



Superintendent
Rex Weltz
324-2000

Business Manager
Janelle Mickelson
324-2007

**BOARD OF TRUSTEES
POLICY COMMITTEE MEETING**

**Lincoln Center
1325 Poplar St.
December 7, 2021
Noon – 1:00 p.m.**

I. INTRODUCTIONS

II. REVIEW OF AGENDA

III. GENERAL PUBLIC COMMENT

IV. REVIEW NOVEMBER 2, 2021, BOARD POLICY MEETING MINUTES

V. PRESENTATION OF POLICIES FOR SECOND READING/REVIEW:

- A. 1085 Uniform Complaint Policy
- B. 3050 Student Discipline
- C. 7063 Indoor Air Quality
- D. 7064 Water Supply and Wastewater

VI. PRESENTATION OF POLICIES FOR FIRST READING:

- A. 1020 School Board Elections
- B. 1080 District Policy and Procedures
- C. 2085 Graduation Requirements
- D. 4025 Accommodating Individuals with Disabilities
- E. 5080 Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers
- F. 9035 Capital Assets

VII. SUPERINTENDENT OR BOARD COMMENTS

VIII. ADJOURNMENT

**NEXT MEETING:
Tuesday, January 4, 2022
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, November 02, 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
	Janelle Mickelson, Business Manager
	Luke Muszkiewicz, Board Chair

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 09.07.2021 POLICY COMMITTEE MINUTES

The committee reviewed and approved the minutes from the 09.07.2021 committee meeting.

V. PRESENTATION OF POLICIES FOR SECOND READING/REVIEW

A. Policy 2016: Human Sexuality Instruction

The committee discussed that this is now a required policy that has had one reading before the full board with no changes. The committee asked that on line 34, the word diseases be changed to infections. The committee discussed how broad this topic can be, and how mindful teachers and staff must be about this topic, especially when they are planning a lesson. The committee agreed to send Policy 2016: Human Sexuality Instruction to the full board for review.

B. Policy 3000: Equal Educational Opportunities

The committee discussed that there have been no changes since the first reading that was brought before the full board. No changes were made to the policy, and the committee agreed to send Policy 3000: Equal Educational Opportunities to the full board for review.

C. Policy 3022: Children of Military Families

The committee discussed that this is a federal law, and it is the intention of the District to remove barriers to educational success imposed on children of military families transitioning to and from school because of frequent moves and/or deployment of a parent on active duty in the regular Armed Forces, National Guard, or Reserves. No changes were made to the policy and the committee agreed to send Policy 3022: Children of Military Families to the full board for review.

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

Policy 5000 is an existing policy in the personnel chapter that is required by state law. Lines 25 and 26 were added to speak to the issue of the COVID vaccine. No changes were made to the policy and the committee agreed to send Policy 5000: Equal Employment Opportunity and Non-Discrimination to the full board for review.

E. Policy 5100: Breastfeeding in the Workplace

The committee reviewed Policy 5100. No changes were made to the policy and the committee agreed to send Policy 5100: Breastfeeding in the Workplace to the full board for review.

F. Policy 7062: Outdoor Air Quality

The committee reviewed Policy 7062. This is a new policy from DEQ, and the District has been following the guidelines of this policy already. No changes were made to the policy and the committee agreed to send Policy 7062: Outdoor Air Quality to the full board for review.

VI. PRESENTATION OF POLICIES FOR FIRST READING

A. Policy 1085: Uniform Complaint Policy

This is an existing policy that has been rewritten in part because the timelines were very restrictive. The language from lines 4 through 25 remains the same. The committee then reviewed the different levels in the policy. The committee determined that it should be added that all days means calendar days. The committee determined that on line 40 it should be added the complaint will be filed with Human Resources. On lines 46 and 47 the committee determined it would remove "Human Resources Administrator's receipt of the complaint" and add a period after the word days on line 46. Lines 49 and 50 were changed from "if the complainant has reason to believe the administrator's or supervisor's decision was made in error" to now read "if the complainant

