7 The District recognizes the right of a parent or guardian to withdraw a child from instruction or  
8 an organized school function regarding human sexuality instruction. Such withdrawals will be  
9 classified as an excused absence.

10  
11 "Human sexuality instruction" means teaching or otherwise providing information about human  
12 sexuality, including intimate relationships, human sexual anatomy, sexual reproduction, sexually  
13 transmitted infections, sexual acts, sexual orientation, gender identity, abstinence, contraception,  
14 or reproductive rights and responsibilities.

15  
16 *48 Hour Notice*

17  
18 Parents and guardians will be notified within 48 hours prior to holding an event or assembly or  
19 introducing material for instructional use.

20  
21 This notice will contain:

- 22 1) the basic content of the district's or school's human sexuality instruction; and  
23 2) the right to withdraw the student from the instruction

24  
25 *Annual Availability of Materials*

26  
27 The District will make curriculum materials used in human sexuality instruction available for  
28 public inspection before use. This will occur on an annual basis.

29  
30 *No Abortion Curriculum*

31  
32 In compliance with Montana law, the District will not allow personnel to offer, sponsor, or  
33 furnish any course materials or instruction relating to human sexuality or sexually transmitted  
34 diseases if the person or entity provides abortion services.

35  
36  
37 Legal References: Senate Bill 99 Parameters for K-12 Human Sexuality Education  
38 § 20-5-103, MCA Compulsory attendance and excuses (*Revised by*  
39 *Senate Bill 99*)  
40 10.55.701, ARM Board of Trustees

41  
42 Cross References: Policy 2015 Curriculum Development, Content, and Assessment

43  
44  
45 Policy History:

46 Adopted on:

47 Revised on:

2  
3 STUDENTS

4  
5 Equal Educational Opportunities

6  
7 Equal educational and extracurricular opportunities shall be available for all students without regard  
8 to race, color, religion, creed, national origin, sex, age, gender, sexual orientation, gender identity  
9 and expression, ancestry, marital status, military status, citizenship status, culture, social origin or  
10 condition, political affiliation, mental, physical or sensory handicap, or by any other distinguishing  
11 characteristic and other legally protected categories.  
12

13 The District will not knowingly enter into agreements with any entity or any individual that  
14 discriminates against students on the basis of sex or any other protected status. Any student may file  
15 a complaint by using the Section 504 / ADA Grievance Procedures for claims relating to disability  
16 discrimination, the Title IX Sexual Harassment Grievance Procedures for claims of sexual  
17 harassment, or the Uniform Grievance Procedure for all other claims.  
18

19 Students in private or homeschool have the right to participate in extracurricular activities in public  
20 schools. The District will not restrict extracurricular participation of students in private school or  
21 home school based on their enrollment at the public school.  
22

23 No student shall, on the basis of sex, be denied equal access to programs, activities, services, or  
24 benefits or be limited in the exercise of any right, privilege, advantage, or denied equal access to  
25 educational and extracurricular programs and activities pursuant to Title IX and its regulations. Any  
26 student may file a sex equity complaint by using the District’s Uniform Grievance Procedures.  
27

28 Inquiries regarding discrimination of any kind should be directed to the building administrator or  
29 District’s Title IX Coordinator, who shall provide information and, if necessary, direct the individual  
30 to the appropriate grievance procedures. Inquiries regarding sex discrimination or sexual  
31 harassment may also be directed to the District’s Title IX Coordinator, the Assistant Secretary for  
32 the U.S. Department of Education, or both. The District will annually publish notice of these rights  
33 to students and parents.  
34

35 The District will not deny or allow educational opportunity based on vaccine status, except those  
36 vaccines required by law.  
37

38 Legal References:	§ 49-2-307, MCA	Discrimination in education
39	§ 49-3-201, MCA et seq	Governmental Code of Fair Practices
40	20 USC 1681 et seq	Title IX
41	42 USC § 12111 et seq.	Americans with Disabilities Act
42	29 USC § 791 et seq.	Rehabilitation Act of 1973
43	28 CFR 35.107	Nondiscrimination on the Basis of Disability in
44		State and Local Government Services
45	34 CFR 104.7	Nondiscrimination on the Basis of Handicap in
46		Programs or Activities Receiving Federal
47		Financial Assistance
48	34 CFR Part 106	Nondiscrimination on the Basis of Sex in
49		Education
50	10.55.701, ARM	Board of Trustees

