



Superintendent
Rex Weltz
324-2000

Business Manager
Janelle Mickelson
324-2007

**BOARD OF TRUSTEES
POLICY COMMITTEE MEETING
Lincoln Center - 1325 Poplar Street
February 7, 2023
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 3, 2023, BOARD POLICY MEETING MINUTES

V. PRESENTATION OF POLICIES FOR SECOND READING:

- A. 4030 Cooperative Programs with Other Districts and Public Agencies (11.11.2014)
 - 1. Citation update – Minor change didn't send to full Board.
- B. 7060 School Safety
- C. 5045 Family Medical Leave Act (6.10.2014)

VI. PRESENTATION OF POLICIES FOR THIRD READING

- A. 5030 Abused and Neglected Child Reporting (8.13.2013)
- B. 5035 Staff Ethics and Political Activity (8.13.2013)
- C. 5040 Personnel Records (10.8.2013)
- D. 5050 State of Montana VEBA Health Benefit Plan (3.8.2016)

VII. PRESENTATION OF POLICIES FOR REVIEW:

- A. 5051 Insurance Benefits for Employees (6.14.2016)
- B. 5070 Disciplinary Action (8.13.2013)
- C. 5075 Termination of Employment (8.13.2013)

VIII. SUPERINTENDENT OR BOARD COMMENTS

IX. ADJOURNMENT

**NEXT MEETING:
Tuesday, March 7, 2023 - 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, January 3rd, 2023-12:00 p.m.

Lincoln Center

1325 Poplar St., Helena, MT 59601

And via

TEAMS

MINUTES

Attendees

Committee:

Luke Muszkiewicz, Committee Chair
Janet Armstrong, Committee Member
Jennifer Walsh, Committee Member

Others:

Rex Weltz, Superintendent
Karen Ogden, Communications Officer
Josh McKay, Assistant Superintendent
Barb Ridgway, Chief of Staff
Brian Cummings, Assistant Superintendent
Candice Delvaux, Executive Assistant
Jane Shawn, HEA President
Joslyn Davidson, Curriculum Administrator
Keri Mizell, Human Resources Director
Neal Murray, Safety and Operations
Manager
Janelle Mickelson, Business Manager
Katherine Anderson, Guest of the Public

I. CALL TO ORDER

The meeting was called to order at 12:01 p.m. by Committee Chair, Luke Muszkiewicz.

II. REVIEW OF AGENDA

No changes were requested to the agenda.

III. GENERAL PUBLIC COMMENT

There was no general public comment.

IV. REVIEW OF THE 12.09.2022 POLICY COMMITTEE MINUTES

The committee reviewed and approved the minutes from the 12.09.2022 Policy Committee meeting.

V. PRESENTATION OF POLICIES FOR SECOND READING

A. Policy 1015: Vision, Mission, and Guiding Principles

The committee reviewed and discussed Policy 1015: Vision, Mission, and Guiding Principles. This policy had a first reading before the full Board of Trustees. The only change recommended at the meeting today is that the title of the policy be changed from *Goals, Mission, and Vision* to become *Vision, Mission, and Guiding Principles*. The committee determined that Policy 1015: Vision, Mission and Guiding Principles would go to the full Board for second reading/action.

B. Policy 7009: Lease Capitalization Threshold

The committee reviewed and discussed Policy 7009: Lease Capitalization Threshold. This policy had a first reading before the full Board of Trustees and there were no changes. The committee determined that Policy 7009: Lease Capitalization Threshold would go before the full Board for second reading/action.

C. Policy 4030: Cooperative Programs with Other Districts and Public Agencies

The committee reviewed and discussed Policy 4030: Cooperative Programs with Other Districts and Public Agencies. At the last Policy Committee meeting the committee recommended that we check the citations listed in this policy. Upon review, one of the citations has been repealed and noted in the policy and has no impact on the policy. The committee determined that Policy 4030: Cooperative Programs with Other Districts and Public Agencies would go to the full Board for review.