disagrees with the findings of the administrator or supervisor”. That same language would be changed on line 77 and line 93 to the new language. On line 53 the word “receipt” was added before administrator. On line 83, “or Supervisor”, was removed. On lines 106 and 107 the following language was removed “(2) appoint an appeals panel of not less than three trustees to hear the appeal and make a recommendation to the Board”. The committee determined that they would remove the language on line 73 and line 90, “(3) engage an outside investigator” and that language would be moved up to Level 2. The committee determined that it is important to have an administrative procedure document to share anytime there is an investigation or a grievance, or any kind of dispute such as this. The committee determined that Policy 1085: Uniform Complaint Policy would not be moved to the full board at this time.

B. Policy 3050: Student Discipline

This is an existing policy with the addition of language based on new statute related to gun free schools. Lines 63 through 70 state that the Board is obligated to expel for a definite period of at least one (1) calendar year any student who uses, possesses, controls, or transfers a firearm. The Board hereby authorizes the Superintendent to modify the disciplinary action on a case-by-case basis, including eliminating the requirement for expulsion. The administrator may immediately suspend a student if, prior to a hearing, there is cause to believe the student brought a firearm to school or possessed a firearm at school. The student may not be expelled unless the trustees find that the student knowingly brought a firearm to school or possessed a firearm at school. There were no changes made to the policy and the committee determined that Policy 3050:Student Discipline would be sent to the full board for review.

C. Policy 7063: Indoor Air Quality

This is a required, new policy from DPHHS. The committee determined that no changes would be made, and Policy 7063: Indoor Air Quality would be sent to the full board for review.

D. Policy 7064: Water Supply and Wastewater

This is a new policy required by DEQ. The committee determined that no changes would be made, and Policy 7064: Water Supply and Wastewater would be sent to the full board for review.

VII. SUPERINTENDENT OR BOARD COMMENTS

No further board comments were offered.

VIII. ADJOURNMENT

Committee Chair, Ms. Goldes, adjourned the meeting at 1:14 p.m.

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 When a complaint alleges sexual harassment or a violation of Title IX of the Education
25 Amendments of 1972 (the Civil Rights Act), Title II of the Americans with Disabilities Act of
26 1990, or Section 504 of the Rehabilitation Act of 1973, the Administrator shall turn the
27 complaint over to the applicable District nondiscrimination coordinator. The coordinator shall
28 ensure an investigation is completed in accordance with the applicable procedure. In the case of
29 a sexual harassment or Title IX complaint the applicable investigation and appeal procedure is
30 Policy 3000 or 5005. In the case of a disability complaint, the coordinator shall complete an
31 investigation and file a report and recommendation with the Administrator for decision. Appeal
32 of a decision in a disability complaint will be handled in accordance with this policy.

33
34 Deadlines requiring District action in this procedure may be extended for reasons related but not
35 limited to the District’s retention of legal counsel and District investigatory procedures.

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37 *Level 1: Informal*

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

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Level 2: Building Administrator

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

When a complaint alleges a violation of Board policy or procedure, the building administrator or supervisor will investigate and attempt to resolve the complaint. The administrator or supervisor will respond in writing to the complaint, within thirty (30) calendar days of receipt of the written complaint. ~~of the Human Resources Administrator's receipt of the complaint.~~

If the complainant ~~has reason to believe the administrator's or supervisor's decision was made in error~~ disagrees with the findings of the administrator or supervisor the complainant may request, in writing, that the appropriate Assistant Superintendent review the administrator's or supervisor's decision. (See Level 3.) This request must be submitted to the appropriate Assistant Superintendent within fifteen (15) calendar receipt of the administrator or supervisor's decision.

