



Superintendent
Rex Weltz
324-2000

Business Manager
Janelle Mickelson
324-2007

**BOARD OF TRUSTEES
POLICY COMMITTEE MEETING**

Lincoln Center - 1325 Poplar Street

February 1, 2022

Noon – 1:00 p.m.

I. INTRODUCTIONS

II. REVIEW OF AGENDA

III. GENERAL PUBLIC COMMENT

This is the time for comment on public matters that are not on the agenda. Public matters do not include any pending legal matters, private personnel issues or private student issues. Please do not attempt to address such issues at this time or you will be ruled out of order. The Board cannot enter into a discussion during General Public Comment.

IV. REVIEW JANUARY 4, 2022 BOARD POLICY MEETING MINUTES

V. PRESENTATION OF POLICIES FOR FOURTH READING/REVIEW:

- A. 3050 Student Discipline
- B. 1085 Uniform Grievance Policy / Uniform Grievance Process Form

VI. PRESENTATION OF POLICIES FOR THIRD READING/REVIEW:

- C. 7063 Indoor Air Quality

VII. PRESENTATION OF POLICIES FOR SECOND READING:

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

VIII. PRESENTATION OF POLICIES FOR FIRST READING:

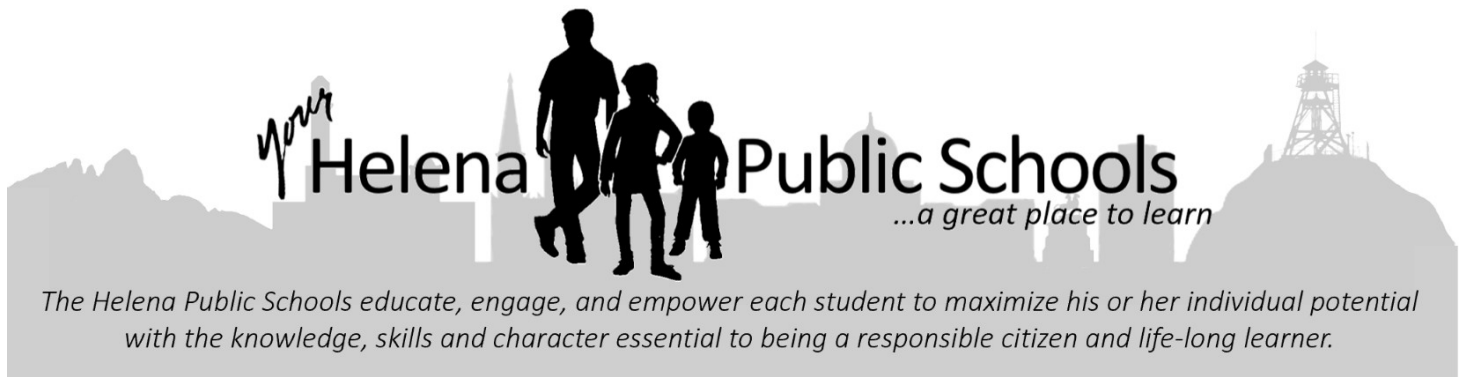
- A. 5025 Employment and Assignment
- B. 7025 Extra and Co-Curricular Funds

IX. SUPERINTENDENT OR BOARD COMMENTS

X. ADJOURNMENT

NEXT MEETING:

Tuesday, March 1st, 2022 - Noon – 1:00 p.m.



Board of Trustees Policy Committee Meeting

Tuesday, January 4th, 2022
Lincoln Center
1325 Poplar St., Helena, MT 59601
And via
TEAMS

MINUTES

Attendees

Committee: Others:

Libby Goldes, Committee Chair
John McEwen, Committee Member

Rex Weltz, Superintendent
Josh McKay, Assistant Superintendent
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
Karen Ogden, Communications Officer
Gary Myers, Education Technology Director
Candice Delvaux, Executive Assistant
Jonna Schwartz, Instructional Coach
Heidi Friedlander-Keaster, Guest of the Public
Robyn, Guest of the Public

I. CALL TO ORDER

The meeting was called to order at 12:07 p.m. 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 12.07.2021 POLICY COMMITTEE MINUTES

The committee reviewed and approved the minutes from the 12.07.2021 committee meeting.