51	<u>Senate Bill 157</u>	<u>Allow nonpublic students to participate in</u>
52		<u>public school extracurriculars</u>
53	<u>§ 20-5-109, MCA</u>	<u>Nonpublic school requirements for compulsory</u>
54		<u>enrollment exemption (<i>Revised by House Bill</i></u>
55		<u>702)</u>
56	<u>House Bill 702</u>	<u>Prohibits Discrimination Based on Vaccine</u>
57		<u>Status</u>
58		
59		

60 Cross References:

61  
62 Policy History:

63 Adopted on: 2.10.2015

64 Revised on: 2.09.2021

65 Reviewed on:

2  
3 **STUDENTS**

4  
5 Children of Military Families

6  
7 It is the intention of the District to remove barriers to educational success imposed on children of  
8 military families transitioning to and from school because of frequent moves and/ deployment of  
9 a parent on active duty in the regular Armed Forces, National Guard, or Reserves.

10  
11 Educational Records and Enrollment

12  
13 In the event that official education records cannot be released prior to the transfer of a child of a  
14 military family to another school district, the District shall prepare and furnish to the parent a  
15 complete set of unofficial educational records, including but not limited to records encompassing  
16 all material maintained in the student's permanent and cumulative files (general identifying data,  
17 records of attendance and academic work completed, records of achievement and results of  
18 evaluative tests, health data, disciplinary status) and special education records. The District shall  
19 process and furnish the official educational records to the school in which the child of a military  
20 family has transferred within 10 days.

21  
22 In the event that a child of a military family seeks to enroll in the District, the District shall enroll  
23 and appropriately place the student as quickly as possible based upon information in the  
24 unofficial educational records pending receipt of the official records. The trustees shall assign  
25 and admit a child whose parent or guardian is being relocated to Montana under military orders  
26 to a school in the district and allow the child to preliminarily enroll in classes and apply for  
27 programs offered by the district prior to arrival and establishing residency.

28  
29 Tuition

30  
31 The District shall not charge tuition in relation to a child of a military family transferring into the  
32 District who has been placed in the care of a noncustodial parent or other person through a  
33 special power of attorney so long as that noncustodial parent or other person resides within the  
34 District.

35  
36 Placement

37  
38 The District will initially honor the placement of a child of a military family transferring into the  
39 District in the educational courses and educational programs based on the child's enrollment in  
40 the previous school or educational assessments of the previous school provided the courses and  
41 programs are offered and space is available. Course placement includes, but is not limited to,  
42 honors, international baccalaureate, advanced placement, vocational, technical, and career  
43 pathways courses. Educational programs include, but are not limited to, gifted and talented  
44 programs. If appropriate, the District may perform subsequent evaluations to ensure the child  
45 continues to be appropriately placed.



47 The Superintendent may waive course or program prerequisites or other preconditions for a child  
48 of a military family's placement in any courses or programs.

49  
50 Extracurricular Activities  
51

52 The District shall facilitate the opportunity for a child of a military family transferring into the  
53 District to participate in extracurricular activities, regardless of application deadlines, provided  
54 that the child is otherwise qualified.

55  
56 Graduation  
57

58 The District may waive specific courses required for graduation of a child of a military family  
59 who has transferred into the District if similar coursework has been satisfactorily completed at  
60 the child's previous schools. If the District refuses a request for a waiver from a child of a  
61 military family who has transferred into the District regarding courses required for graduation, it  
62 shall provide a reasonable justification for the denial and shall provide an alternative means of  
63 acquiring the required coursework so that the child may graduate on time.

64  
65 In the event a child of military family who transfers at the beginning of or during the child's  
66 senior year and is ineligible to graduate from a school within the District despite alternative  
67 means being offered, the District shall coordinate with the school from which the child  
68 transferred for the child to receive a diploma from that school.

69  
70 Children of Military Families with Disabilities  
71

72 The District shall initially provide comparable services to a child of a military family transferring  
73 into the District who is receiving special education and related services pursuant to an individual  
74 education program under Individuals with Disabilities Education Act. The District shall make  
75 appropriate accommodations and modifications to address the educational needs of children of  
76 military families transferring into the District who qualify for services under Section 504 of the  
77 Rehabilitation Act, subject to any existing Section 504 plan. If appropriate, the District may  
78 perform subsequent evaluations to ensure the child continues to be appropriately placed.

79

80	Legal References:	§ 20-1-230, MCA	Interstate Compact on Educational
81			Opportunity for Military Children
82		§ 20-5-101, MCA	Admittance of child to school ( <i>Revised by</i>
83			<i>House Bill 68</i> )
84		<u>House Bill 68</u>	<u>Early school enrollment for children of</u>
85			<u>relocated military families</u>

86  
87

88	Cross Reference:	2040	Special Education and Accommodations
89		2050	Section 504 Procedural Safeguards
90		2085	High School Graduation
91		2090	Credit Transfer/Assessment for
92			Placement

93	3010	School Admissions
94	3015	Attendance and Truancy
95	3025	Discretionary Nonresident Student
96		Attendance Policy
97	3065	Co-Curricular Participation Code
98	3085	Transfer of Student Records
99		

100

101 Policy History:

102 Adopted on: 10.22.2013

103 Revised on:

104

105

106

107

108

2  
3 PERSONNEL

4  
5 Equal Employment Opportunity and Non-Discrimination

6  
7 As required by federal law, including but not limited to the Civil Rights Act of 1964, Title IX,  
8 and Section 504 and the Americans with Disabilities Act and their regulations The District will  
9 provide equal employment opportunities and will not discriminate in its educational programs or  
10 activities, including in the area of employment, with respect to all persons, regardless of their  
11 race, color, religion, creed, national origin, sex, age, gender, sexual orientation, gender identity  
12 and expression, ancestry, marital status, military status, citizenship status, culture, social origin  
13 or condition, use of lawful products while not at work, political affiliation or a mental, physical  
14 or sensory handicap, or by any other distinguishing characteristic if otherwise able to perform  
15 essential functions of a job with reasonable accommodations, and other legally protected  
16 categories

17  
18 The District shall not retaliate against any employee for complaining about not receiving equal  
19 employment opportunities or other unlawful discriminatory practices, participating in a  
20 proceeding regarding the denial of equal employment opportunities, or otherwise opposing  
21 discrimination.

22  
23 The District will make reasonable accommodation for an individual with a disability known to  
24 the District, if the individual is otherwise qualified for the position, unless the accommodation  
25 would impose undue hardship on the District. Covid-19 vaccine status will not be used as a basis  
26 to deny or allow equal opportunity to employment.

27  
28 Persons who believe they have not received equal employment opportunities or have been  
29 retaliated against should report their claims to the building principal or department supervisor.  
30 Inquiries regarding sex discrimination or sexual harassment may also be directed to the District's  
31 Title IX Coordinator, the Assistant Secretary for the U.S. Department of Education, or both.  
32 Claims of sexual harassment will be handled through the District's Title IX Sexual Harassment  
33 Grievance Procedures. Claims of disability discrimination will be handled through the District's  
34 Section 504 and ADA Grievance Procedure. All other claims will be handled through the  
35 Uniform Complaint Procedure.

36  
37 No employee or applicant will be discriminated against because he or she initiated a complaint,  
38 was a witness, supplied information or otherwise participated in an investigation or proceeding  
39 involving an alleged violation of this policy or State or federal laws. The District reserves the  
40 right to take action against any individual who knowingly makes false accusations or knowingly  
41 provides false information.

42  
43 Retaliation against an employee who has filed a discrimination complaint, testified or  
44 participated in any manner in a discrimination investigation or proceeding is prohibited.

45  
46 Cross Reference: 1085 Uniform Complaint Procedure

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Title IX Sexual Harassment Grievance Procedure  
Section 504 and ADA Grievance Procedure

- Legal Reference: 29 U.S.C. §§ 621, *et seq.* Age Discrimination in Employment Act  
42 U.S.C. §§ 12111, *et seq.* Americans with Disabilities Act, Title I  
29 U.S.C. § 206(d) Equal Pay Act  
8 U.S.C. §§ 1324(a), *et seq.* Immigration Reform and Control Act  
29 U.S.C. §§ 791, *et seq.* Rehabilitation Act of 1973  
20 U.S.C. §§ 1681, *et seq.*; Title IX of the Education Amendments  
34 C.F.R. Part 106 Nondiscrimination on the Basis of Sex in Education,  
Montana Constitution, Art. X, § 1 - Educational goals and duties
- § 49-2-101, *et seq.* MCA Human Rights Act  
§ 49-2-301, MCA Retaliation Prohibited  
§ 49-1-102, MCA Freedom from discrimination  
§ 49-2-303, MCA Discrimination in employment  
§ 49-3-201, MCA *et seq.* Governmental Code of Fair Practices
- § 49-2-101, *et seq.*, MCA Human Rights Act  
House Bill 702 Prohibits Discrimination Based on Vaccine  
Status  
§ 50-16-502, MCA Legislative findings (Cited by House Bill 702)  
*Bostock v. Clayton County*, 140 S. Ct. 1731 (2020)

Policy History:

- Adopted on: 8.13.2013  
Revised on: 11.10.2020

2  
3 PERSONNEL

4  
5 Breastfeeding in the Workplace

6  
7 The District supports and encourages breastfeeding and the expression of breastmilk by  
8 employees who are breastfeeding when they return to work.

9  
10 Discrimination and harassment of breastfeeding mothers in any form is unacceptable and will not  
11 be tolerated at the Helena School District. Any incident of harassment of a breastfeeding  
12 employee will be addressed in accordance with the District’s Uniform Grievance Procedure.

13  
14 *Time to Express Milk or Breastfeed (Lactation Time)*

15  
16 Lactation times shall be established for each employee based on her work schedule. If  
17 possible, the lactation time is to run concurrently with times when the employee is not  
18 responsible for direct student supervision. If a break time is not provided, the District shall  
19 consider each case and make accommodations as possible. ~~Lactation time beyond the regular~~  
20 ~~break time is unpaid.~~

21  
22 *Space and Equipment for Expressing Milk or Breastfeeding*

23  
24 The school will provide reasonable accommodations for students and staff on the school  
25 campus to express breast milk, breastfeed an infant child, or address other needs related to  
26 breastfeeding. Employees and students shall be provided the use of a clean, comfortable space  
27 or “Lactation Area.” A restroom shall not serve as the lactation area.

28  
29 The lactation area will:

- 30 • provide the basic necessities of privacy, lighting, and electricity for the pump apparatus.  
31 • be shielded from view and free from intrusion from the public, students, and other staff.  
32 • have access to a place to store expressed breast milk safely.  
33 • be in close proximity to the employee’s work area, if possible and  
34 • contain comfortable seating.

35  
36  
37 Legal References: § 39-2-215, MCA Public employer policy on support of women and  
38 breastfeeding – unlawful discrimination  
39 § 39-2-216, MCA Private place for nursing mothers  
40 § 39-2-217, MCA Break time for nursing  
41 § 50-19-501, MCA Nursing mother and infant protection  
42 37.111.811(1)(g) ARM – Physical Requirements

43  
44  
45 Cross References: Policy 1085 Uniform Grievance Procedure

46  
47 Policy History:

48 Adopted on: 5.12.2015

49 Revised on:

2  
3 OPERATIONAL SERVICES

4  
5 Outdoor Air Quality

6 The District will work to ensure the safety of students participating in physical education, recess,  
7 practices or athletic contests. The District Board of Trustees and school administration will use  
8 the *Recommendations for Outdoor Activities Based on Air Quality for Schools* guidelines,  
9 developed by the Montana Department of Environmental Quality (DEQ) and the DEQ's Air Data  
10 Map, as the determining factor when making a decision to allow or not allow students to  
11 participate in outdoor activities and contests.

12 The Superintendent will develop procedures to be used when deciding whether students will be  
13 allowed to participate in outdoor activities when Air Quality Restrictions have reached the  
14 Unhealthy for Sensitive Groups or higher categories as indicated on the DEQ guidelines.

15 Legal References: 37.111.827, ARM Outdoor Air Quality  
16 10.55.701(q), ARM Board of Trustees

17 Cross References:  
18  
19  
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21 Policy History:

22 Adopted on:

23 Revised on:  
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