Level 3: Assistant Superintendent

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

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

Level 4: Superintendent ~~or Supervisor~~

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

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

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

98 *Level 5: The Board*
99

100 Upon written appeal of a complaint alleging a violation the individual's rights under state or
101 federal law or Board policy upon which the Board of Trustees has authority to remedy, the Board
102 may consider the decisions made in Level 2, 3 and 4. Upon receipt of written request for
103 appeal, the Chair will either: ~~(1) place the appeal on the agenda of a regular or special Board~~
104 ~~meeting, (2) appoint an appeals panel of not less than three trustees to hear the appeal and make~~
105 ~~a recommendation to the Board, or (3) respond to the complaint with an explanation of why the~~
106 ~~appeal will not be heard by the Board of Trustees in accordance with this policy. If the Chair appoints~~
107 ~~a panel to consider the appeal, the panel will meet to consider the appeal and then make written~~
108 ~~recommendations to the full Board.~~ The Board will report its decision on the appeal, in writing, ~~to all~~
109 ~~parties~~, within thirty (30) calendar days of the Board meeting at which the Board considered the
110 appeal or the recommendation of the panel.
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112 A decision of the Board is final, unless it is appealed pursuant to Montana law within the period
113 provided by law.
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116 Cross Reference: 3000 - Equal Educational Opportunities
117 5000 - Equal Employment Opportunity and Non-Discrimination
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120 Legal Reference: Title IX of the Education Amendments of 1972 (Civil Rights Act)
121 Title II of the Americans with Disabilities Act of 1990
122 § 504 of the Rehabilitation Act of 1973
123

124 Policy History:

125 Adopted on: 2.08.2011
126 Revised on: 9.13.2016
127 Reviewed o

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3 **STUDENTS**

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5 Student Discipline

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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.

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61 *Gun Free Schools*

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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.

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73 *Possession of a Weapon in a School Building*

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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.

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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 school property prohibited
89		
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>

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101 Cross References:

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103 Policy History:

104 Adopted on: 3.26.2013

105 Revised on: 8.15.2017

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3 OPERATIONAL SERVICES

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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.

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

26 Cross References:

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30 Policy History:

31 Adopted on:

32 Revised on:

33 Reviewed on:

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3 OPERATIONAL SERVICES

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5 Water Supply and Wastewater

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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.

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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.

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38 *Flushing and Testing*

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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.

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55 *Wastewater*

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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.

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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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82 Cross References:

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84 Policy History:

85 Adopted on:

86 Revised on:

87 Reviewed on:

2 SCHOOL DISTRICT ORGANIZATION

3 School Board Elections

4 School board elections are non-partisan elections governed by the general election laws of the
5 State of Montana and include election of board members, various public policy propositions, and
6 advisory questions.

7 Board elections shall be held on the first Tuesday after the first Monday in May of each year. In
8 years when the legislature meets in regular session or in a special session that affects school
9 funding, the trustees may order the election on a date other than the regular school election day
10 in order for the electors to consider a proposition requesting additional funding under § 20-9-
11 353, MCA.

12 Any person who is a qualified voter of the District is legally qualified to become a trustee. Some
13 persons may be ineligible for board membership by reason of other public offices held or certain
14 types of State or federal employment. A Declaration of intent to be a candidate shall be
15 submitted to the Election Administrator at least forty (40) days before the regular school election
16 day. If there are different terms to be filled, the term, the position for which each candidate is
17 filing must also be indicated.

18 Any person seeking to become a write-in candidate must file a declaration of intent on the 26th
19 day before the election. If the number of candidates filing for vacant positions or filing a
20 declaration of intent to be a write-in candidate is equal to or less than the number of positions to
21 be elected, the Trustees may give notice that a Trustee election will not be held. Notice of the
22 cancellation must be given no later than 30 days before the election date. If the election is not
23 held, the trustees shall declare the candidates elected by acclamation and issue of “certificate of
24 election” to each candidate.

25 A candidate intending to withdraw from the election shall send a statement of withdrawal to the
26 clerk of the district containing all information necessary to identify the candidate and the office
27 for which the candidate filed. The statement of withdrawal must be acknowledged by the clerk
28 of the district. A candidate may not withdraw after 5:00p.m. the day before the election ballot
29 certification deadline in 20-20-401. MCA.