V. PRESENTATION OF POLICIES FOR THIRD READING/REVIEW

A. Policy 1085: Uniform Complaint Policy

The committee reviewed the changes that were made to Policy 1085: Uniform Complaint Policy at the December 7th meeting. The committee also discussed if calendar days should be changed to school days throughout the entire policy. They also mentioned possibly adding language that would be applicable during the summer break. An example could be “if a complaint is filed during the summer months or a complaint extends into summer months, we will follow business days as opposed to school days, or at the discretion of the Administration.”

Ms. Jonna Schwartz, Instructional Coach, commented that changing calendar days to school days would extend the time in this process.

Ms. Jane Shawn, HEA President, asked if we change calendar days to school days, could we change it from thirty days to fifteen days to shorten the time in the process.

The committee discussed the possibility of changing thirty calendar days to become fifteen school days at certain places in the policy. The committee then discussed that deadlines requiring District action in this procedure may be extended for reasons related but not limited to the District’s retention of legal counsel and District investigatory procedures, and that additional timelines may be waived with the agreement of both parties.

Ms. Jonna Schwartz suggested that on line 43 a comma be added after the word complaint and that on line 70 the word administrator be changed to administrator’s. Ms. Schwartz also voiced her concern regarding the number of days the District has to complete various investigations and she does not understand why communication in the District takes so long. Ms. Schwartz commented regarding the Uniform Grievance Process Form, and she pointed out that the form doesn't have any sections or any blanks that denote when during the investigation, the appropriate Administrator would reach out to the person who complained or to the person who's accused and provide them with any kind of appropriate and general

type of update. Ms. Schwartz commented that the policy does not mention the word retaliation and that there isn't a clause that says that complainants are advised about or spoken to about retaliation and what to do if they feel they're experiencing retaliation for having filed a complaint. The committee discussed the possibility of adding language about retaliation to the policy and possibly adding verbiage regarding notifications to both parties involved to the Uniform Grievance Process Form.

The committee determined that Policy 1085: Uniform Complaint Policy would not go to the full Board, and the committee would review this policy again in February at the next Policy Committee meeting.

B. Policy 3050: Student Discipline

The committee discussed Policy 3050: Student Discipline. In response to concerns about the vagueness of the language related to drugs, both legal and illegal, the committee discussed the language that was added on lines 44 through 51 in Policy 3050: Student Discipline. Other changes that were discussed at the last committee meeting were reflected on lines 71 through 73. The committee determined that Policy 3050: Student Discipline would be sent to the full Board.

C. Policy 7063: Indoor Air Quality

The committee moved on to discuss Policy 7063: Indoor Air Quality, which is a new required policy. The committee determined that Policy 7063: Indoor Air Quality would be sent to the full Board.

D. Policy 7064: Water Supply and Wastewater

The committee then reviewed Policy 7064: Water Supply and Wastewater and determined that the policy would be sent to the full Board.

E. Policy 7060: School Safety

The committee moved on to review Policy 7060: School Safety. This is a recommendation to incorporate safety measures that are included in 1905 into our standard, existing safety policy 7060. The committee discussed the possibility of adding some introductory language to the policy, as well as possibly changing some of the language on lines 60 through 65. The committee also discussed about potentially adding additional language on lines 67 through 71 regarding the timeline of announcing face coverings. The committee determined that Policy 7060: School Safety would come back to the committee for review and would not go to the full Board at the next Board meeting.

