



Superintendent
Rex Weltz
324-2000

Business Manager
Janelle Mickelson
324-2007

**BOARD OF TRUSTEES
POLICY COMMITTEE MEETING**

**Lincoln Center
1325 Poplar Street
January 4, 2022
Noon – 1:00 p.m.**

I. INTRODUCTIONS

II. REVIEW OF AGENDA

III. GENERAL PUBLIC COMMENT

IV. REVIEW DECEMBER 7, 2021 BOARD POLICY MEETING MINUTES

V. PRESENTATION OF POLICIES FOR THIRD READING/REVIEW:

- A. 1085 Uniform Complaint Policy
- B. 3050 Student Discipline

VI. PRESENTATION OF POLICIES FOR SECOND READING:

- A. 7063 Indoor Air Quality
- B. 7064 Water Supply and Wastewater

VII. PRESENTATION OF POLICIES FOR FIRST READING:

- A. 7060 School Safety
- B. 3417 Communicable Diseases
- C. 5230 Prevention of Disease Transmission
- D. 1020 School Board Elections
- E. 1080 School Board Policy
- F. 2085 Graduation Requirements
- G. 4025 Accommodating Individuals with Disabilities
- H. 5080 Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers
- I. 9035 Capital Assets

VIII. SUPERINTENDENT OR BOARD COMMENTS

IX. ADJOURNMENT

**NEXT MEETING:
Tuesday, February 1, 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, December 7th, 2021
Lincoln Center
1325 Poplar St., Helena, MT 59601
And via
TEAMS

MINUTES - DRAFT

Attendees

Committee: Others:

Libby Goldes, Committee Chair	Rex Weltz, 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
	Karen Ogden, Communications Specialist
	Gary Myers, Education Technology Director
	Jonna Schwartz, Instructional Coach

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 11.02.2021 POLICY COMMITTEE MINUTES

The committee reviewed and approved the minutes from the 11.02.2021 committee meeting.

V. PRESENTATION OF POLICIES FOR SECOND READING/REVIEW

A. Policy 1085: Uniform Complaint Policy

Ms. Ridgway commented. You have before you the second reading on Uniform Complaint. This did not go to the full board because we changed some wording. There are changes reflected on lines 42, 43, 41, 52, and 57. The language was changed at all levels from “has reason to believe the administrator’s or supervisor’s decision was made in error” to “disagrees with the findings of the administrator or supervisor”. Additional changes are reflected on lines 70 through 73, 79, 80, 87 through 90, 104, 105, and 106 through 109.

Elizabeth Kaleva, District Counsel, discussed that we want to be consistent and clear in our procedures which she will provide. John McEwen, Committee Member, commented that there are too many days in the policy. The committee discussed the process at every level, and how much time that is needed at each level. The committee determined that the comma on line 18 would be removed. The committee also discussed about possibly changing Administrator on lines 26 and 31 to building administrator. The committee also discussed the appeal date and the possibility of adding this phrase on line 35, “Additional timelines may be waived with the agreement of both parties.” It was also discussed about possibly removing the comma on line 104 after the word meeting.

Jonna Schwartz, Instruction Coach, commented regarding the policy. She mentioned that she is concerned by the guaranteed levels of complaint in the policy, the number of days the district has to investigate and rule at each level, and the lack of explanation regarding investigating at each level of appeal. The theme of her comments is concern for the systems we put in place and how those systems function for the people they are meant to serve and that the use of the policy should be easy.

Jane Shawn, HEA President, commented regarding Human Resources from the November 2nd meeting minutes, and the committee discussed where Human Resources would be utilized in this process. Ms. Shawn commented regarding the timeline and asked if the 30 calendar days needs to be at the level 3, 4, and 5 if there is no new information. The committee discussed if 30 calendar days would be needed at those levels. Ms. Shawn recommended that on line 63 the words “days of” be added after the word calendar.

Superintendent Weltz commented that he would like to recommend the Assistant Superintendents have the full 30 days with the demand of their schedule and all that is on their workload, but at his level of Superintendent, reduce the time to 15 days. That recommendation would be reflected on line 86, in changing thirty (30) calendar days to fifteen calendar days.