30 Except in the event of an unforeseen emergency occurring on the date scheduled for the election,
31 a proposition requesting additional funding pursuant to § 20-9-353, MCA, may be submitted to
32 the electors only once each calendar year – on the regular school election day.

33
34 The District will provide access to polling places and accessible voting technology for
35 individuals with disabilities. The District Clerk will be responsible for assessing polling place
36 for accessibility and ensuring reasonable access for individuals with disabilities.

37 Legal References:
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39

40	§ 20-3-304, MCA	Annual election
41	§ 20-3-305, MCA	Candidate qualification and nomination
42	<u>§ 20-3-313, MCA</u>	<u>Election by acclamation – notice</u>
43	§ 20-3-344, MCA	Nomination of candidates by position in first class elementary district
44	Repealed	
45	§ 20-9-353, MCA	Additional financing for general fund-election for authorization to impose
46	§ 20-20-105, MCA	Regular school election and special school elections
47	§ 20-20-301, MCA	Qualifications of elector
48	<u>§ 20-20-401, MCA</u>	<u>Trustees' election duties- ballot certification</u>
49	<u>Senate Bill 15</u>	<u>Revises election laws related to accessibility for disabled electors</u>
50	<u>§ 13-1-101, MCA</u>	<u>Definitions (<i>Revised by Senate Bill 15</i>)</u>

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1020 Continued

§ 20-9-353, MCA Additional financing for general fund-election for authorization to impose
§ 20-20-105, MCA Regular school election and special school elections

Cross References:

Policy History:

Adopted on: 2.8.2011
Revised on: 7.12.2016

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Helena Public Schools

1080

SCHOOL DISTRICT ORGANIZATION

School Board Policy

It is the intent of the Board to develop written policies to serve as guidelines and goals for the successful and efficient functioning of the District. The policies are framed and are meant to be interpreted in terms of state statute, administrative rules, and all other regulatory agencies within our local, county, state, and federal levels of government. The policies are also framed and are meant to be interpreted in terms of those educational objectives, procedures, and practices that are broadly accepted by leaders and authorities in the public education field.

Changes in needs, conditions, purposes, and objectives will require revisions, deletions, and additions to the policies of the current Board and those of the future. The Board welcomes suggestions for ongoing policy development.

Policy proposals and suggested amendments to or revisions of existing policies shall be submitted in writing prior to a regularly scheduled board meeting. All new or amended policies become effective upon adoption unless a specific effective date is provided in the motion for adoption. Minutes of each meeting shall reflect any readings and action taken.

Legal References: Mont. Const. Art. X, § 8 School District Trustees
§ 20-3-323, MCA District policy and record of acts
§ 10.55.701, ARM Board of trustees

Cross Reference:

Policy History:

Adopted on: 2.8. 2011

Revised on:

2
3 STUDENT INSTRUCTION

4
5 Graduation Requirements

- 6
- 7 1. Four (4) units of English,
- 8 2. One (1) unit of American History,
- 9 3. One (1) unit of American Government,
- 10 4. One (1) unit of social science,
- 11 5. Two (2) units of science,
- 12 6. Three (3) units of mathematics,
- 13 7. Two (2) units of health enhancement which must include one and one-half (1.5) units
- 14 of physical education and one-half (.5) of health education,
- 15 8. One (1) unit of fine arts,
- 16 9. One (1) unit of career and technical education (Voed).
- 17 10. Seven (7) electives

18
19 A total of 23 credits will meet the requirement for graduation.

20
21 Students may directly petition the Superintendent to waive Helena Public Schools' course
22 requirements that exceed the minimum state requirements for graduation, as outlined in Rule
23 10.55.905 of the Montana School Accreditation Standards.

24
25 The Superintendent may grant waivers based on individual student needs, hardships, aspirations,
26 and performance levels.

27
28 Educational Disruption

29
30 If a student who has experienced an educational disruption meets the minimum high school
31 credit requirement for graduation as established by administrative rules of the Board of Public
32 Education but will not meet a higher credit requirement established by Board of Trustees, the
33 District shall award the student a diploma. The District may distinguish the diploma in a
34 reasonable manner from standard diplomas issued under this policy.

35
36 For the purposes of this policy, "educational disruption" means a disruption experienced during
37 grades nine through twelve caused by homelessness, involvement in the child welfare system or
38 juvenile justice system, a medical or mental health crisis, or another event considered a
39 qualifying educational disruption by the District.

40

41 Legal References:	10.55.906, ARM	High School Credit
	10.55.905, ARM	Graduation Requirements
	§ 10-1-1402, MCA	Montana Youth Challenge
	House Bill 246	Revise education laws to enhance local control and
		opportunities for pupils
	§ 20-1-101, MCA	Definitions (<i>Revised by House Bill 246</i>)

47 § 20-3-324, MCA Powers and duties (*Revised by House Bill 246*)
48 § 20-7-118, MCA Offsite provision of educational services by school
49 district (*Revised by House Bill 246*)
50 § 20-4-101, MCA System and definitions of teacher and specialist
51 certification --student teacher exception (*Revised by House Bill 246*)
52

53 Cross References:

54

55 Policy History:

56 Adopted On:

57 Revised On: 2.12.1991, 3.9.1993, 3.10.1998, 12.8.1998, 9.10.2002, 2.9.2016

58 Reviewed On:

2 SCHOOL/COMMUNITY RELATIONS

3 Accommodating Individuals with Disabilities

4 Individuals with disabilities will be provided opportunity to participate in all school-sponsored
5 services, programs, or activities on a basis equal to those without disabilities and will not be
6 subject to illegal discrimination. The District shall provide auxiliary aids and services when
7 necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the
8 benefits of a service, program, or activity. Covid-19 vaccine status will not be used as a basis to
9 deny or allow equal opportunity to education.

10
11 The Superintendent is designated the Title II Coordinator and, in that capacity, is directed to:

- 12 • Oversee District compliance efforts, recommend necessary modifications to the Board,
13 and maintain the District’s final Title II self-evaluation document and keep it available
14 for public inspection for at least three (3) years after its completion date.
- 15 • Institute plans to make information regarding Title II protection available to any
16 interested party.

17 Individuals with a disability should notify the Superintendent or building principal if they have a
18 disability which will require special assistance or services and what services are required. This
19 notification should occur as far as possible before the school-sponsored function, program, or
20 meeting.

21 Individuals with disabilities may allege a violation of this policy or of federal law by reporting it
22 to the Superintendent, as the Title II Coordinator, or by filing a grievance under the Section 504
23 and ADA Grievance Procedure.

24

25	Legal References:	42 USC § 12111 et seq. Americans with Disabilities Act
26		§ 49-3-201, MCA et seq Governmental Code of Fair Practices
27		<u>House Bill 702 Prohibits Discrimination Based on Vaccine</u>
28		<u>Status</u>
29		<u>§ 50-16-502, MCA Legislative findings (Cited by House Bill 702)</u>

30

31 Cross References:

32 Policy History:

33	Adopted on:	3.10.2015
34	Revised on:	
35	Reviewed on:	2.2.2021

2
3 PERSONNEL

4
5 Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers

6
7 School bus and commercial vehicle drivers shall be subject to a drug and alcohol testing program
8 that fulfills the requirements of the federal law. Other persons who drive vehicles designed to
9 transport sixteen (16) or more passengers, including the driver, are likewise subject to the drug
10 and alcohol testing program. Testing procedures and facilities used for the tests shall conform
11 with the requirements of the Code of Federal Regulations, Title 49, §§ 40, et seq.

12
13 *Pre-Employment Testing*

14
15 Tests shall be conducted before the first time a driver performs any safety-sensitive function for
16 the District. Safety-sensitive functions include all on-duty functions performed from the time a
17 driver begins work or is required to be ready to work, until he/she is relieved from work and all
18 responsibility for performing work. It includes driving; waiting to be dispatched; inspecting and
19 servicing equipment; supervising, performing, or assisting in loading and unloading; repairing or
20 obtaining and waiting for help with a disabled vehicle; performing driver requirements related to
21 accidents; and performing any other work for the District or paid work for any entity.

22 Exceptions may be made for drivers who have had the alcohol test required by law within the
23 previous six (6) months and participated in the drug testing program required by law within the
24 previous thirty (30) days, provided that the District has been able to make all verifications
25 required by law.

26
27 *Post Accident Testing*

28
29 Alcohol and controlled substance tests shall be conducted as soon after an accident as practicable
30 on any driver:

- 31
- 32 • who was performing safety-sensitive functions with respect to the vehicle, if the accident
 - 33 involved loss of human life; or
 - 34 • who receives a citation under state or local law, for a moving traffic violation arising from
 - 35 the accident.

36
37 Drivers shall make themselves readily available for testing, absent the need for immediate
38 medical attention. No such driver shall use alcohol for 8 hours after the accident, or until after
39 he/she undergoes a post-accident alcohol test, whichever occurs first.

40
41 If an alcohol test is not administered within 2 hours or if a drug test is not administered within 32
42 hours, the District shall prepare and maintain records explaining why the test was not conducted.
43 Tests will not be given if not administered within 8 hours after the accident for alcohol or within
44 32 hours for drugs. Tests conducted by authorized federal, state, or local officials will fulfill
45 post-accident testing requirements, provided they conform to applicable legal requirements and
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48

49 are obtained by the District. Breath tests will validate only the alcohol test and cannot be used to
50 fulfill controlled substance testing obligations.

51

52 Tests conducted by authorized federal, state, or local officials will fulfill post-accident testing
53 requirements, provided they conform to applicable legal requirements and are obtained by the
54 District. Breath tests will validate only the alcohol test and cannot be used to fulfill controlled
55 substance testing obligations.

56

57 *Random Tests*

58

59 Tests shall be conducted on a random basis at unannounced times throughout the year. Tests for
60 alcohol shall be conducted just before, during, or just after the performance of safety-sensitive
61 functions. The number of random alcohol tests annually must equal 25% of the average number
62 of driver positions. The number of random drug tests annually must equal 50% of the average
63 number of driver positions. Drivers shall be selected by a scientifically valid random process,
64 and each driver shall have an equal chance of being tested each time selections are made.

65

66 *Reasonable Suspicion Tests*

67

68 Tests shall be conducted when a supervisor or District official trained in accordance with law has
69 reasonable suspicion that the driver has violated the District’s alcohol or drug prohibitions. This
70 reasonable suspicion must be based on specific, contemporaneous, articulable observations
71 concerning the driver’s appearance, behavior, speech, or body odors. The observations may
72 include indications of the chronic and withdrawal effects of controlled substances.

73

74 Alcohol tests are authorized for reasonable suspicion only if the required observations are made
75 during, just before, or just after the period of the work day when the driver must comply with
76 alcohol prohibitions. An alcohol test may not be conducted by the person who determines that
77 reasonable suspicion exists to conduct such a test. If an alcohol test is not administered within 2
78 hours of a determination of reasonable suspicion, the District shall prepare and maintain a record
79 explaining why this was not done. Attempts to conduct alcohol tests shall terminate after 8
80 hours. A supervisor or District official who makes observations leading to a controlled
81 substance reasonable suspicion test shall make a written record of his/her observations within 24
82 hours of the observed behavior or before the results of the drug test are released, whichever is
83 earlier.

84

85 *Enforcement*

86

87 Any driver who refuses to submit to a post-accident, random, reasonable suspicion or follow-up
88 test shall not perform or continue to perform safety-sensitive functions, and will be subject to
89 discipline up to and including termination. Drivers who test positive for alcohol or drugs shall
90 be subject to disciplinary action up to and including termination. A driver who violates District
91 prohibitions related to drugs and alcohol shall receive from the District the names, addresses, and
92 telephone numbers of substance abuse professionals and counseling and treatment programs

93 available to evaluate and resolve drug and alcohol-related problems. The employee shall be
94 evaluated by a substance abuse professional who shall determine what help, if any, the driver
95 needs in resolving such a problem. Any substance abuse professional who determines that
96 driver needs assistance shall not refer the driver to a private practice, person, or organization in
97 which he/she has a financial interest, except under circumstances allowed by law.
98

99 An employee identified as needing help in resolving a drug or alcohol problem shall be evaluated
100 by a substance abuse professional to determine that he or she has properly followed the
101 prescribed rehabilitation program and shall be subject to unannounced follow-up tests if
102 permitted to return to work.
103

104 *Return to Duty Tests*

105
106 A drug or alcohol test shall be conducted when a driver who has violated the District's drug or
107 alcohol prohibition returns to performing safety-sensitive duties. Employees whose conduct
108 involved drugs cannot return to duty in a safety-sensitive function until the return-to-duty drug
109 test produces a verified negative result. Employees whose conduct involved alcohol cannot
110 return to duty in a safety-sensitive function until the return-to-duty alcohol test produces a
111 verified result that meets federal and District standards.
112

113 *Follow Up Tests*

114
115 A driver who violates the District's drug or alcohol prohibition and is subsequently identified by
116 a substance abuse professional as needing assistance in resolving a drug or alcohol problem shall
117 be subject to unannounced follow-up testing as directed by the substance abuse professional in
118 accordance with law. Follow-up alcohol testing shall be conducted just before, during, or just
119 after the time when the driver is performing safety-sensitive functions.
120

121 *Records*

122
123 Employee drug and alcohol test results and records shall be maintained under strict
124 confidentiality and released only in accordance with law. Upon written request, a driver shall
125 receive copies of any records pertaining to his/her use of drugs or alcohol, including any records
126 pertaining to his/her drug or alcohol tests. Records shall be made available to a subsequent
127 employer or other identified persons only as expressly requested in writing by the driver.
128

129 *Notifications*

130
131 Each driver shall receive educational materials that explain the requirements of the Code of
132 Federal Regulations, Title 49, Part 382, together with a copy of the District's policy and
133 regulations for meeting these requirements. Representatives of employee organizations shall be
134 notified of the availability of this information. The information shall identify:
135

- 136 • the person designated by the District to answer driver questions about the materials;
- 137 • the categories of drivers who are subject to the Code of Federal Regulations, Title 49,
138 Part 382;

- 139 • sufficient information about the safety-sensitive functions performed by drivers to make
140 clear what period of the work day the driver is required to comply with Part 382;
- 141 • specific information concerning driver conduct that is prohibited by Part 382;
- 142 • the circumstances under which a driver will be tested for drugs and/or alcohol under Part
143 382;
- 144 • the procedures that will be used to test for the presence of drugs and alcohol, protect the
145 driver and the integrity of the testing processes, safeguard the validity of test results, and
146 ensure that test results are attributed to the correct driver;
- 147 • the requirement that a driver submit to drug and alcohol tests administered in accordance
148 with Part 382;
- 149 • an explanation of what constitutes a refusal to submit to a drug or alcohol test and the
150 attendant consequences;
- 151 • the consequences for drivers found to have violated the drug and alcohol prohibitions of
152 Part 382, including the requirement that the driver be removed immediately from safety-
153 sensitive functions and the procedures for referral, evaluation, and treatment;
- 154 • the consequences for drivers found to have an alcohol concentration of 0.02 or greater but
155 less than 0.04; and
- 156 • information concerning the effects of drugs and alcohol on an individual's health, work,
157 and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a
158 coworker's); and available methods of intervening when a drug or alcohol problem is
159 suspected, including confrontation, referral to an employee assistance program, and/or
160 referral to management.

161
162 The requirement that the following personal information collected and maintained under this part
163 shall be reported to the Commercial Driver's License Drug and Alcohol Clearinghouse:

- 164 1. A verified positive, adulterated, or substituted drug test result;
- 165 2. An alcohol confirmation test with a concentration of 0.04 or higher;
- 166 3. A refusal to submit to any test required by law;
- 167 4. An employer's report of actual knowledge, as defined in law;
- 168 5. On duty alcohol use;
- 169 6. Pre-duty alcohol use;
- 170 7. Alcohol use following an accident;
- 171 8. Controlled substance use;
- 172 9. A substance abuse professional report of the successful completion of the return-
173 to-duty process;
- 174 10. A negative return-to-duty test; and
- 175 11. An employer's report of completion of follow-up testing.

176
177 Drivers shall also receive information about legal requirements, District policies, and
178 disciplinary consequences related to the use of alcohol and drugs. Each driver shall sign a
179 statement certifying that he/she has received a copy of the above materials. The District shall
180 notify a driver of the results of a pre-employment drug test if the driver requests such results
181 within 60 calendar days of being notified of the disposition of his/her employment application.
182 The District shall notify a driver of the results of random, reasonable suspicion, and post-
183 accident drug tests if the test results are verified positive. The District shall also tell the driver
184 which controlled substance(s) were verified as positive. Drivers shall inform their supervisors if

185 at any time they are using a controlled substance which their physician has prescribed for
186 therapeutic purposes. Such a substance may be used only if the physician has advised the driver
187 that it will not adversely affect his/her ability to safely operate a commercial motor vehicle.
188

189 Clearinghouse

190
191 The District will comply with the requirements of the Commercial Driver's License Drug and
192 Alcohol Clearinghouse. The District and transportation service providers are called upon to
193 report DOT drug and alcohol testing program violations to the Clearinghouse. Drivers must be
194 notified that any information subject to disclosure will be submitted to the Clearinghouse in
195 accordance with this policy and applicable regulations.
196

197
198 Legal References: 49 USC § 45101 Alcohol and Controlled Substances Testing
199 49 C.F.R. Part 40 Procedures for Transportation Workplace Drug
200 and Alcohol Testing
201 49 CFR Parts 40, 382 and 395
202

203 Cross References:
204

205 Policy History:

206 Adopted on:

207 Revised on:
208
209

2 SCHOOL FACILITIES

3 Capital Assets

4 All District land, buildings, improvements, inventories, and equipment shall be inventoried and
5 the valuation shall be updated as necessary. Assets of the District may be acquired through
6 donation, purchase, or self-constructed. Asset valuation will be determined in accordance with
7 generally accepted accounting principles (GAAP).

8 A capital asset is an individual property item that meets all of the following requirements:

- 9 1. Must be tangible in nature.
- 10 2. Must have an estimated useful life of at least two years following the date of
- 11 acquisition.
- 12 3. Must be of significant value.
- 13 4. Must be used in conducting the District’s activities.

14
15 Capital assets include land, buildings, machinery, furniture and other equipment, which the
16 District intends to hold or continue to use over a long period of time.

17
18 The District will identify anticipated improvements or projects in any resolution required to pass
19 a permissive levy.

20
21 Property, plant, and equipment are depreciated using the straight-line method over the following
22 estimated useful lives. Salvage valued is not used:

Asset Class	Years	Value
Land Improvements	80	\$25,000
New Buildings	80	\$25,000
Building Improvements	80	\$25,000
Equipment, Machinery, Vehicles	5	\$5,000
Instructional, Computers, Audio Visual Equipment	3	\$5,000
Musical, Athletic, Playground Equipment, Other	10	\$5,000

24
25 Legal References: House Bill 192 MT Facilities Finance Modifications

26 § 20-9-116, MCA Resolution of intent to increase nonvoted levy –
27 notice (Revised by House Bill 192)

28 Cross References:

29
30 Policy History:

31 Adopted on: 04.14.2015

32 Revised on: 08.11.2020