D. Policy 5030: Abused and Neglected Child Reporting

The committee reviewed and discussed Policy 5030: Abused and Neglected Child Reporting. At the last Policy Committee meeting the committee recommended including language in this policy that addresses others who are in our buildings who may interact with students such as contractors and volunteers. In the model policy, sex trafficking language has been added that was not in our previous policy so that language has been added to line 19 along with the legal reference at the bottom of the policy. The term *damages proximately caused* that the committee wished to review, is language straight from model policy, so that language will remain in this policy. On line 21 the word *criminally* has been changed to *civilly*. Lines 25 through 28 has additional language that was added to clarify confidentiality, and which states *the Department of Public Health and Human Services may share information with that individual or others as permitted by law*. Additional citations are reflected at the bottom of the policy. The committee determined that additional research and review of the policy is needed to find out the role and requirements of reporting for other adults that interact with students such as volunteers and contractors and what training is being offered for those adults. The committee mentioned removing lines 13 through 17 because that language is also reflected on lines 19 through 23. The committee determined that Policy 5030: Abused and Neglected Child Reporting would come back to the Policy Committee for further review and discussion.

E. Policy 5035: Staff Ethics and Political Activity

The committee reviewed Policy 5035: Staff Ethics and Political Activity. At the last Policy Committee the committee discussed there was some redundancy in the language of the last paragraph, therefore, lines 34 through 36 were stricken. An additional citation was added at the bottom of the policy. The committee had a robust discussion regarding political activity. The committee suggested reviewing the MTSBA model for this policy and recommended that Policy 5035: Staff Ethics and Political Activity would come back to the Policy Committee for further review and discussion.

F. Policy 5040: Personnel Records

The committee reviewed Policy 5040: Personnel Records. At the last Policy Committee meeting the committee recommended adding the word *confidential* to line seven. The words *and their designees* were stricken on line eleven because that language is also reflected on line 14. The *No Child Left Behind Act* is no longer in effect, therefore, language in relation to that act was stricken on lines 24 through 26 and the citation was stricken at the bottom of the policy. The committee recommended striking the words *for those staff members* on lines 25 and 26 to make the sentence clearer. The committee determined that Policy 5040: Personnel Records would go before the full board for first reading/information.

G. Policy 5045: Family Medical Leave

The committee reviewed Policy 5045: Family Medical Leave and had a robust conversation about this policy. The committee discussed that the word *Secretary* on line 12 is in the model policy, and Ms. Ridgway would reach out to MTSBA to see what the meaning of *Secretary* is in regards to this policy. The committee determined that Policy 5045: Family Medical Leave would come back to the Policy Committee for further review and discussion.

H. Policy 5050: Montana VEBA (Voluntary Employee Beneficiary Association) Health Benefit Plan

The committee reviewed Policy 5050: Montana VEBA (Voluntary Employee Beneficiary Association) Health Benefit Plan. Mrs. Janelle Mickelson, Business Manager, gave a description of the Montana VEBA Health Benefit Plan to the committee. There are only a few people in the District who would qualify for this program per state law. If the District wanted to offer this program it would need to be initiated again with the state. The committee determined that it would be beneficial for Superintendent Weltz and his administrative team to discuss the plan and decide if it would be worthwhile to initiate this plan again. The committee determined that Policy 5050: Montana VEBA (Voluntary Employee Beneficiary Association) Health Benefit Plan would come back to the Policy Committee at some point in the future for further review and discussion after Superintendent Weltz and his team had a chance to review and discuss the plan.

I. Policy 7060: School Safety

The committee reviewed and discussed Policy 7060: School Safety. The only change to this policy is that the word *periodically* was changed to *annually* on line 18. The committee discussed that the Board shall review the District safety or emergency operations plan annually and update the plan as determined necessary by the Trustees based on changing circumstances pertaining to school safety. The committee determined that Policy 7060: School Safety would go before the full Board for first reading/information.

VI. PRESENTATION OF POLICIES FOR REVIEW

A. Policy 5051: Insurance Benefits for Employees

The committee did not have enough time to review Policy 5051: Insurance Benefits for Employees so it will be reviewed at a future Policy Committee meeting.

B. Policy 5070: Disciplinary Action

The committee did not have enough time to review Policy 5070: Disciplinary Action so it will be reviewed at a future Policy Committee meeting.

C. Policy 5075: Termination of Employment

The committee did not have enough time to review Policy 5075: Termination of Employment so it will be reviewed at a future Policy Committee meeting.

VII. SUPERINTENDENT OR BOARD COMMENTS

There were no additional comments.

VIII. ADJOURNMENT

Committee Chair, Luke Muszkiewicz, adjourned the meeting at 1:02 p.m.

1 **Helena Public Schools**

2 **COMMUNITY RELATIONS**

4030

3 Cooperative Programs with Other Districts and Public Agencies

4 Whenever it appears to the economic, administrative, and/or educational advantage of the
5 District to participate in cooperative programs with other units of local government, the
6 Superintendent will conduct an analysis of each cooperative proposal.

7 When formal cooperative agreements are developed, such agreements shall comply with
8 requirements of the Interlocal Cooperation Act, with assurances that all parties to the agreement
9 have legal authority to engage in the activities contemplated by the agreement.

10 The District may enter into interlocal agreements with a unit of the Montana University System,
11 public community college, and/or tribal college, which would allow students enrolled in the 11th
12 and 12th grades to attend and earn credit for classes not available in the District. Tuition and
13 fees, if assessed, will be provided for in the interlocal agreement.

14 The District may enter into an interlocal agreement providing for the sharing of teachers,
15 specialists, superintendents, or other professional persons licensed under Montana statute. If the
16 District shares a teacher or specialist with another district(s), the District's share of such
17 teacher's or specialist's compensation will be based on the total number of instructional hours
18 expended by the teacher or the specialist in the District.

19 Legal Reference: § 7-11-101, et seq., MCA Interlocal Cooperation Act
20 § 20-3-363 Multidistrict agreements
21 § 20-7-451, 20-7-452, ~~20-7-453~~, 20-7-454, 20-7-455, 20-7-456, MCA
22 Authorization to create full service education cooperatives
23 § 20-7-801, et seq., MCA Public recreation
24

25 Policy History:
26 Adopted on: 11.11.2014
27 Revised on:
28 Reviewed on:

2 **OPERATIONAL SERVICES**

3 School Safety

4
5 The Board recognizes that safety and health standards should be incorporated into all aspects of the
6 operation of the District. Rules for safety and prevention of accidents will be posted in compliance
7 with Montana Safety Culture Act and the Montana Occupational Safety and Health Act. Injuries and
8 accidents will be reported to the District office.
9

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

16 *Safety or Emergency Plans*

17
18 The Board shall review the District safety or emergency operations plan ~~periodically~~ annually
19 and update the plan as determined necessary by the trustees based on changing circumstances
20 pertaining to school safety. Once the Board has made the certification to OPI, it may transfer
21 funds pursuant to Section 20-1-401, MCA to make improvements to school safety and security.
22

23 *School Closure*

24
25 The Superintendent is authorized to close the schools in the event of hazardous weather or other
26 emergencies that threaten the safety of students, staff members, or school property. Specific
27 procedures for school closures may be found in the District’s Safety Plan or Emergency Operations
28 Plan
29

30 *Hazardous and Infectious Materials*

31
32 The Superintendent shall take all reasonable measures to protect the safety of District personnel,
33 students, and visitors on District premises from risks associated with hazardous materials, including
34 pesticide, and infectious materials. Specific procedures for handling hazardous or infectious
35 materials may be found in the District’s Safety Plan.
36

37 *Safety Measures*

38
39 The Superintendent is authorized to adopt reasonable safety measures to protect the health and safety
40 of District personnel, students, and visitors on District premises and during school-related activities.
41 Reasonable safety measures include adoption of cleaning/sanitization plans, use of physical
42 safeguards/barriers, and required use of personal protective equipment (*e.g.*, face masks).
43 Exceptions to any requirements adopted by the Superintendent may be granted as required by law
44 and on a case-by-case basis.

45

46

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

Cross References:

Policy History:

Adopted on: 8.22.2013

Revised on: 8.11.2020

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2
3 PERSONNEL

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5 Family Medical Leave

6
7 In accordance with provisions of the Family Medical Leave Act of 1993 (FMLA), a leave
8 of absence of up to 12 weeks during a 12 month period may be granted to an eligible
9 employee for the following reasons: 1) birth of a child; 2) placement of a child for
10 adoption or foster care; 3) a serious health condition which makes the employee unable to
11 perform functions of the job; 4) to care for the employee’s spouse/domestic partner,
12 child, or parent with a serious health condition but not a parent-in-law; or 5) because of a
13 qualifying exigency (as the United States Secretary of Labor Secretary shall, by
14 regulation, determine) arising out of the fact that the spouse/domestic partner, or a son,
15 daughter, or parent of the employee is on covered active duty (or has been notified of an
16 impending call or order to covered active duty) in the Armed Forces. The District will
17 measure the 12 month period during which an employee may take FMLA leave by rolling
18 forward one calendar year from the first date of use of leave.

19
20 Servicemember Family Leave

21
22 Subject to section 103 of the FMLA of 1993, as amended, an eligible employee who is
23 the spouse/domestic partner, son, daughter, parent, or next of kin of a covered service
24 member shall be entitled to a total of 26 workweeks of leave during a 12-month period to
25 care for the service member. The leave described in this paragraph shall only be available
26 during a single 12-month period.

27
28 Eligibility

29
30 An employee is eligible for FMLA leave, if the employee has been employed for at least
31 twelve (12) months and has worked at least one thousand two hundred fifty (1,250) hours
32 during the twelve (12) months immediately prior to the date leave is requested and there have
33 been at least fifty (50) District employees within seventy-five (75) miles for each working
34 day during twenty (20) or more workweeks in the current or preceding calendar year.

35
36 Employees will be required to use appropriate paid leave while on FMLA leave. Workers’
37 compensation absences will be designated FMLA leave.

38
39 Medical Certification

40
41 The Superintendent or designee has discretion to require medical certification to determine
42 initial or continued eligibility under FMLA, as well as fitness for duty.

43
44
45 Legal References: 29 USC 2601, et seq. Family and Medical Leave Act
46 29 USC 201, et seq Fair Labor Standards Act

47		<u>29 C.F.R. Part 825</u>	<u>Family and Medical Leave</u>
48			<u>Regulations</u>
49		<u>§§2-18-601, et seq., MCA</u>	<u>Leave Time</u>
50		<u>§§49-2-301, et seq., MCA</u>	<u>Prohibited Discriminatory Practices</u>
51		<u>Section 585 –</u>	<u>National Defense Authorization Act</u>
52		<u>§ 2-6-101, et al MCA</u>	<u>Public Records Generally</u>
53		<u>24.9.805, ARM</u>	<u>Employment Records</u>
54			<u>for FY 2008, Public 21 Law [110-</u>
55			<u>181]</u>
56			
57	Cross References:	Common Law Affidavit	
58		Affidavit of Domestic Partnership	
59			
60	<u>Policy History:</u>		
61	Adopted on:	6.10.2014	
62	Revised on:		

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3 PERSONNEL

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5 Abused and Neglected Child Reporting

6
7 A District employee, contractor, volunteer, student teacher or student nurse who has reasonable
8 cause to suspect that a student may be ~~an~~ abused, neglected ~~child~~ or subject to sex trafficking by
9 anyone regardless of whether the person suspected of causing the abuse, neglect, or trafficking is a
10 parent or other person responsible for the child’s welfare, shall report such a case to the Montana
11 Department of Public Health and Human Services or local law enforcement. They shall also notify
12 the Superintendent or principal that a report has been made. An employee, contractor, volunteer,
13 student teacher or student nurse does not discharge the obligation to personally report by notifying
14 the Superintendent or principal.

15
16 Child abuse or neglect means actual physical or psychological harm to a child, substantial risk of
17 physical or psychological harm to a child, exposure to or involvement with sex trafficking, and
18 abandonment. This definition includes sexual abuse and sexual contact by or with a student.
19 The obligation to report suspected child abuse or neglect also applies to actual or attempted
20 sexual or romantic contact between a student and a staff member, contractor, volunteer or student
21 teacher or nurse.

22
23 ~~Any District employee who fails to report a suspected case of abuse or neglect to the Department~~
24 ~~of Public Health and Human Services, or who prevents another person from doing so, may be~~
25 ~~civilly liable for damages proximately caused by such failure or prevention and is guilty of a~~
26 ~~misdemeanor. The employee will also be subject to disciplinary action up to and including~~
27 ~~termination.~~

28
29 Any District employee who fails to report a suspected case of abuse, neglect, or sex trafficking to
30 the Department of Public Health and Human Services, or who prevents another person from
31 doing so, may be civilly liable for damages proximately caused by such failure or prevention and
32 is guilty of a misdemeanor. The employee will also be subject to disciplinary action up to and
33 including termination.

34
35 The Superintendent or designee is authorized to provide access to educational resources for the
36 purpose of training interested parties how identify the warning signs of abuse, neglect, and sex
37 trafficking, how to recognize predatory behaviors and how to make a report to the proper
38 authorities.

39
40 When a District employee makes a report, the Department of Public Health and Human Services
41 may share information with that individual or others as permitted by law. Individuals in the
42 District who receive information related to a report of child abuse, neglect, or sex trafficking
43 shall maintain the confidentiality of the information.

44
45 Legal References: § 41-3-201, MCA Reports
46 § 41-3-202, MCA Action on reporting

47	§ 41-3-203, MCA	Immunity from liability
48	§ 41-3-205, MCA	Confidentiality – disclosure exceptions
49	§ 41-3-207, MCA	Penalty for failure to report
50	<u>§ 45-5-501, MCA</u>	<u>Definitions</u>
51	<u>§ 45-5-502, MCA</u>	<u>Sexual Assault</u>
52	<u>§ 20-7-1316, MCA</u>	<u>Child Sex Trafficking Prevention</u>

53 Cross References:

54

55 Policy History:

56 Adopted on: 8.13.2013

57 Revised on:

58 Reviewed on:

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2
3 PERSONNEL

4
5 Staff Ethics and Political Activity

6
7 All District employees are expected to maintain high standards in their school relationships, to
8 demonstrate integrity and honesty, to be considerate and cooperative, and to maintain
9 professional relationships with students, parents, staff members, and others. Employees should
10 not dispense or utilize any confidential and /or private information gained from employment with
11 the District, accept gifts or benefits, or participate in business enterprises or employment that
12 creates a conflict of interest with the faithful and impartial discharge of the employee’s District
13 duties. A District employee, before acting in a manner which might impinge on any fiduciary
14 duty, must disclose the nature of the private interest which would create a conflict. Care should
15 be taken to avoid using or avoid the appearance of using official positions and confidential
16 information for personal advantage or gain.

17
18 Further, employees must maintain confidentiality with respect to information pertaining to
19 student records, employee records or confidential communications from staff. Employees also
20 will respect the confidentiality of people served in the course of an employee’s duties and use
21 information gained in a responsible manner. The District may discipline, up to and including
22 termination, any employee who discloses confidential and/or private information learned during
23 the course of the employee’s duties. Discretion should be used even within the school system’s
24 own network of communication.

25
26 *Political Activity*

27
28 The Board recognizes its employees’ rights of citizenship, including, but not limited to, engaging
29 in political activities. A District employee may seek an elective office, provided the employee
30 does not campaign on school property during working hours, and provided all other legal
31 requirements are met. An employee elected to office is entitled to take a leave of absence
32 without pay in accordance with the provisions of §39-2-104 MCA.

33
34 ~~Employees may not, in or on District property, attempt to coerce, command, or require another to~~
35 ~~support or oppose any political committee, the nomination or election of any person to public~~
36 ~~office, or the passage of a ballot issue.~~ Employees may not solicit support for or in opposition to
37 any political committee, the nomination or election of any person to public office, or the passage
38 of a ballot issue, while on the job or in or on District property. Employees may not use the
39 District’s electronic communication system for political activity, except as permitted by law.

40
41 Nothing in this policy is intended to restrict the right of District employees to express their
42 personal political views.

43
44 Legal References: 5 USC 7321, et seq. Hatch Act
45 § 2-18-620, MCA Mandatory leave of absence for employees holding
46 public office - return requirements
47 § 20-1-201, MCA School officers not to act as agents
48 § 13-35-266, MCA Unlawful acts of employers and employees
49 § 41-3-205, MCA Confidentiality – disclosure exceptions
50 Title 2, Chapter 2, Part 1 Standards of Conduct

51
52 Cross References:

11.1.2022, 12.9.2022 Policy Committee – 1st Review
1.3.2023 Policy Committee – 2nd Review
2.7.2023 Policy Committee – 3rd Review

53
54 Policy History:
55 Adopted on: 8.13.2013
56 Revised on:

2
3 PERSONNEL

4
5 Personnel Records

6
7 The District maintains a complete, confidential personnel record for every current and former
8 employee. The employees’ personnel records will be maintained in the District’s
9 administrative office, under the direct supervision of the ~~Personnel Office~~ Human Resource
10 Office.

11
12 Employees ~~and their designees~~ will be given access to their personnel records, in accordance
13 with guidelines developed by the Superintendent.

14
15 In addition to the ~~Personnel Office~~ Human Resource Office or other designees, counsel
16 retained by the Board will also have access to a cumulative personnel file. Personnel files
17 shall be maintained for minimum 10 years after the employee’s separation from employment.

18
19 No material derogatory to an employee’s conduct, service, character, or personality shall be
20 placed in the file, unless the employee has had the opportunity to read the material. The
21 employee shall be entitled to respond to the material and to have that response placed in the
22 file, if requested in a reasonable period of time, not to exceed 60 days.

23
24 The District shall release information regarding the professional qualifications and degrees of
25 teachers and the qualifications of paraprofessionals to parents upon request for any teacher or
26 paraprofessional who is employed by a school receiving Title I funds and ~~for those staff~~
27 ~~members~~ who provides instruction to their child at that school.

28
29 The District may release public information regarding the professional qualifications,
30 degrees, and experience of teachers and the qualifications of paraprofessionals to parents
31 upon request.

32
33 The Superintendent shall develop procedures regarding the content, maintenance and
34 access to personnel records maintained by the District.

35	Legal References:	20 USC 6301	No Child Left Behind Act
36		<u>Public Law 114 - 95 - Every Student Succeeds Act</u>	
37		29 USC 201, et seq	Fair Labor Standards Act
38		§ 2-6-101, et al MCA	Public Records Generally
39		§ 20-1-212, MCA	Destruction of Records by School Officer
40		24.9.805, ARM	Employment Records
41		§ 2-6-1001, MCA	Definitions
42		10.55.701(4), ARM	Board of Trustees
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44			
45			

46 Cross References:

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48 Policy History:

49 Adopted on: 10.8.2013

50 Revised on:

51 Reviewed on:

52

11.1.2022, 12.9.2022 Policy Committee – 1st Review
1.3.2023 Policy Committee – 2nd Review
2.7.2023 Policy Committee – 3rd Review

1.10.2023 Full Board – 1st Reading

2
3 **PERSONNEL**

4
5 Montana VEBA (Voluntary Employee Beneficiary Association) Health Benefit Plan

6
7 The Helena School District #1 is eligible for participation in the State of Montana VEBA
8 Health Benefit Plan and Trust (“the Plan”) which was adopted by the Board of Trustees on
9 December 8, 2015, by acceptance of a completed Employer Adoption Agreement by the
10 State of Montana Department of Administration.

11
12 This policy will be in effect for the following group as defined below.

13
14 Classified/Non-Certified employees who are members of the Montana
15 Public Employees Retirement System (MPERS) and eligible for retirement
16 from MPERS, i.e. at least 50 years old with 5 years vested in MPERS, or
17 members of the district “Administrative and Independent Group” with
18 management of at least 2 employees. Contributions made on behalf of the
19 employee by the District shall be applied uniformly to all eligible
20 employees and such contributions shall be made on behalf of all eligible
21 employees. This policy requires that all employees separating from service
22 in such group while this policy is in effect shall be required to contribute the
23 value of a quarter of their accumulated sick leave, and the value of any
24 other periodic employer provided retirement benefit for this group that may
25 be approved by the Board of Trustees for Helena School District No. 1.

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27
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29 Policy History

30 Adopted On: 3.8.2016

31 Revised On:

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3 PERSONNEL

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5 Insurance Benefits for Employees

6
7 Certified and classified employees whose employment is governed by the terms of a collective bargaining
8 agreement are eligible for insurance benefits offered by the District as stated in the applicable current
9 collective bargaining agreement. Other employees will be offered insurance benefits consistent with the
10 District’s cafeteria benefit plan.

11
12 A medical examination at the expense of the employee may be required, if the employee elects to join the
13 District health insurance program after initially refusing coverage during the “open season,” as defined in
14 the plan documents. An eligible employee wishing to initiate, discontinue or change health insurance
15 coverage must initiate the action by contacting the Human Resources office and completing appropriate
16 forms.

17
18
19
20 Legal References: § 2-18-702, MCA Group insurance for public employees and officers
21 § 2-18-703, MCA Contributions

22
23
24 Cross References:

25
26 Policy History:

27 Adopted on: 6.14.2016

28 Revised on:

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3 PERSONNEL

4
5 Disciplinary Action

6
7 District employees who fail to fulfill their job responsibilities or to follow reasonable directions of their
8 supervisors, or who conduct themselves on or off the job in ways that affect their effectiveness on the
9 job, may be subject to disciplinary action up to and including termination.

10
11 Behavior, conduct, or action that may call for disciplinary action or termination includes, but is not
12 limited to, reasonable job-related grounds based on a failure to satisfactorily perform job duties,
13 disruption of the District’s operation, or other legitimate reasons.

14
15 Employees will be informed of the performance deficiency and/or conduct that violates school district
16 policy/rule or disrupts school district operations and will be given an opportunity to respond prior to
17 disciplinary action occurring. Employees may be suspended with or without pay at any time if in the
18 best interest of the school district as determined by management, pending an investigation of the
19 employee’s performance or behavior.

20
21 Supervisors shall, when appropriate, use progressive discipline and discipline shall be administered in a
22 consistent non-discriminatory manner. However, the appropriateness of using progressive discipline in
23 each case lies within the discretion of management. The specific disciplinary actions taken depend on
24 the nature and severity of the performance deficiency and/or behavior that violates school district
25 policy/rule or that disrupts school district operations. Types of disciplinary action, which could be
26 initiated, are: verbal warning; written warning; suspension without pay; demotion; and termination of
27 employment.

28
29 The Superintendent or superintendent’s designee is authorized to suspend an employee immediately.

30
31 Discipline will be reasonably appropriate to the circumstance and will include, but not be limited to, a
32 supervisor’s right to reprimand an employee and the Superintendent’s right to suspend an employee,
33 with or without pay, or to impose other appropriate disciplinary sanctions. In accordance with Montana
34 law, only the Board may terminate an employee or non-renew employment.

35	36 Legal References:	§ 20-3-324, MCA	Powers and duties
37		§ 20-4-402, MCA	Duties of district superintendent
38		§ 39-2-903, MCA	Definitions
39		10.55.701, ARM	Board of Trustees

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41 Cross References:

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43 Policy History:

44 Adopted on: 8.13.2013

45 Revised on:

- 46 5.16.2013 Board Policy – 1st Reading
- 6.4.2013 Board Policy – 2nd Reading
- 6.11.2013 Full Board – 1st Reading
- 8.13.2013 Full Board – 2nd Reading - Final

- 1.3.2023 Policy Committee – 1st Review
- 2.7.2023 Policy Committee – 1st Review

2
3 PERSONNEL

4
5 Termination of Employment

6
7 *Dismissal and Non-renewal*

8
9 The Board, after receiving the recommendations of the Superintendent, will determine the non-
10 renewal or termination of certified and classified staff, in conformity with state statutes and
11 applicable District policies.

12
13 *Resignation*

14
15 Certified and classified personnel will generally be expected to fulfill the terms of their contracts,
16 unless clearly compelling, mitigating circumstances prevent the individual from doing so. The
17 Superintendent is authorized to accept the resignation of an individual employee and must report
18 such resignation to the Board at the next regularly scheduled meeting. A certified employee who
19 resigns after signing a contract with the District may face disciplinary action related to the
20 employee’s certificate.

21
22 *Reduction in Force*

23
24 The Board has exclusive authority to determine the appropriate number of employees. A
25 reduction in employees may occur as a result of, but not be limited to, changes in the education
26 program, staff realignment, changes in the size or nature of the student population, financial
27 considerations, or other reasons deemed relevant by the Board. The Board will follow the
28 procedure stated in the current collective bargaining agreement when considering a reduction in
29 force of certified staff. The Board will consider performance evaluations, staff needs, and other
30 reasons it deems relevant, in determining order of dismissal when it reduces classified staff or
31 discontinues some type of educational service.

32
33 *Payment of Wages Upon Termination*

34
35 When a District employee quits, is laid off, or is terminated, wages owed will be paid on the next
36 regular pay day for the pay period in which the employee left employment or within fifteen (15)
37 days, whichever occurs first. In the case of an employee terminated for allegations of theft
38 connected to the employee’s work, the District may withhold the value of the theft, provided the
39 employee agrees in writing to the withholding or charges have been filed with law enforcement
40 within (7) business days of separation. If no charges are filed against the employee within thirty
41 (30) days of the filing of the report with law enforcement, wages are due upon the expiration of
42 the thirty (30) day period.

43
44 Legal References: § 20-4-204, MCA Termination of tenure teacher services
45 § 20-4-206, MCA Notification of non-tenure teacher re-election –
46 acceptance – termination

5.16.2013 Board Policy – 1st Reading
6.4.2013 Board Policy – 2nd Reading
6.11.2013 Full Board – 1st Reading
8.13.2013 Full Board – 2nd Reading - Final
1.3.2023 Policy Committee – 1st Review
2.7.2023 Policy Committee – 1st Review

47 §20-4-207, MCA Dismissal of a teacher under contract
48 §10.55.701, ARM Board of Trustees
49 §10.57.611, ARM Substantial Material Non-Performance
50 *Booth v. Argenbright*, 225 M 272, 731 P.2d 1318, 44 St. Rep. 227 (1987)

51
52
53 Cross References:

54
55 Policy History:
56 Adopted on: 8.13.2013
57 Revised on:

58
59

5.16.2013 Board Policy – 1st Reading
6.4.2013 Board Policy – 2nd Reading
6.11.2013 Full Board – 1st Reading
8.13.2013 Full Board – 2nd Reading - Final

1.3.2023 Policy Committee – 1st Review
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