The committee also discussed that the County Superintendent process could be mentioned in procedure. The committee determined that Policy 1085: Uniform Complaint Policy would be brought back for more discussion next month.

B. Policy 3050: Student Discipline

The committee discussed Policy 3050: Student Discipline. The committee reviewed the language stated on lines 63 through 70. The committee discussed potentially changing the language beginning on line 63 which states “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” to instead state “The Board will follow federal law for any student who uses, possesses, controls, or transfers a firearm on school property”. The committee also discussed potentially updating the language on lines 42 through 43, “Using, possessing, distributing, purchasing, or selling illegal drugs or controlled substances, including medical marijuana, look-alike drugs, and drug paraphernalia”. Ms. Ridgway and Ms. Kaleva discussed that they would look up the updated language. The committee determined that Policy 3050: Student Discipline would be reviewed again at the next committee meeting, and nothing would be presented to the full Board at the next full Board meeting.

VI. SUPERINTENDENT OR BOARD COMMENTS

Luke Muszkiewicz, Board Chair, commented that he appreciated the discussion and that he learned a lot. Superintendent Weltz commented that the grievance procedure is an effort to make it better and stronger and he appreciates the conversation around this policy.

VII. ADJOURNMENT

Committee Chair, Ms. Goldes, adjourned the meeting at 1:17 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 building A 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 building A administrator for decision.

32 Appeal
33 of a decision in a disability complaint will be handled in accordance with this policy.

34
35 Deadlines requiring District action in this procedure may be extended for reasons related but not
36 limited to the District’s retention of legal counsel and District investigatory procedures. Additional
37 timelines may be waived with the agreement of both parties.

38
39 *Level 1: Informal*

40
41 An individual with a complaint is first encouraged to discuss it with the appropriate employee or
42 building administrator with the objective of resolving the matter promptly and informally. If the
43 complaint can’t be resolved within 15 calendar days of the incident that generated the complaint then

- 10.5.2021 Policy Committee – 1st Reading – Mtg Cancelled
- 11.2.2021 Policy Committee – 1st Reading
- 12.7.2021 Policy Committee – 2nd Reading
- 1.4.2022 Policy Committee – 3rd Reading

44 the complainant may file a written complaint as outlined in Level 2. ~~An exception is that a complaint~~
45 ~~of sexual harassment should be discussed directly the District Title IX Coordinator.~~

46
47 *Level 2: Building Administrator*

48
49 When a complaint has not been or cannot be resolved at Level 1, an individual may file a signed
50 and dated written complaint stating: (1) the nature of the complaint; (2) a description of the event
51 or incident giving rise to the complaint, including any school personnel involved; (3) the date the
52 parties met to attempt to resolve the complaint informally; and ~~(3 4)~~ (4) the remedy or resolution
53 requested. The written complaint must be filed within thirty (30) calendar days of the event or
54 incident. ~~or from the date an individual could reasonably become aware of~~
55 ~~such event or incident.~~

56
57 When a complaint alleges a violation of Board policy or procedure, the building administrator or
58 supervisor will investigate and attempt to resolve the complaint. The administrator or supervisor will
59 respond in writing to the complaint, within thirty (30) calendar days of receipt of the written
60 complaint. ~~of the Human Resources Administrator's receipt of the complaint.~~

61
62 If the complainant ~~has reason to believe the administrator's or supervisor's decision was made in~~
63 ~~error~~ disagrees with the findings of the administrator or supervisor the complainant may request, in
64 writing, that the appropriate Assistant Superintendent review the administrator's or supervisor's
65 decision. (See Level 3.) This request must be submitted to the appropriate Assistant Superintendent
66 within fifteen (15) calendar days of receipt of the administrator's or supervisor's decision.

67
68 *Level 3: Assistant Superintendent*

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

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

84
85 *Level 4: Superintendent ~~or Supervisor~~*

86
87 If the complainant appeals the Assistant Superintendent's decision provided for in Level 3, the
88 Superintendent will review the complaint and the Assistant Superintendent's decision. The

89 Superintendent will respond in writing to the appeal, within thirty (30 15) calendar days of the
90 Superintendent's receipt of the written appeal. ~~In responding to the appeal, the Superintendent may:~~
91 ~~(1) meet with the parties involved in the complaint; (2) conduct a separate or supplementary~~
92 ~~investigation; (3) engage an outside investigator or other District employees to assist with the appeal;~~
93 ~~and/or (4) take other steps appropriate or helpful in resolving the complaint.~~

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

100
101 *Level 5: The Board*

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

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

117
118
119 Cross Reference: 3000 - Equal Educational Opportunities
120 5000 - Equal Employment Opportunity and Non-Discrimination

121
122
123 Legal Reference: Title IX of the Education Amendments of 1972 (Civil Rights Act)
124 Title II of the Americans with Disabilities Act of 1990
125 § 504 of the Rehabilitation Act of 1973

126
127 Policy History:

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

Helena Public Schools

Helena, Montana 59601



UNIFORM GRIEVANCE PROCESS FORM

POLICY 1085F

Please print and include a copy of this form at all levels of the grievance process. Include all appeals, responses and evidence.

Name of person filing complaint _____
Date of Incident _____
Location of Incident _____

TYPE OF INCIDENT

- | | |
|--|--|
| <input type="checkbox"/> Violation of Policy | <input type="checkbox"/> Harassment |
| <input type="checkbox"/> Title IX of the Civil Rights Act | <input type="checkbox"/> Sexual Harassment |
| <input type="checkbox"/> Title II of the Americans with Disabilities Act | <input type="checkbox"/> Discrimination |
| <input type="checkbox"/> Other | |

LEVEL ONE – Informal

Date of Level One Meeting: _____
People Present at the Level One Meeting: _____

LEVEL TWO – Building Administrator

Level two written complaint filed (date): _____ Received by: _____
Complaint Included:
__ Nature of Complaint __ Description __ Date parties met at level 1 __ Remedy/Resolution
Investigation completed by: _____ Response submitted: _____

LEVEL THREE – Assistant Superintendent

Level three written complaint filed (date): _____ Received by: _____
Complaint Included:
__ Level 2 Decision __ Appeal by person filing complaint
Review completed by: _____ Response submitted: _____

LEVEL FOUR – Superintendent

Level four written complaint filed (date): _____ Received by: _____
Complaint Included:
__ Level 2 Decision __ Level 3 Review __ Appeal by person filing complaint
Review completed by: _____ Response submitted: _____

LEVEL FIVE – Board of Trustees

Level five written appeal filed (date): _____ Received by: _____
Complaint Included:
__ Level 2 Decision __ Level 3 Review __ Level 4 Decision __ Appeal by person filing complaint
Review completed by: _____ Final Resolution submitted: _____

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 · Using, possessing, distributing, purchasing, or selling tobacco products, vapor products,
- 37 or alternative nicotine products (tobacco includes, but is not limited to, cigarettes, cigars,
- 38 snuff, smoking tobacco, smokeless tobacco, or any other tobacco or nicotine innovation);
- 39 · Using, possessing, distributing, purchasing, or selling alcoholic beverages including
- 40 powdered alcohol or any other alcohol innovation.
- 41 · ~~Using, possessing, distributing, purchasing, or selling illegal drugs or controlled~~
- 42 ~~substances, including medical marijuana, look-alike drugs, and drug paraphernalia.~~
- 43 · Using, possessing, distributing, purchasing, or selling drug paraphernalia, illegal drugs,
- 44 controlled substances, or any substance which is represented to be or looks like a narcotic
- 45 drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, medical marijuana,
- 46

10.5.2021 Policy Committee – 1st Reading – Mtg Cancelled
 11.2.2021 Policy Committee – 1st Reading
 12.7.2021 Policy Committee – 2nd Reading
 1.4.2022 Policy Committee – 3rd Reading

- 47 alcoholic beverage, stimulant, depressant, or intoxicant of any kind, including such
48 substances that contain chemicals which produce the same effect of illegal substances
49 including but not limited to Spice and K2. Students who may be under the influence of
50 such substances will not be permitted to attend school functions and will be treated as
51 though they had drugs in their possession.
- 52 · Using, possessing, controlling, or transferring a weapon in violation of the “Possession of
53 a Weapon in a School Building” section of this policy.
 - 54 · Using, possessing, controlling, or transferring any object that reasonably could be
55 considered or used as a weapon.
 - 56 · Disobeying directives from staff or disobeying rules governing student conduct.
 - 57 · Using violence, force, coercion, intimidation, or other comparable conduct toward
58 anyone or urging other students to engage in such conduct.
 - 59 · Causing or attempting to cause damage to, or stealing or attempting to steal, school
60 property or another person’s property.
 - 61 · Engaging in any activity that constitutes an interference with school purposes or an
62 educational function or any other disruptive activity.
 - 63 · Unexcused absenteeism.
 - 64 · Misconduct of any sort on any means of District transportation.
 - 65 · Hazing or bullying, including cyberbullying.
 - 66 · Forging any signature or making any false entry or attempting to authorize any document
67 used or intended to be used in connection with the operation of a school.

68
69 *Gun Free Schools*

70
71 ~~The Board is obligated to expel for a definite period of at least one (1) calendar year~~ The Board
72 will follow federal law for any student who uses, possesses, controls, or transfers a firearm on
73 school property. The Board hereby authorizes the Superintendent to modify the disciplinary
74 action on a case-by-case basis, ~~including implementing lower levels of discipline that do not~~
75 ~~include a recommendation for expulsion.~~ including eliminating the requirement for expulsion.
76 The administrator may immediately suspend a student if, prior to a hearing, there is cause to
77 believe the student brought a firearm to school or possessed a firearm at school. The student may
78 not be expelled unless the trustees find that the student knowingly brought a firearm to school or
79 possessed a firearm at school.

80
81
82 *Possession of a Weapon in a School Building*

83
84 The District will refer to law enforcement any person who possesses, carries, or stores a weapon in a
85 school building, except as provided below. For the purposes of this section only, “school building”
86 means all buildings owned or leased by the District that are used for instruction or for student
87 activities; "weapon" means any type of firearm, a knife with a blade 4 or more inches in length, a
88 sword, a straight razor, a throwing star, nun-chucks, brass or other metal knuckles, or any other
89 article or instrument possessed with the purpose to commit a criminal offense. The Board may grant
90 persons advance permission to possess, carry, or store a weapon in a school building. All persons
91 who wish to possess, carry, or store a weapon in a school building must request permission of the

92 Board at a regular meeting. The Board has sole discretion in deciding whether to allow a person to
93 possess, carry, or store a weapon in a school building.

94

95 Legal References:

96	§ 16-11-302, MCA	Definitions
97	§ 20-1-220, MCA	Use of tobacco products in public school building or on public 98 school property prohibited
99	§ 20-4-302, MCA	Discipline and punishment of pupils
100		
101	§ 20-5-202, MCA	Suspension and Expulsion
102	§ 45-5-637, MCA	<u>Possession or consumption of tobacco products, alternative 103 nicotine products, or vapor products by persons under 18 years 104 of age is prohibited – unlawful attempt to purchase - penalties</u>
105	§ 45-8-361, MCA	Possession of a weapon in school building
106	§ 45-8-317, MCA	Exceptions
107	§§ 50-46-301 et seq., MCA	Montana Marijuana Act
108	20 USC §§ 7101 et seq.	Safe and Drug-Free Schools & Communities Act
109	20 USC § 7961	Gun-Free requirements
110	§ 1-1-204, MCA	<u>Terms denoting state of mind (Cited by Senate Bill 283)</u>
111	<u>Senate Bill 283</u>	<u>Expulsion Policies and Firearms on School Grounds</u>

112

113

114 Cross References:

115

116 Policy History:

117 Adopted on: 3.26.2013

118 Revised on: 8.15.2017

119

120

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:

34

35

- 10.5.2021 Policy Committee – 1st Reading – Mtg Cancelled
- 11.2.2021 Policy Committee – 1st Reading
- 12.7.2021 Policy Committee – 2nd Reading – Moved to 1.4.2022
- 1.4.2022 Policy Committee – 2nd Reading

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 DPHHS, 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 DPHHS, 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.

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

80

81

82 Cross References:

83

84 Policy History:

85 Adopted on:

86 Revised on:

87 Reviewed on:

2
3 **OPERATIONAL SERVICES**

4
5 School Safety

6
7 The Board recognizes that safety and health standards should be incorporated into all aspects of the
8 operation of the District. Rules for safety and prevention of accidents will be posted in compliance
9 with Montana Safety Culture Act and the Montana Occupational Safety and Health Act. Injuries
10 and accidents will be reported to the District office.

11
12 There will be at least eight (8) disaster drills a year. All teachers will discuss disaster drill
13 procedures with their class at the beginning of each year and will have them posted in a
14 conspicuous place next to the exit door. A record will be kept of all fire drills. The drills will be
15 held at different hours of the day or evening to avoid distinction between drills and actual
16 disasters. The Superintendent will develop safety and health standards that comply with the
17 Montana Safety Culture Act.

18
19 *Safety or Emergency Plans*

20
21 The Board shall review the District safety or emergency operations plan periodically and
22 update the plan as determined necessary by the trustees based on changing circumstances
23 pertaining to school safety. Once the Board has made the certification to OPI, it may transfer
24 funds pursuant to Section 20-1-401, MCA to make improvements to school safety and
25 security.

26
27 *School Closure*

28
29 The Superintendent is authorized to close the schools in the event of hazardous weather or other
30 emergencies that threaten the safety of students, staff members, or school property. Specific
31 procedures for school closures may be found in the District’s Safety Plan or Emergency
32 Operations Plan

33
34 *Hazardous and Infectious Materials*

35
36 The Superintendent shall take all reasonable measures to protect the safety of District personnel,
37 students, and visitors on District premises from risks associated with hazardous materials,
38 including pesticide, and infectious materials. Specific procedures for handling hazardous or
39 infectious materials may be found in the District’s Safety Plan.

40
41 *Safety Measures*

42
43 The Superintendent is authorized to adopt reasonable safety measures to protect the health and
44 safety of District personnel, students, and visitors on District premises and during school-related
45 activities. Reasonable safety measures include adoption of cleaning/sanitization plans, use of
46 physical safeguards/barriers, and required use of personal protective equipment (e.g., face masks).

48 Exceptions to any requirements adopted by the Superintendent may be granted as required by
49 law and on a case-by-case basis.

50 Face Coverings as Personal Protective Equipment

51
52
53 The District recommends all staff, volunteers, visitors, and school-aged students wear a face covering while
54 present in any school building, regardless of vaccination status.

55
56 Face covering means disposable or reusable masks that cover the nose and mouth. The District will provide
57 masks to students, volunteers, and staff, if needed. If a student or staff wears a reusable mask, the District
58 expects that the masks be washed on a regular basis to ensure maximum protection.

59
60 If the number of active COVID-19 cases in the county increases to the point of being considered a
61 "substantial" or "high" rate of transmission as defined by the Centers for Disease Control (CDC), the Board of
62 Trustees authorizes the Superintendent to implement a requirement for face coverings to be worn in all
63 Elementary District PreK-8 schools and PreK-8 programs. The Superintendent may also consult with local
64 health experts to include but not be limited to: St. Peter's Health, Lewis and Clark Public Health and other
65 local health providers.

66
67 In the event it is determined face coverings are required, the Superintendent shall announce the face covering
68 requirement to students, parents, staff, and visitors for the immediate successive school week by 3:00 pm on
69 Friday of the previous week. If the Superintendent determines masks are required, signs will be installed to
70 inform students, parents, staff, and visitors of mask requirements while present in the identified District
71 buildings.

72
73 All points of entry to any school building or facility open to the public shall have a clearly visible sign posted
74 stating whether masks are required or recommended.

75
76 Allegations of harassment of any person wearing or not wearing a mask will be promptly investigated in
77 accordance with District policy.

78
79 Symptoms of Illness

80
81 Students and staff who are ill, feeling ill, diagnosed as ill, or otherwise demonstrating symptoms of illness
82 must not come to school or work. Students who have a fever or are exhibiting other signs of illness must be
83 isolated in a designated area until such time as parents or caregiver may arrive at the school to retrieve the ill
84 student. All surfaces and areas should be thoroughly cleaned and disinfected once the student has vacated the
85 area by staff utilizing safety measures in accordance with state and/or local health standards as applicable.
86 Students may engage in alternative delivery of education services during the period of illness or be permitted
87 to make up work.

88
89 To avoid exposing others to illness, parents or caregivers who are ill must make arrangements with others to
90 transport students to school or events, if at all practicable. If not practicable, parents, guardians or caregivers
91 must not leave their vehicle during pickup or drop off and must arrange with District staff to supervise
92 students in accordance with physical distancing guidelines in this Policy.

93
94 Physical Distancing

95
96 To the extent possible students, staff, volunteers, and visitors will maintain a three-foot distance between
97 themselves and their colleagues and peers throughout the school day inside any school building, on school
98 provided transportation, and on school property before and after school.

99

100 Recess will continue as scheduled in accordance with recommended physical distancing guidance.

101

102 Drop off and pick up of students will be completed in a manner that limits direct contact between parents and
103 staff members and adheres to social distancing guidance around the exterior of the school building while on
104 school property.

105

106 *Cleaning and Disinfecting*

107

108 School district personnel will routinely both clean surfaces and objects in any school building and on school
109 property that are frequently touched. This process shall include cleaning objects/surfaces not ordinarily
110 cleaned daily.

111

112 *Student Arrival*

113

114 Hand hygiene stations will be available at the entrance of any school building, so that children can clean their
115 hands before they enter. If a sink with soap and water is not available, the School District will provide hand
116 sanitizer with at least 60% alcohol.

117

118 *Healthy Hand Hygiene Behavior*

119

120 All students, staff, and others present in the any school building will always engage in appropriate hand
121 hygiene.

122

123 Hand hygiene includes but is not limited to washing hands with soap and water for at least 20 seconds. If
124 hands are not visibly dirty, alcohol-based hand sanitizers with at least 60% alcohol can be used if soap and
125 water are not readily available.

126

127 *Transportation Services*

128

129 The Board of Trustees authorizes the transportation of eligible transportees to and from the school facility in a
130 manner consistent with the protocols established in this policy. Bus drivers will clean and disinfect each seat
131 on each bus after each use.

132

133 *Public Awareness*

134

135 The School District will communicate with parents, citizens, and other stakeholders about the protocols
136 established in this policy and the steps taken to implement the protocols through all available and reasonable
137 means.

138

139 *Confidentiality*

140

141 This policy in no way limits or adjusts the School District's obligations to honor staff and student privacy
142 rights. All applicable district policies and handbook provisions governing confidentiality of student and staff
143 medical information remain in full effect.

144

145 *Transfer of Funds for Safety Purposes*

146

147 The Board of Trustees may transfer state or local revenue from any budgeted or non-budgeted fund, other than
148 the debt service fund or retirement fund, to its building reserve fund in an amount not to exceed the school
149 district's estimated costs of improvements to school and student safety and security to implement this policy.

150 Legal References: § 20-1-401, MCA Disaster drills
 § 20-1-402, MCA Number of disaster drills required – time of drills to vary
 § 20.9.806, et al., MCA Emergency School Closure
 §§ 39-71-1501, MCA Montana Safety Culture Act
 § 50-71-111, et. seq., MCA Montana Occupational Health and Safety Act

151
 152
 153 Governor’s Directive Implementing Executive Order 2-2021 – February 12, 2021
 154 Correspondence clarifying Governor’s Directive – February 11, 2021
 155 Article X, section 8 Montana Constitution
 156 Section 20-3-324, MCA Powers and Duties
 157 Section 20-9-806, MCA School Closure by Declaration of Emergency
 158 10.55.701(2)(d)(s) Board of Trustees
 159 State, ex rel., Bartmess v. Helena Board of Trustees, 726 P.2d 801

160
 161 Cross References: 1900 Temporary COVID-19 Policy
 162 1901 Emergency Policy and Procedures
 163 School District Declaration of Emergency 8.11.2020
 164

Policy History:

Adopted on: 8.22.2013
 Revised on: 8.11.2020

165

1 **Helena School District**

2
3 **STUDENTS**

3417

4
5 Communicable Diseases

6
7 *Note: For purposes of this policy, the term “communicable disease” refers to the diseases*
8 *identified in 37.114.203, ARM, Reportable Diseases, with the exception of common colds and flu.*
8

9 In all proceedings related to this policy, the District shall respect a student’s right to privacy. All
10 applicable district policies and handbook provision governing confidentiality of student medical
11 information remain in full effect.
12

13 Although the District is required to provide educational services to all school-age children who
14 reside within its boundaries, it may deny attendance at school to any child diagnosed as having a
15 communicable disease that could make a child’s attendance harmful to the welfare of other
16 students. The District also may deny attendance to a child with suppressed immunity in order to
17 protect the welfare of that child when others in a school have an infectious disease, which,
18 although not normally life threatening, could be life threatening to a child with suppressed
19 immunity.
20

21 The District shall provide soap and disposable towels or other hand-drying devices shall be
22 available at all handwashing sinks. Common-use cloth towels are prohibited. A sanitary napkin
23 disposal receptacle shall be available in student restrooms, teachers' restrooms and nurses'
24 restrooms. The District shall provide either sanitary napkin dispensers in the girls', nurses', and
25 teachers' restrooms or some other readily available on-site access to sanitary napkins.
26

27 The Board recognizes that communicable diseases that may afflict students range from common
28 childhood diseases, acute and short-term in nature, to chronic, life-threatening diseases such as
29 human immunodeficiency virus (HIV) infection. The District shall rely on advice of school nurses
and the public health and medical communities in assessing the risk of transmission of various
communicable diseases to determine how best to protect the health of both students and staff.
32

33 The District shall manage common communicable diseases in accordance with DPHHS
34 guidelines and communicable diseases control rules. If a student develops symptoms of any
35 reportable communicable or infectious illness as defined while at school, the responsible school
36 officials shall do the following:

- 37 (a) isolate the student immediately from other students or staff; and
- 38 (b) inform the parent or guardian as soon as possible about the illness and request him or
39 her to pick up the student.; and
- 40 (c) consult with a school nurse, health care provider, other qualified medical professional,
41 or the local county health authority to determine if report the case should be reported to the
42 local health officer.

44
45 Students who express feelings of illness at school may be referred to a school nurse or other
46 responsible person designated by the Board and may be sent home as soon as a parent or person

1
2
3
4 designated on a student's emergency medical authorization form has been notified. The District
5 may temporarily exclude from onsite school attendance a student who exhibits symptoms of a
6 communicable disease that is readily transmitted in a school setting. Offsite instruction will be
7 provided during the period of absence in accordance with Board Policy and Administrative
Procedure. The District reserves the right to require a statement from a student's primary care
provider authorizing a student's return to onsite instruction.

10
11 When information is received by a staff member or a volunteer that a student is afflicted with a
12 serious communicable disease, the staff member or volunteer shall promptly notify a school
13 nurse or other responsible person designated by the Board to determine appropriate measures to
14 be taken to protect student and staff health and safety. A school nurse or other responsible
15 person designated by the Board, after consultation with and on advice of public health officials,
16 shall determine which additional staff members, if any, have need to know of the affected
17 student's condition.

18
19 Only those persons with direct responsibility for the care of a student or for determining
20 appropriate educational accommodation shall be informed of the specific nature of a condition, if
21 it is determined that such individuals need to know this information.

22
23 The District may notify parents of other children attending a school that their children have been
24 exposed to a communicable disease without identifying the particular student who has the
25 disease.

26 27 *Healthy Hand Hygiene Behavior*

28
29 All students, staff, and others present in the any school building shall engage in hand hygiene at
30 the following times, which include but are not limited to:

- 31 (a) Arrival to the facility and after breaks
- 32 (b) Before and after preparing, eating, or handling food or drinks
- 33 (c) Before and after administering medication or screening temperature
- 34 (d) After coming in contact with bodily fluid
- 35 (e) After recess
- 36 (f) After handling garbage
- 37 (g) After assisting students with handwashing
- 38 (h) After use of the restroom

39
40 Hand hygiene includes but is not limited to washing hands with soap and water for at least 20
41 seconds. If hands are not visibly dirty, alcohol-based hand sanitizers with at least 60% alcohol
42 can be used if soap and water are not readily available.

43
44 Staff members shall place grade level appropriate posters describing handwashing
45 steps near sinks.

5
6 Legal Reference: 37.114.101, et seq., ARM Communicable Disease Control
 37.111.825, ARM Health Supervision and Maintenance
7
8
9 Policy History:
10 Adopted on:
11 Reviewed on:
12 Revised on:

1 **Helena School District**

2
3 **PERSONNEL**

5230

4
5 Prevention of Disease Transmission

6
7 All District personnel shall be advised of routine procedures to follow in handling body
8 fluids. These procedures, developed in consultation with school nurses and public health
9 and medical personnel, shall provide simple and effective precautions against transmission
10 of diseases to persons exposed to the blood or body fluids of another. The procedures
11 shall follow standard health and safety practices. No distinction shall be made between
12 body fluids from individuals with a known disease or infection and from individuals
13 without symptoms or with an undiagnosed disease.

14
15 The District shall provide training on procedures on a regular basis. Appropriate supplies
16 shall be available to all personnel, including those involved in transportation and custodial
17 services.

18
19 The District shall provide soap and disposable towels or other hand-drying devices shall
20 be available at all handwashing sinks. Common-use towels are prohibited. The District
21 shall provide sanitary napkin disposal receptacles in teachers' restrooms and nurses'
22 restrooms. The District shall provide either sanitary napkin dispensers in the nurses' and
23 teachers' restrooms or some other readily available on-site access to sanitary napkins.

24
25 If a staff member develops symptoms of any reportable communicable or infectious
26 illness while at school, the responsible school officials shall do the following:

- 27
28 (a) isolate the staff member immediately from students or staff
29 (b) consult with a school nurse, health care provider, other qualified medical
30 professional, or the local county health authority to determine if the case should be
31 reported.

32
33 *Healthy Hand Hygiene Behavior*

34
35 All staff and volunteers present in any school building shall engage in hand hygiene at the
36 following times, which include but are not limited to:

- 37 (a) Arrival to the facility and after breaks
38 (b) Before and after preparing, eating, or handling food or drinks
39 (c) Before and after administering medication or screening temperature
40 (d) After coming in contact with bodily fluid
41 (e) After recess
42 (f) After handling garbage
43 (g) After assisting students with handwashing
44 (h) After use of the restroom

47
48 Hand hygiene includes but is not limited to washing hands with soap and water for at least
49 20 seconds. If hands are not visibly dirty, alcohol-based hand sanitizers with at least 60%
50 alcohol can be used if soap and water are not readily available.
51

52 Staff members shall place grade level appropriate posters describing handwashing
53 steps near sinks.
54

55 *Confidentiality*
56

57 This policy in no way limits or adjusts the School District's obligations to honor staff
58 privacy rights. All applicable district policies and handbook provision governing
59 confidentiality of staff medical information remain in full effect.
60

61 Legal Reference: 37.114.101, et seq., ARM Communicable Disease Control
62 37.111.825, ARM Health Supervision and Maintenance
63
64

65 Policy History:

66 Adopted on:

67 Reviewed on:

68 Revised on:
69

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:
38

39

40 § 20-3-304, MCA Annual election
41 § 20-3-305, MCA Candidate qualification and nomination
42 § 20-3-313, MCA Election by acclamation – notice
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 § 20-20-401, MCA Trustees' election duties- ballot certification
49 Senate Bill 15 Revises election laws related to accessibility for disabled electors
50 § 13-1-101, MCA Definitions (Revised by Senate Bill 15)

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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
- 42 10.55.905, ARM Graduation Requirements
- 43 § 10-1-1402, MCA Montana Youth Challenge
- 44 House Bill 246 Revise education laws to enhance local control and
- 45 opportunities for pupils
- 46 § 20-1-101, MCA Definitions (Revised by House Bill 246)

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 House Bill 702 Prohibits Discrimination Based on Vaccine
 28 Status
 29 § 50-16-502, MCA Legislative findings (Cited by House Bill 702)
 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
46

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