F. Policy 3417: Communicable Diseases

The committee reviewed Policy 3417: Communicable Diseases. Policy 3417 provides more safety protocols and specifically addresses communicable disease. The committee discussed some examples of a communicable disease. The committee also discussed potentially removing some of the language on lines 22 through 25. The committee determined that Policy 3417: Communicable Diseases would be sent to the full Board.

G. Policy 5230: Prevention of Disease Transmission

The committee then discussed Policy 5230: Prevention of Disease Transmission. The committee discussed potentially removing some of the language on lines 20 through 23. The committee determined that Policy 5230: Prevention of Disease Transmission would be sent to the full Board.

H. Policy 1020: School Board Elections

The committee then discussed Policy 1020: School Board Elections. Policy 1020 is an existing policy that had additional language added on lines 34 through 36. The committee discussed the election process and what has been done in the past. The committee discussed the possibility of adding additional language regarding Montana law on line 34 and determined that Policy 1020: School Board Elections would return to the Policy Committee for review and would not be sent to the full Board.

I. Policy 1080: School Board Policy

The committee reviewed Policy 1080: School Board Policy which had a citation legal reference addition. The committee deemed that the Policy does not need to go to the full Board for a citation addition, and that the change would be made.

J. Policy 2085: Graduation Requirements

The committee moved on to discuss Policy 2085: Graduation Requirements. During the last legislative session there was new language added that talks about individual students who have suffered an educational disruption. For the purposes of this policy “educational disruption” means a disruption experienced during grades nine through twelve caused by homelessness, involvement in the child welfare system or juvenile justice system, a medical or mental health crisis, or another event considered a qualifying educational disruption by the District. The committee determined that Policy 2085: Graduation Requirements would be sent to the full Board for review.

K. Policy 4025: Accommodating Individuals with Disabilities

The committee reviewed Policy 4025: Accommodating Individuals with Disabilities. This is an existing policy with additional language that was added on lines 8 and 9 which states “Covid-19 vaccine status will not be used as a basis to deny or allow equal opportunity to education”. The committee determined that Policy 4025: Accommodating Individuals with Disabilities would be sent to the full Board for review.

L. Policy 5080: Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers

The committee reviewed Policy 5080: Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers. This is an existing policy with additional language that was added on lines 52 through 55 which states, “tests conducted by authorized federal, state, or local officials will fulfill post-accident testing requirements, provided they conform to applicable legal requirements and are obtained by the District. Breath tests will validate only the alcohol test and cannot be used to fulfill controlled substance testing obligations”. Additional language was also added on lines 162 through 175 regarding the information that

is reported to the Commercial Driver's License Drug and Alcohol Clearinghouse. The last portion of the policy had additional language added on lines 191 through 195. The committee determined that Policy 5080: Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers would be sent to the full Board for review.

M. Policy 9035: Capital Assets

The committee reviewed Policy 9035: Capital Assets. This is an existing policy with additional language that was added on lines 18 and 19 which states, "the District will identify anticipated improvements or projects in any resolution required to pass a permissive levy". The committee determined that Policy 9035: Capital Assets would be sent to the full Board for review.

VI. SUPERINTENDENT OR BOARD COMMENTS

There were no additional comments.

VII. ADJOURNMENT

Committee Chair, Ms. Goldes, adjourned the meeting at 1:15 p.m.

STUDENTS

Student Discipline

Students are expected to conduct themselves within the bounds set by the Board and the administrative regulations set forth by the Superintendent. Consideration for the rights and well-being of others, cooperation with all members of the school community and respect for oneself and others are the basic principles guiding student behavior.

The primary responsibility for student discipline within the school rests with the Principal. The primary responsibility for the maintenance of discipline within the classroom lies with the individual classroom teacher. Corporal punishment shall not be used. Corporal punishment does not include reasonable force as needed to maintain safety for students, staff, or other persons, or for the purpose of self-defense or defense of property.

Disciplinary action may be taken against any student in violation of the Student Code of Conduct. Disciplinary action may range from conferring with a teacher to expulsion from school. Continued infractions will have a cumulative effect in terms of disciplinary action.

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

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

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

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

alcoholic beverage, stimulant, depressant, or intoxicant of any kind, including such substances that contain chemicals which produce the same effect of illegal substances including but not limited to Spice and K2. Students who may be under the influence of such substances will not be permitted to attend school functions and will be treated as though they had drugs in their possession.

- Using, possessing, controlling, or transferring a weapon in violation of the “Possession of a Weapon in a School Building” section of this policy.
- Using, possessing, controlling, or transferring any object that reasonably could be considered or used as a weapon.
- Disobeying directives from staff or disobeying rules governing student conduct.
- Using violence, force, coercion, intimidation, or other comparable conduct toward anyone or urging other students to engage in such conduct.
- Causing or attempting to cause damage to, or stealing or attempting to steal, school property or another person’s property.
- Engaging in any activity that constitutes an interference with school purposes or an educational function or any other disruptive activity.
- Unexcused absenteeism.
- Misconduct of any sort on any means of District transportation.
- Hazing or bullying, including cyberbullying.
- Forging any signature or making any false entry or attempting to authorize any document used or intended to be used in connection with the operation of a school.

Gun Free Schools

~~The Board is obligated to expel for a definite period of at least one (1) calendar year~~ The Board will follow federal law for any student who uses, possesses, controls, or transfers a firearm on school property. The Board hereby authorizes the Superintendent to modify the disciplinary action on a case-by-case basis, ~~including implementing lower levels of discipline that do not include a recommendation for expulsion.~~ 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. In the case of a firearm violation the student may be expelled if the trustees find that the student knowingly 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.

Possession of a Weapon in a School Building

The District will refer to law enforcement any person who possesses, carries, or stores a weapon in a school building, except as provided below. For the purposes of this section only, “school building” means all buildings owned or leased by the District that are used for instruction or for student activities; “weapon” means any type of firearm, a knife with a blade 4 or more inches in length, a sword, a straight razor, a throwing star, nun-chucks, brass or other metal knuckles, or any other article or instrument possessed with the purpose to commit a criminal offense. The Board may grant

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

1.11.2022 Full Board – 1st Reading
2.1.2022 Policy Committee – 4th Reading

persons advance permission to possess, carry, or store a weapon in a school building. All persons who wish to possess, carry, or store a weapon in a school building must request permission of the Board at a regular meeting. The Board has sole discretion in deciding whether to allow a person to possess, carry, or store a weapon in a school building.

Legal References:

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

Cross References:

Policy History:

Adopted on: 3.26.2013
Revised on: 8.15.2017

Helena Public Schools

School District Organization

1085

Uniform Complaint Procedure

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

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

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

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

For the purposes of this policy business and / or calendar days are defined as school days. If the complaint is filed during the summer months or the complaint extends into the summer months, days will revert to business days as opposed to school or calendar days. Deadlines requiring District action in this procedure may be extended for reasons related but not limited to the District's retention of legal counsel and District investigatory procedures. Additional timelines may be waived with the agreement of both parties.

44 Retaliation

45
46 Any individual participating in an investigation or proceeding under this policy shall notify the
47 appropriate building or district administrator if that person believes that he or she is being retaliated
48 against for participating in the investigation or proceeding. The District prohibits retaliation against
49 individuals making complaints and participating in any investigation that may ensue under this
50 policy. The District may discipline students or staff members determined to have retaliated against
51 any individual for participating in an investigation or proceeding under this policy.
52

53 *Level 1: Informal*

54
55 An individual with a complaint is first encouraged to discuss it with the appropriate employee or
56 building administrator with the objective of resolving the matter promptly and informally. If the
57 complaint can't be resolved within 15 calendar school days of the incident that generated the
58 complaint, then the complainant may file a written complaint as outlined in Level 2. ~~An exception is~~
59 ~~that a complaint of sexual harassment should be discussed directly the District Title IX Coordinator.~~
60

61 *Level 2: Building Administrator*

62
63 When a complaint has not been or cannot be resolved at Level 1, an individual may file a signed
64 and dated written complaint stating: (1) the nature of the complaint; (2) a description of the event
65 or incident giving rise to the complaint, including any school personnel involved; (3) the date the
66 parties met to attempt to resolve the complaint informally; and (3 4) the remedy or resolution
67 requested. The written complaint must be filed within thirty (30 15) calendar school
68 days of the event or incident. ~~or from the date an individual could reasonably become aware of~~
69 ~~such event or incident.~~
70

71 When a complaint alleges a violation of Board policy or procedure, the building administrator or
72 supervisor will investigate and attempt to resolve the complaint. The administrator or supervisor will
73 respond in writing to the complaint, within thirty (30 15) calendar school days of receipt of the
74 written complaint. ~~of the Human Resources Administrator's receipt of the complaint.~~
75

76 If the complainant ~~has reason to believe the administrator's or supervisor's decision was made in~~
77 ~~error disagrees with the findings of the administrator or supervisor~~ the complainant may request, in
78 writing, that the appropriate Assistant Superintendent review the administrator's or supervisor's
79 decision. (See Level 3.) This request must be submitted to the appropriate Assistant Superintendent
80 within fifteen (15) calendar school days of receipt of the administrator's or supervisor's decision.
81

82 *Level 3: Assistant Superintendent*

83
84 If the complainant appeals the administrator's or supervisor's decision provided for in Level 2, the
85 Assistant Superintendent will review the complaint and the administrator's or supervisor's decision.
86 The Assistant Superintendent will respond in writing to the appeal, within thirty (30 15) calendar
87 school days of the Assistant Superintendent's receipt of the written appeal. ~~In responding to the~~
88 ~~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,~~ 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~~ school 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~~ school 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;~~ and/or (4) ~~take other steps appropriate or helpful in resolving the complaint.~~

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

Level 5: The Board

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

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

133
134 Cross Reference: 3000 - Equal Educational Opportunities
135 5000 - Equal Employment Opportunity and Non-Discrimination
136
137
138 Legal Reference: Title IX of the Education Amendments of 1972 (Civil Rights Act)
139 Title II of the Americans with Disabilities Act of 1990
140 § 504 of the Rehabilitation Act of 1973
141
142 Policy History:
143 Adopted on: 2.08.2011
144 Revised on: 9.13.2016
145 Reviewed on:

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

Helena Public Schools

Helena, Montana 59601



UNIFORM GRIEVANCE PROCESS FORM

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 to parties: _____

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 to parties: _____

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 to parties: _____

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 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 District 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 (MERV) of between 8
11 and 13 as recommended by the National Air Filtration Association and the EPA unless other
12 types of non-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 (Minimum Efficiency
15 Reporting Value) rated air filters. The District also will clean any electrostatic air filters
16 according to manufacturer specifications.

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

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

24
25
26 Legal References: 37.111.826, ARM Indoor Air Quality
27 10.55.701(q), ARM Board of Trustees

28 Cross References:
29
30
31

32 Policy History:

33 Adopted on:

34 Revised on:

35 Reviewed on:
36
37

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

1.11.2022 Full Board – 1st Reading
2.1.2022 Policy Committee – 3rd Reading

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).
47

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

Face Coverings as Personal Protective Equipment

In the event of a pandemic or recognized public health emergency the District in consultation with local health partners may require the wearing of face coverings in an effort to reduce spread of any aerosol borne virus and to protect the health and safety of students and staff.

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

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

If the number of active COVID-19 cases in the county increases to the point of being considered a "substantial" or "high" rate of transmission as defined by the Centers for Disease Control (CDC), the Board of Trustees authorizes the Superintendent to implement a requirement for face coverings to be worn in some or all Elementary District PreK-8 schools and/or PreK-8 12 schools and programs. The Superintendent may also consult with local health experts to include but not be limited to: St. Peter's Health, Lewis and Clark Public Health and other local health providers.

In the event it is determined face coverings are required, the Superintendent shall announce the face covering requirement to students, parents, staff, and visitors for the immediate successive school week by 3:00 pm on Friday of the previous week at least 48 hours prior to implementation. If the Superintendent determines masks are required, signs will be installed to inform students, parents, staff, and visitors of mask requirements while present in the identified District buildings.

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

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

Symptoms of Illness

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

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

Physical Distancing

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

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

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

Cleaning and Disinfecting

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

Student Arrival

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

Healthy Hand Hygiene Behavior

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

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

Transportation Services

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

Public Awareness

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

Confidentiality

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

Transfer of Funds for Safety Purposes

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

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

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

Cross References:	1900 Temporary COVID-19 Policy
	1901 Emergency Policy and Procedures
	School District Declaration of Emergency 8.11.2020

Policy History:

Adopted on:	8.22.2013
Revised on:	8.11.2020

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.*
9

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

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

designated on a student's emergency medical authorization form has been notified. The District may temporarily exclude from onsite school attendance a student who exhibits symptoms of a communicable disease that is readily transmitted in a school setting. Offsite instruction will be 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.

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

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

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

Healthy Hand Hygiene Behavior

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

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

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

Staff members shall place grade level appropriate posters describing handwashing 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
45
46

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

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

Confidentiality

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

Legal Reference:	37.114.101, et seq., ARM	Communicable Disease Control
	<u>37.111.825, ARM</u>	<u>Health Supervision and Maintenance</u>

Policy History:

Adopted on:

Reviewed on:

Revised on:

SCHOOL DISTRICT ORGANIZATION**School Board Elections**

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

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

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

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

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

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

~~The District will provide access to polling places and accessible voting technology for individuals with disabilities. The District Clerk will be responsible for assessing polling place for accessibility and ensuring reasonable access for individuals with disabilities. The District will comply with Montana law in providing access to voting places and accessibility for individuals with disabilities.~~

Legal References:

§ 20-3-304, MCA	Annual election
§ 20-3-305, MCA	Candidate qualification and nomination
<u>§ 20-3-313, MCA</u>	<u>Election by acclamation – notice</u>
§ 20-3-344, MCA	Nomination of candidates by position in first class elementary district
Repealed	
§ 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
§ 20-20-301, MCA	Qualifications of elector
<u>§ 20-20-401, MCA</u>	<u>Trustees' election duties- ballot certification</u>
<u>Senate Bill 15</u>	<u>Revises election laws related to accessibility for disabled electors</u>
§ 13-1-101, MCA	Definitions (<i>Revised by Senate Bill 15</i>)

53 **1020 Continued**
54
55 § 20-9-353, MCA Additional financing for general fund-election for authorization to
56 impose
57 § 20-20-105, MCA Regular school election and special school elections
58

Cross References:

Policy History:

Adopted on: 2.8.2011
Revised on: 7.12.2016

59
60

STUDENT INSTRUCTION

Graduation Requirements

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

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

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

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

Educational Disruption

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

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

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:

SCHOOL/COMMUNITY RELATIONSAccommodating Individuals with Disabilities

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

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

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

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

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

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

Cross References:

Policy History:

Adopted on:	3.10.2015
Revised on:	
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

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

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

Random Tests

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

Reasonable Suspicion Tests

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

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

Enforcement

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

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

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

Return to Duty Tests

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

Follow Up Tests

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

Records

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

Notifications

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

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

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

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

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

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

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

Clearinghouse

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

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

Cross References:

Policy History:

Adopted on:

Revised on:

SCHOOL FACILITIES

Capital Assets

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

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

1. Must be tangible in nature.
2. Must have an estimated useful life of at least two years following the date of acquisition.
3. Must be of significant value.
4. Must be used in conducting the District's activities.

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

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

Property, plant, and equipment are depreciated using the straight-line method over the following 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

Legal References: House Bill 192 MT Facilities Finance Modifications

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

Cross References:

Policy History:

Adopted on: 04.14.2015

Revised on: 08.11.2020

PERSONNEL

Employment and Assignment

Each certificated employee will be employed under a written contract, subject to the terms and conditions of the collective bargaining agreement, District policies and procedures, and state and federal statutes. Employees will be subject to a 12-month probation period to be applied during the employee's actual employment period.

The Board, after receiving the recommendations of the Superintendent, will determine the non-renewal or termination of certified and classified staff, in conformity with state statutes, applicable District policies and procedures, and collective bargaining agreements.

Classified employees whose positions are covered by a collective bargaining agreement will be employed subject to the terms and conditions of the collective bargaining agreement, District policies and procedures, and state and federal statutes. Classified employees whose positions are not covered by a collective bargaining agreement will be subject to a one-year probationary period. Their employment is governed by District policies and procedures, and state and federal statutes. The District reserves the right to change employment conditions affecting an employee's duties, assignment, and/or supervisor, subject to collective bargaining language.

"Good cause" means any reasonable job-related grounds for an employee's dismissal based on: (a) the employee's failure to satisfactorily perform job duties; (b) the employee's disruption of the employer's operation; (c) the employee's material or repeated violation of an express provision of the employer's written policies; or (d) other legitimate business reasons determined by the employer while exercising the employer's reasonable business judgment.

Assignment, Reassignment and Transfer

The Superintendent may assign, reassign, and/or transfer positions and duties of all staff, subject to any provisions contained in the collective bargaining agreements, District policies and procedures and state and federal statutes. Nothing in this policy prevents reassignment of a staff member during a school year.

Legal References:	§ 39-2-904, MCA Elements of wrongful discharge (Revised per HB254)
	§ 39-2-912, MCA Exemptions (wrongful discharge) (Revised per HB254)
	§ 39-2-903, MCA Definitions-wrongful discharge (<i>Revised by House Bill 254</i>)
	§ 39-2-905, MCA Remedies- wrongful discharge (<i>Revised by House Bill 254</i>)
	§ 39-2-911, MCA Limitation of actions (<i>Revised by House Bill 254</i>)
	10.57.601a, ARM Definition of Immoral Conduct (Revised per HB254, Revisions of Montana Wrongful Discharge Act)

40 Cross References:

41 Policy History:

42 Adopted on: 8.13.2013

43 Revised on: 6.11.2019

OPERATIONAL SERVICES

Extra and Co-Curricular Funds

The Board is responsible for establishment and management of student extra- and co-curricular funds. The purpose of student extra- and co-curricular funds is to account for revenues and disbursements of those funds raised by students through recognized student body organizations and activities. The funds shall be deposited and expended by check, in a bank account maintained by the District for student extra- and co-curricular funds. The use of the student extra- and co-curricular funds is limited to the benefit of the students.

The Board directs the administration to follow the *Student Activity Funding Accounting* in establishing accounting procedures for administration of student extra- and co-curricular funds and will appoint a fund administrator.

Legal References:	§ 20-9-504, MCA	Extra-curricular fund for pupil functions
	§ 20-5-109, MCA	Nonpublic school requirements for compulsory enrollment exemption (<i>Cited by Senate Bill 157</i>)
	§ 20-9-311, MCA	Calculation of average number belonging (ANB) --3-year averaging (<i>Revised by Senate Bill 72</i>)
	10.10.304, ARM	Student extra-curricular activity funds
	Senate Bill 157	Allow nonpublic students to participate in public school extracurriculars
	Senate Bill 72	Allows non-fulltime enrolled students who participate in extracurricular activities to be counted in the average number belonging calculation.

Cross References:

Policy History:

Adopted on:

Revised on: