



Superintendent
Rex Weltz
324-2000

Business Manager
Janelle Mickelson
324-2007

**BOARD OF TRUSTEES
POLICY COMMITTEE MEETING**

**May Butler Center
55 South Rodney
November 2, 2021
Noon – 1:00 p.m.**

- I. CALL TO ORDER/INTRODUCTIONS**
- II. REVIEW OF AGENDA**
- III. GENERAL PUBLIC COMMENT**
- IV. REVIEW SEPTEMBER 7, 2021, BOARD POLICY MEETING MINUTES**
- V. PRESENTATION OF POLICIES FOR SECOND READING/REVIEW:**
 - 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
- VI. PRESENTATION OF POLICIES FOR FIRST READING:**
 - A. 1085 Uniform Complaint Policy
 - B. 3050 Student Discipline
 - C. 7063 Indoor Air Quality
 - D. 7064 Water Supply and Wastewater
- VII. SUPERINTENDENT OR BOARD COMMENTS**
- VIII. ADJOURNMENT**

**NEXT MEETING:
Tuesday, December 7, 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, September 07, 2021

MINUTES - DRAFT

Attendees

Committee: Others:

Libby Goldes, Committee Chair	Rex Wertz, Superintendent
John McEwen, Committee Member	Josh McKay, Assistant Superintendent
Janet Armstrong, Committee Member	Barb Ridgway, Chief of Staff
	Brian Cummings, Assistant Superintendent
	Stacy Collette, Human Resources Director
	Elizabeth Kaleva, District Counsel
	Jane Shawn, HEA President
	Jennifer McKee
	Luke Muszkiewicz
	Keith Schubert

I. CALL TO ORDER

The meeting was called to order at 12:05 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 05.04.2021 POLICY COMMITTEE MINUTES

The committee reviewed minutes from the 05.04.2021 committee meeting.

V. PRESENTATION OF POLICIES FOR THIRD READING/REVIEW

A. Policy 1027: Board Member Conflict of Interest

The committee discussed that these first six policies have already been reviewed by the Board once, and that after today they would be ready to be reviewed at the full Board meeting. There were no questions or changes brought up regarding Policy 1027: Board Member Conflict of Interest.

B. Policy 1035: Board Development and Self Evaluation

There were no questions or suggested changes brought up regarding Policy 1035: Board Development and Self Evaluation.

C. Policy 1040: Board Member Expenses

On line 20, the committee changed the word spouse to guest. On line 20, the committee changed the words other unrelated expenses to expenses unrelated to district business. Line 20 now reads: The District will not pay for or reimburse expenses for alcohol, expenses of a guest, entertainment, or expenses unrelated to district business.

D. Policy 1055: Communication to and from the Board

There were no questions or suggested changes brought up regarding Policy 1055: Communication to and from the Board.

E. Policy 1060: Committees

There were no questions or suggested changes brought up regarding Policy 1055: Communication to and from the Board.

F. Policy 5056: Vacation

Additional language was added to Policy 5056 based upon the last policy committee meeting. The additional language states in lines 14 and 15: Administrators not covered by a collective bargaining agreement who accrue vacation will be paid for earned hours that exceed the allowable accrual. Mr. John McEwen asked if the language should be changed to all staff not covered by a collective bargaining agreement, rather than administrators. The committee discussed if the language should say administrators and independents. The committee asked if this a benefit that should be given to everyone or only administrators. It could become a budget issue if staff members are not taking vacation. Committee Chair Libby Goldes said she would be hesitant to make a change of that nature until we have more information such as a cost analysis and comparing what other Double A districts do. It was discussed that the committee may want to look and see if we have provisions for this in our Classified Bargaining Agreement and to consider if we want to expand it after reviewing costs. The committee decided they need to know what it would cost for independents and if there is language in the CBAs about this. It was then decided that Policy 5056: Vacation would not be presented to the full Board at the next meeting, and that it would be reviewed again at the next policy committee meeting.

VI. PRESENTATION OF POLICIES FOR FIRST READING

A. Policy 2016: Human Sexuality Instruction

The committee discussed that this policy is a result of our most recent legislative session, which was put into statute. The District recognizes the right of a parent or guardian to withdraw a child from instruction or an organized school function regarding human sexuality instruction. Such withdrawals

will be classified as an excused absence. The reality is, we were always providing this option to parents if they didn't want their child in that class but now it is actually in statute. The policy also defines human sexuality instruction. Parents and guardians will be notified within 48 hours prior to holding an event or assembly or introducing material for instructional use and they have the right to withdraw their child if they want. The District will make curriculum materials used in human sexuality instruction available for public inspection before use. This will occur on an annual basis. In compliance with Montana law, the District will not allow personnel to offer, sponsor, or furnish any course materials or instruction relating to human sexuality or sexually transmitted diseases if the person or entity provides abortion services. The committee discussed how families are notified in the schools when this communication gets sent out to them with the option to opt out. The committee discussed that it would be helpful to have the Senate Bill and the statute information before the full Board meeting to understand the policy. The committee determined that Policy 2016: Human Sexuality Instruction was ready to be presented to the full Board.

B. Policy 3000: Equal Educational Opportunities

Policy 3000: Equal Educational Opportunities was amended to reflect the following statement on lines 19-21: Students in private or homeschool have the right to participate in extracurricular activities in public schools. The District will not restrict extracurricular participation of students in private school or home school based on their enrollment at the public school.

Families still must fill out all required forms for the extracurricular activities, pay any fees, have a physical done if required, agree to any terms and conditions, and their academic records can be reviewed by our District.

Lines 35-36 were amended to say: The District will not deny or allow educational opportunity based on vaccine status, except those vaccines required by law. The committee determined that Policy 3000: Equal Educational Opportunities was ready to be presented to the full Board.

C. Policy 3022: Children of Military Families

Policy 3022: Children of Military Families was amended on lines 24-27 to reflect: The trustees shall assign and admit a child whose parent or guardian is being relocated to Montana under military orders to a school in the district and allow the child to preliminarily enroll in classes and apply for programs offered by the district prior to arrival and establishing residency. The committee determined that Policy 3022: Children of Military Families was ready to be presented to the full Board.

D. Policy 5000: Equal Employment Opportunity and Non-Discrimination

Policy 5000: Equal Employment Opportunity and Non-Discrimination was amended to add line 25-26 to say: Covid-19 vaccine status will not be used as a basis to deny or allow equal opportunity to employment. The committee determined that Policy 5000: Equal Employment Opportunity and Non-Discrimination was ready to be presented to the full Board.

E. Policy 5100: Breastfeeding in the Workplace

Policy 5100: Breastfeeding in the Workplace was amended to remove the language on lines 19 and 20, 'lactation time beyond the regular break time is unpaid'. It was amended to add the language on lines 24-34, 'The school will provide reasonable accommodation for students and staff on the school campus to express breast milk, breastfeed an infant child, or address other needs related to

breastfeeding. Employees and students shall be provided the use of a clean, comfortable space or “Lactation Area.” A restroom shall not serve as the lactation area. The lactation area will:

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

The committee determined that they wanted to remove the word mother on line 10 and change that to staff or student. On Line 12 they removed the word employee and changed it to staff member or student. On line 16 the word employee was changed to employees, and on line 16 the word her was removed and replaced with their. The committee determined that Policy 5100: Breastfeeding in the Workplace was ready to be presented to the full Board.

F. Policy 7062: Outdoor Air Quality

Policy 7062: Outdoor Air Quality is a new policy that is required by the DPHHS. The District will use the Recommendations for Outdoor Activities Based on Air Quality for Schools guidelines, developed by the DEQ, and will use the DEQ’s Air Data Map, as the determining factor when making a decision to allow or not allow students to participate in outdoor activities and contests. The Superintendent will develop procedures to be used when deciding whether students will be allowed to participate in outdoor activities when Air Quality Restrictions have reached the Unhealthy for Sensitive Groups or higher categories as indicated on the DEQ guidelines. The committee determined that Policy 7062: Outdoor Air Quality was ready to be presented to the full Board.

VII. SUPERINTENDENT OR BOARD COMMENTS

No further Board comments were offered.

VIII. ADJOURNMENT

Committee Chair, Ms. Goldes, adjourned the meeting at 12:58 pm.

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~~ no less than 48 hours prior to holding an event or
19 assembly or 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:

- 9.7.2021 Policy Committee – 1st Reading
10.5.2021 Policy Committee – 2nd Reading – Mtg Cancelled
11.2.2021 Policy Committee – 2nd Reading

9.14.2021 Full Board – 1st Reading

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
39		§ 49-3-201, MCA et seq
40		20 USC 1681 et seq
41		42 USC § 12111 et seq.
42		29 USC § 791 et seq.
43		28 CFR 35.107
44		
45		34 CFR 104.7
46		
47		34 CFR Part 106
48		
49		

Discrimination in education
Governmental Code of Fair Practices
Title IX
Americans with Disabilities Act
Rehabilitation Act of 1973
Nondiscrimination on the Basis of Disability in State and Local Government Services
Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance
Nondiscrimination on the Basis of Sex in Education

50 10.55.701, ARM Board of Trustees
51 Senate Bill 157 Allow nonpublic students to participate in
52 public school extracurriculars
53 § 20-5-109, MCA Nonpublic school requirements for compulsory
54 enrollment exemption (Revised by House Bill
55 702)
56 House Bill 702 Prohibits Discrimination Based on Vaccine
57 Status
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 (Revised by
83 House Bill 68)
84 House Bill 68 Early school enrollment for children of
85 relocated military families

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

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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

47 Title IX Sexual Harassment Grievance Procedure
48 Section 504 and ADA Grievance Procedure
49
50 Legal Reference: 29 U.S.C. §§ 621, *et seq.* Age Discrimination in Employment Act
51 42 U.S.C. §§ 12111, *et seq.* Americans with Disabilities Act, Title I
52 29 U.S.C. § 206(d) Equal Pay Act
53 8 U.S.C. §§ 1324(a), *et seq.* Immigration Reform and Control Act
54 29 U.S.C. §§ 791, *et seq.* Rehabilitation Act of 1973
55 20 U.S.C. §§ 1681, *et seq.*; Title IX of the Education Amendments
56 34 C.F.R. Part 106 Nondiscrimination on the Basis of Sex in Education,
57 Montana Constitution, Art. X, § 1 - Educational goals and duties
58
59 § 49-2-101, *et seq.* MCA Human Rights Act
60 § 49-2-301, MCA Retaliation Prohibited
61 § 49-1-102, MCA Freedom from discrimination
62 § 49-2-303, MCA Discrimination in employment
63 § 49-3-201, MCA *et seq.* Governmental Code of Fair Practices
64
65 § 49-2-101, *et seq.*, MCA Human Rights Act
66 House Bill 702 Prohibits Discrimination Based on Vaccine
67 Status
68 § 50-16-502, MCA Legislative findings (Cited by House Bill 702)
69 *Bostock v. Clayton County*, 140 S. Ct. 1731
70 (2020)
71 Policy History:
72 Adopted on: 8.13.2013
73 Revised on: 11.10.2020
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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:

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20

21 Policy History:

22 Adopted on:

23 Revised on:

24

1 **Helena Public Schools**

2 School District Organization

1085

3
4 Uniform Complaint Procedure

5 The Board establishes this Uniform Complaint Procedure as a means to address complaints
6 arising within the District. This Uniform Complaint Procedure is intended to be used for all
7 complaints except those governed by a specific process in state or federal law that supersedes
8 this process or a collective bargaining agreement. Matters covered by a collective bargaining
9 agreement will be reviewed in accordance with the terms of the applicable agreement.

10
11 The District will endeavor to respond to and resolve complaints without resorting to this formal
12 complaint procedure and, when a complaint is filed, to address the complaint as outlined in this
13 policy. The right of a person to prompt and equitable resolution of a complaint filed hereunder
14 will not be impaired by a person’s pursuit of other remedies. Use of this complaint procedure is
15 not a prerequisite to pursue other remedies and use of this complaint procedure does not extend
16 any filing deadline related to pursuit of other remedies.

17
18 The District requires all individuals use this complaint procedure, when the individual
19 believes the Board or its employees or agents have violated the individual’s rights under state or
20 federal law or Board policy. Complaints against a building administrator shall be filed with the
21 appropriate Assistant Superintendent. Complaints against the Superintendent or District level
22 administrator shall be filed with the Board.

23
24 Deadlines requiring District action in this procedure may be extended for reasons related but not
25 limited to the District’s retention of legal counsel and District investigatory procedures.

26
27 Level 1: Informal

28
29 An individual with a complaint is first encouraged to discuss it with the appropriate employee or
30 building administrator with the objective of resolving the matter promptly and informally. If the
31 complaint can’t be resolved within 15 days of the incident that generated the complaint then the
32 complainant may file a written complaint as outlined in Level 2. An exception is that a complaint
33 of sexual harassment should be discussed directly the District Title IX Coordinator.

34
35 Level 2: Building Administrator

36
37 When a complaint has not been or cannot be resolved at Level 1, an individual may file a signed
38 and dated written complaint stating: (1) the nature of the complaint; (2) a description of the event
39 or incident giving rise to the complaint, including any school personnel involved; and (3) the
40 remedy or resolution requested. The written complaint must be filed within thirty (30) calendar
41 days of the event or incident or from the date an individual could reasonably become aware of
42 such event or incident.

43
44 When a complaint alleges a violation of Board policy or procedure, the building administrator or

45 supervisor will investigate and attempt to resolve the complaint. The administrator or supervisor
46 will respond in writing to the complaint, within thirty (30) calendar days of the Human Resources
47 Administrator's receipt of the complaint.
48

49 If the complainant has reason to believe the administrator's or supervisor's decision was made in
50 error, the complainant may request, in writing, that the appropriate Assistant Superintendent review
51 the administrator's or supervisor's decision. (See Level 3.) This request must be submitted to the
52 appropriate
53 Assistant Superintendent within fifteen (15) calendar days of the administrator or supervisor's
54 decision.
55

56 When a complaint alleges sexual harassment or a violation of Title IX of the Education
57 Amendments of 1972 (the Civil Rights Act), Title II of the Americans with Disabilities Act of
58 1990, or Section 504 of the Rehabilitation Act of 1973, the Administrator shall turn the
59 complaint over to the applicable District nondiscrimination coordinator. The coordinator shall
60 ensure an investigation is completed in accordance with the applicable procedure. In the case of
61 a sexual harassment or Title IX complaint the applicable investigation and appeal procedure is
62 Policy 3000 or 5005. In the case of a disability complaint, the coordinator shall complete an
63 investigation and file a report and recommendation with the Administrator for decision. Appeal
64 of a decision in a disability complaint will be handled in accordance with this policy.
65

66 Level 3: Assistant Superintendent

67

68 If the complainant appeals the administrator or supervisor's decision provided for in Level 2, the
69 Assistant Superintendent will review the complaint and the administrator or supervisor's decision.
70 The Assistant Superintendent will respond in writing to the appeal, within thirty (30) calendar days
71 of the Assistant Superintendent's receipt of the written appeal. In responding to the appeal, the
72 Assistant Superintendent may: (1) meet with the parties involved in the complaint; (2) conduct a
73 separate or supplementary investigation; (3) engage an outside investigator or other District
74 employees to assist with the appeal; and/or (4) take other steps appropriate or helpful in resolving
75 the complaint.
76

77 If the complainant has reason to believe the Assistant Superintendent's decision was made in error,
78 the complainant may request, in writing, that the Superintendent consider an appeal of the Assistant
79 Superintendent's decision. (See Level 4.) This request must be submitted in writing to the
80 Superintendent, within fifteen (15) calendar days of the Assistant Superintendent's written response
81 to the complaint, for transmission to the Board.
82

83 Level 4: Superintendent or Supervisor

84

85 If the complainant appeals the Assistant Superintendent's decision provided for in Level 3, the
86 Superintendent will review the complaint and the Assistant Superintendent's decision. The
87 Superintendent will respond in writing to the appeal, within thirty (30) calendar days of the
88 Superintendent's receipt of the written appeal. In responding to the appeal, the Superintendent may:
89 (1) meet with the parties involved in the complaint; (2) conduct a separate or supplementary
90 investigation; (3) engage an outside investigator or other District employees to assist with the

91 appeal; and/or (4) take other steps appropriate or helpful in resolving the complaint.

92
93 If the complainant has reason to believe the Superintendent's decision was made in error, the
94 complainant may request, in writing, that the Board consider an appeal of the Superintendent's
95 decision. (See Level 4.) This request must be submitted in writing to the Superintendent, within
96 fifteen (15) calendar days of the Superintendent's written response to the complaint, for
97 transmission to the Board.

98
99
100 Level 5: The Board

101
102 Upon written appeal of a complaint alleging a violation the individual's rights under state or
103 federal law or Board policy upon which the Board of Trustees has authority to remedy, the Board
104 may consider the decisions made in Level 2, 3 and 4. Upon receipt of written request for
105 appeal, the Chair will either: (1) place the appeal on the agenda of a regular or special Board
106 meeting, (2) appoint an appeals panel of not less than three trustees to hear the appeal and make
107 a recommendation to the Board, or (3) respond to the complaint with an explanation of why the
108 appeal will not be heard by the Board of Trustees in accordance with this policy. If the Chair
109 appoints a panel to consider the appeal, the panel will meet to consider the appeal and then make
110 written recommendations to the full Board. The Board will report its decision on the appeal, in
111 writing, to all parties, within thirty (30) calendar days of the Board meeting at which the Board
112 considered the appeal or the recommendation of the panel.

113
114 A decision of the Board is final, unless it is appealed pursuant to Montana law within the period
115 provided by law.

116
117
118 Cross Reference: 3000 - Equal Educational Opportunities
119 5000 - Equal Employment Opportunity and Non-Discrimination

120
121
122 Legal Reference: Title IX of the Education Amendments of 1972 (Civil Rights Act)
123 Title II of the Americans with Disabilities Act of 1990
124 § 504 of the Rehabilitation Act of 1973

125
126 Policy History:

127 Adopted on: 2.08.2011
128 Revised on: 9.13.2016
129 Reviewed on:

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

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

33
34 A student is in violation of the Student Code of Conduct if the student engages in any inappropriate
35 behavior, including but not limited to:

- 36
37 · Using, possessing, distributing, purchasing, or selling tobacco products, vapor products,
- 38 or alternative nicotine products (tobacco includes, but is not limited to, cigarettes, cigars,
- 39 snuff, smoking tobacco, smokeless tobacco, or any other tobacco or nicotine innovation);
- 40 · Using, possessing, distributing, purchasing, or selling alcoholic beverages including
- 41 powdered alcohol or any other alcohol innovation.
- 42 · Using, possessing, distributing, purchasing, or selling illegal drugs or controlled
- 43 substances, including medical marijuana, look-alike drugs, and drug paraphernalia.
- 44 · Using, possessing, controlling, or transferring a weapon in violation of the “Possession of
- 45 a Weapon in a School Building” section of this policy.

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

60
61 *Gun Free Schools*

62
63 The Board is obligated to expel for a definite period of at least one (1) calendar year any student
64 who uses, possesses, controls, or transfers a firearm. The Board hereby authorizes the
65 Superintendent to modify the disciplinary action on a case-by-case basis, ~~including implementing~~
66 ~~lower levels of discipline that do not include a recommendation for expulsion.~~ including
67 eliminating the requirement for expulsion. The administrator may immediately suspend a student
68 if, prior to a hearing, there is cause to believe the student brought a firearm to school or
69 possessed a firearm at school. The student may not be expelled unless the trustees find that the
70 student knowingly brought a firearm to school or possessed a firearm at school.

71
72
73 *Possession of a Weapon in a School Building*

74
75 The District will refer to law enforcement any person who possesses, carries, or stores a weapon in a
76 school building, except as provided below. For the purposes of this section only, "school building"
77 means all buildings owned or leased by the District that are used for instruction or for student
78 activities; "weapon" means any type of firearm, a knife with a blade 4 or more inches in length, a
79 sword, a straight razor, a throwing star, nun-chucks, brass or other metal knuckles, or any other
80 article or instrument possessed with the purpose to commit a criminal offense. The Board may grant
81 persons advance permission to possess, carry, or store a weapon in a school building. All persons
82 who wish to possess, carry, or store a weapon in a school building must request permission of the
83 Board at a regular meeting. The Board has sole discretion in deciding whether to allow a person to
84 possess, carry, or store a weapon in a school building.

85
86 Legal References:

87	§ 16-11-302, MCA	Definitions
88	§ 20-1-220, MCA	Use of tobacco products in public school building or on public
89		school property prohibited
90	§ 20-4-302, MCA	Discipline and punishment of pupils
91	§ 20-5-202, MCA	Suspension and Expulsion

92	§ 45-8-361, MCA	Possession of a weapon in school building
93	§ 45-8-317, MCA	Exceptions
94	§§ 50-46-301 et seq., MCA	Montana Marijuana Act
95	20 USC §§ 7101 et seq.	Safe and Drug-Free Schools & Communities Act
96	20 USC § 7961	Gun-Free requirements
97	§ 1-1-204, MCA	<u>Terms denoting state of mind</u> (<i>Cited by Senate Bill 283</i>)
98	<u>Senate Bill 283</u>	<u>Expulsion Policies and Firearms on School Grounds</u>

99

100

101 Cross References:

102

103 Policy History:

104 Adopted on: 3.26.2013

105 Revised on: 8.15.2017

106

107

2

3 OPERATIONAL SERVICES

4

5 Indoor Air Quality

6 The District will ensure ventilation systems operate properly and increase circulation of outdoor
7 air as much as possible. District ventilation systems will undergo annual checks by the school
8 facility manager, superintendent or other staff approved by the superintendent to ensure
9 ventilation systems are operating within manufacturer parameters.

10 Air filters in the District will have a minimum efficiency reporting value of between 8 and 13 as
11 recommended by the National Air Filtration Association and the EPA unless other types of non-
12 MERV rated filters are used.

13 To the greatest extent possible during times of poor outdoor air quality, the District will change
14 filters to MERV 13 or greater in ventilation systems using MERV rated air filters. The District
15 also will clean any electrostatic air filters according to manufacturer specifications.

16 The school facility manager, superintendent or other staff approved by the superintendent will
17 complete annual indoor air quality inspections using the Walk-Through Inspection Checklist
18 from EPA's Indoor Air Quality Tools for Schools or other DPHHS-approved inspection form.

19 The District will maintain records of indoor air quality inspection on site for no less than three
20 years and the records shall be made available to the local health authority and DPHHS upon
21 request.

22

23

24 Legal References: 37.111.826, ARM Indoor Air Quality
25 10.55.701(q), ARM Board of Trustees

26 Cross References:

27

28

29

30 Policy History:

31 Adopted on:

32 Revised on:

33 Reviewed on:

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2
3 OPERATIONAL SERVICES

4
5 Water Supply and Wastewater

6
7 In order to ensure an adequate and potable supply of water for school buildings and properties the
8 District will either:

- 9 a) Connect to a compliant water supply system; or
- 10 b) Use a non-public system whose construction meets the standards published by DPHHS
11 (Department of Public Health and Human Services). This would be in the case where the
12 school is not used by more than 25 people daily at least 60 days out of the calendar year and
13 where a public water supply system is not accessible.
 - 14 • When using a non-public system, the District will submit a water sample at least
15 quarterly to a DPHHS licensed laboratory to perform microbiological analysis of the
16 water supplied in order to determine that the water does not exceed the maximum
17 microbiological contaminant levels acceptable to DPHHS.

18
19 A water supply system of a type other than described in subsections (a) or (b) may be utilized only if
20 it is designed by a professional engineer and offers equivalent sanitary protection as determined by
21 DPHHS or local health authority. When using a system outlined in this paragraph, the District shall
22 submit a water sample at least quarterly to a laboratory licensed by DPHHS to perform
23 microbiological analysis of the water supplied in order to determine that the water does not exceed
24 the maximum microbiological contaminant levels acceptable to DPPHS, DEQ (Department of
25 Environmental Quality), or local health authority.

26
27 The District will replace or repair the water supply system serving it whenever the water supply:

- 28 a) contains microbiological contaminants in excess of the maximum levels acceptable to
29 DPPHS, DEQ, or local health authority.
- 30 b) does not have the capacity to provide adequate water for drinking, cooking, personal hygiene,
31 laundry, and water-carried waste disposal.

32
33 If the District cannot make water under pressure available, the drinking water from an approved
34 source shall be stored in a clean and sanitized container having a tight-fitting lid and a suitable
35 faucet apparatus for filling individual cups. In this situation, single service drinking cups shall be
36 provided.

37
38 *Flushing and Testing*

39
40 The District shall review water systems and features including but not limited to sink faucets,
41 drinking fountains, decorative fountains to ensure they are safe to use after a prolonged facility
42 shutdown. Drinking fountains shall be regularly cleaned and sanitized. The District shall create
43 and implement a flushing program unless it meets the established waiver requirements established
44 by DEQ. Flushing shall be required following any period of time during which the school is inactive.

45
46 The District shall maintain a schematic and inventory of fixtures in accordance with DEQ protocols
47 as part of the District's water testing program. The District shall sample all water fountains and sinks

48 used for food preparation. All other potential human consumption fixtures shall be sampled, unless
49 the District receives approval for a testing plan from DEQ to test a representative sample of potential
50 fixtures in the school in accordance with DEQ protocols. All samples shall be analyzed by a
51 Montana certified lab using EPA (Environmental Protection Agency)-approved standard drinking
52 water methods for the detection and quantification of lead. All test results will be considered public
53 records.

54

55 *Wastewater*

56

57 The District shall ensure wastewater is completely and safely disposed of by:

- 58 a) connecting to a compliant public wastewater system; or
59 b) if the school is not utilized by more than 25 persons daily at least 60 days out of the calendar
60 year, including staff and students, and a compliant public wastewater system is not available,
61 utilizing a non-public system whose construction and use meet DEQ construction and
62 operation standards.

63

64 If the District uses pit privies, the privies shall be operated and maintained in compliance with the
65 standards specified in DEQ Circular-4. If the District uses a wastewater system design of a type
66 other than described in this policy, it shall be designed by a professional engineer and offers
67 equivalent sanitary protection as determined by the DPPHS, DEQ, or local health authority.

68

69

70

71	Legal References:	37.111.832, ARM	Water Supply System
72		ARM Title 17, chapter 38, subchapter 1	
73		17.38.207, ARM	Maximum Microbiological Containment
74			Levels
75		DEQ Circular FCS 1-2016	
76		DEQ Circular 4	
77		10.55.701(s), ARM	Board of Trustees
78		10.55.701(1), ARM	Board of Trustees
79		10.55.701(q), ARM	Board of Trustees

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81

82 Cross References:

83

84 Policy History:

85 Adopted on:

86 Revised on:

87 Reviewed on: