



Superintendent
Rex Weltz
324-2000

Business Manager
Janelle Mickelson
324-2007

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

V. PRESENTATION OF POLICIES FOR FIRST READING:

- A. 5122 Criminal Background Investigation
- B. 5610 Intellectual Property Rights

VI. PRESENTATION OF POLICIES FOR FOURTH READING

- A. 5045 Family Medical Leave Act (6.10.2014)
- B. 5035 Staff Ethics and Political Activity (8.13.2013)
- C. 5051 Insurance Benefits for Employees (6.14.2016)
- D. 5030 Abused and Neglected Child Reporting (8.13.2013)

VII. PRESENTATION OF POLICIES FOR GENERAL REVIEW:

- A. 5070 Disciplinary Action (8.13.2013)
- B. 5075 Termination of Employment (8.13.2013)

VIII. SUPERINTENDENT OR BOARD COMMENTS

IX. ADJOURNMENT

NEXT MEETING:
Tuesday, April 4, 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, February 7th, 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

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
Lona Carter, School Health Grant
Facilitator
Janelle Mickelson, Business Manager

I. CALL TO ORDER

The meeting was called to order at 12:03 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 01.03.2023 POLICY COMMITTEE MINUTES

The committee reviewed and approved the minutes from the 01.03.2023 Policy Committee meeting.

V. PRESENTATION OF POLICIES FOR SECOND READING

A. 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. The committee discussed that only a minor citation update is needed for the policy. The committee determined that Policy 4030: Cooperative Programs with Other Districts and Public Agencies does not need to go before the full Board.

B. Policy 7060: School Safety

The committee reviewed and discussed Policy 7060: School Safety. This policy had its first reading before the full Board in January 2023. The committee is recommending that the Trustees receive an annual report rather than a periodic report as currently referenced in the policy. The committee determined that Policy 7060: School Safety would go before the full Board for second reading/action.

C. Policy 5045: Family Medical Leave

The committee reviewed and discussed Policy 5045: Family Medical Leave. The Policy Committee continues to conduct a general review of all policies. This policy needed to be aligned with federal law. The committee discussed that the reference to "Secretary" is clarified as "United States Secretary of Labor". On line seven the language "*of 1993 (FMLA)*" was added, and on line twelve the language "*but not a parent-in-law*" was added. The committee determined that Policy 5045: Family Medical Leave would go before the full Board for first reading/information.

VI. PRESENTATION OF POLICIES FOR THIRD READING

A. Policy 5030: Abused and Neglected Child Reporting

The committee reviewed and discussed Policy 5030: Abused and Neglected Child Reporting. Additional language regarding sex trafficking is reflected on lines 8 through 10 of the policy. Additional language has also been added on lines 11 through 13. A definition of child abuse and neglect has been added to the policy on lines 16 through 21. Lines 23 through 27 were stricken because the language was redundant. The final change to the policy was language added on lines 35 through 38. The committee recommended changing the language “*is authorized*” on line 35 to state “*shall*”. The committee suggested reviewing and changing the wording of lines 7 through 14 that mentions District employee, contractor, volunteer, student teacher, or student nurse. The committee determined that Policy 5030: Abused and Neglected Child Reporting would come back to the Policy Committee for further review and discussion.

B. Policy 5035: Staff Ethics and Political Activity

The committee reviewed Policy 5035: Staff Ethics and Political Activity. There were no changes and the committee determined that Policy 5035: Staff Ethics and Political Activity would go before the full Board for first reading/information.

C. Policy 5040: Personnel Records

The committee reviewed Policy 5040: Personnel Records. The *No Child Left Behind Act* is no longer in effect, therefore, the citation was stricken at the bottom of the policy. The language “*for those staff members*” was stricken on lines 26 and 27. The committee recommended striking the language on lines 29 through 31 and keeping the language “*and their designees*” on line 12. The committee determined that Policy 5040: Personnel Records would go before the full board for second reading/action.

D. 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. The committee discussed that there are a few staff members that would qualify for this plan, so it makes sense to keep the policy in case the District ever wants to utilize it. The committee determined that they would like to keep Policy 5050: Montana VEBA (Voluntary Employee Beneficiary Association) Health Benefit Plan and no further action was needed.

VII. PRESENTATION OF POLICIES FOR REVIEW

A. Policy 5051: Insurance Benefits for Employees

The committee reviewed and discussed Policy 5051: Insurance Benefits for Employees. A minor change was made to update language that describes the period of time an employee can elect to make changes in their coverage. Rather than calling it the “*open season*” it will now be called “*open enrollment*”. The committee determined that Policy 5051: Insurance Benefits for Employees would go to the full Board for first reading/information.

B. Policy 5070: Disciplinary Action

The committee reviewed and discussed Policy 5070: Disciplinary Action. The committee recommended that the language on lines 15 through 19 be made clearer. The committee determined that Policy 5070: Disciplinary Action would come back to the Policy Committee for further review and discussion.

C. Policy 5075: Termination of Employment

The committee reviewed and discussed Policy 5075: Termination of Employment. The committee had a robust discussion regarding “*Resignation*” on lines 18 through 20 and determined that lines 18 through 20 needed further review and discussion. The committee determined that Policy 5074: Termination of Employment would come back to the Policy Committee for further review and discussion.

VIII. SUPERINTENDENT OR BOARD COMMENTS

There were no additional comments.

IX. ADJOURNMENT

Committee Chair, Luke Muszkiewicz, adjourned the meeting at 12:48 p.m.

2
3 PERSONNEL

4
5 Criminal Background Investigation

6
7 Any requirement of ~~an applicant or employee~~ a candidate, volunteer applicant or
8 employee of a contractor to submit to a fingerprint background check will be in
9 compliance with the National Child Protection Act and applicable state and federal
10 regulations. If an individual applicant has any prior record of arrest or conviction by any
11 local, state, or federal law enforcement agency for an offense other than a minor traffic
12 violation, the facts must be reviewed by the Superintendent or ~~his/her~~ designee who shall
13 decide whether the individual ~~applicant~~ shall be declared eligible for ~~appointment or~~
14 employment or volunteering.

15
16 Arrests resolved without conviction shall not be considered ~~in the hiring process~~
17 unless the charges are pending and prohibit the individual from working as an
18 employee or volunteering.

19
20 Employees and volunteers have the responsibility to notify the District as soon as possible if
21 they are arrested, charged with a crime, or served a restraining order. The District will take
22 appropriate action, up to and including termination, if upon notification it is determined the
23 criminal activity impacts the individual’s continued employment or ability to volunteer.

24
25 The Superintendent or designee shall keep all criminal record information confidential as
26 required by law. All records must be retained in accordance with state and federal law.

27
28
29 *Paid Full & Part-time Employees / Certified and Classified Substitutes*

30
31 It is the policy of the Board that any finalist recommended for hire to a paid position
32 with the District shall authorize in writing their agreement to a comprehensive criminal
33 background check, which will include a fingerprint background check. The criminal
34 background check will be conducted by the appropriate state and/or federal agencies.
35 Any offer of employment ~~or appointment~~ shall be contingent upon the results of the
36 comprehensive criminal background check. The employee will not be allowed to begin
37 work until the District has received and approved the results of the criminal background
38 check. The cost for the criminal background check shall be borne by the District.

39
40 ~~The District will accept the report of a previous fingerprint based background check~~
41 ~~completed within the six (6) months before for the non-licensed substitute teacher~~
42 ~~applied if it is submitted by a Montana university or college where the applicant is~~
43 ~~currently or was formerly enrolled in an accredited Montana professional educator~~
44 ~~program or from a public or nonpublic state-accredited school that previously employed~~
45 ~~the applicant.~~

47 The Superintendent may determine that a critical staffing need exists and in such cases
48 the Superintendent ~~and/or his or her~~ designee may allow the employee to begin work
49 after the District has approved a name-based background check. Such employment will
50 be temporary, pending completion of the comprehensive criminal background check,
51 including a fingerprint background check.

52
53 Student Teachers

54
55 The District will accept the report of a previous fingerprint-based background check
56 completed no more than six months prior to the student teacher's start date. The
57 fingerprint-based background check must be submitted to the District by a Montana
58 university or college or a public or non-public Montana accredited school where the
59 student teacher is currently or was formerly enrolled in a Montana professional educator
60 program.

61
62 Student teachers from a teacher education program outside the state of Montana must
63 agree in writing to a finger-print based background check conducted by the appropriate
64 state and/or federal authority.

65
66 Volunteers

67
68 All volunteers who have unsupervised access to District students on District property or
69 at a District sanctioned event will be required to ~~provide two forms of identification, (a~~
70 ~~government issued photo ID and another reliable proof of identity). In addition, all~~
71 ~~volunteers will be required to submit to a comprehensive criminal background check,~~
72 ~~which will include a name-based fingerprint-based background check. Volunteers who~~
73 ~~have unsupervised access to students or who serve as chaperones for school sponsored~~
74 ~~trips are required to submit to a comprehensive criminal background check including a~~
75 ~~fingerprint background check and will not be able to serve until the District has received~~
76 ~~and approved the results of the criminal background check.~~

77
78 The District may, at its discretion, conduct a name based background check at the
79 discretion of the Superintendent or designee.~~waive criminal background checks for~~
80 ~~volunteers who assist with events similar in nature to bake sales and book sales and~~
81 ~~who do not have unsupervised access to students.~~

82
83 Other

84
85 The following ~~applicants for employment~~ shall be required as a condition of any
86 ~~offer of employment~~ to authorize, in writing, the District to conduct a
87 comprehensive criminal background investigation to include fingerprinting. The
88 authorization must be in writing. ~~determine if he or she has been convicted of~~
89 ~~certain criminal or drug offenses:~~

- 90 • Education support personnel seeking full- or part-time employment within the
- 91 District;
- 92 • Any employee of a person or firm holding a contract with the District.;

93
94 Any requirement of an applicant or employee of a contractor to submit to a fingerprint
95 background check will be in compliance with the National Child Protection Act and
96 applicable state and federal regulations. If an applicant has any prior record of arrest or
97 conviction by any local, state, or federal law enforcement agency for an offense other
98 than a minor traffic violation, the facts must be reviewed by the Superintendent or his/her
99 designee, who shall decide whether the applicant shall be declared eligible for
100 appointment or employment.

101
102 ~~Arrests resolved without conviction shall not be considered in the hiring process~~
103 ~~unless the charges are pending and prohibit the individual from working as an~~
104 ~~employee.~~

105
106 ~~The Superintendent shall keep all criminal record information confidential as required by~~
107 ~~law.~~

108
109

Cross Reference: 5085 Substitutes and Student Teachers

Legal Reference:

42 USC 5119a	
10.55.716, ARM	Substitute Teachers
10.57.201a, ARM	Criminal History Background Check
§ 44-5-301, MCA	Dissemination of public criminal justice
§ 44-5-302, MCA	information Dissemination of criminal history
	record information that is not public criminal
§ 44-5-303, MCA	justice information Dissemination of
	confidential criminal justice information –
	procedure for dissemination through court

Policy

History:
Adopted on: 5.14.2019
Revised on:

110
111

2
3 **PERSONNEL**

4
5 Intellectual Property Rights

6
7 The purpose of this policy is to establish provisions which define how intellectual property rights
8 are recognized when employees develop materials and other forms of intellectual property and
9 how equitable allocation of royalties, compensation, and other ownership rights are established.

10
11 It is the policy of the Board to encourage its employees to ethically create innovative and
12 progressive materials and/or other forms of intellectual property. Intellectual property is defined
13 as original and creative work manifested in a tangible form that can be legally protected, in a
14 manner that may include but is not limited to a patent, trademark, or copyright.

15
16 The Board also recognizes the need for all employees to understand the circumstances where the
17 District may have proprietary rights to intellectual property produced during paid time using
18 public resources. Depending upon the situation, royalties or compensation for such materials
19 and/or other forms of intellectual property may be paid to the District.

20
21 Prior to the development of new materials and/or other forms of intellectual property related to
22 an employee’s employment, the employee must meet with the Superintendent or designee to
23 obtain permission to create the material and/or other forms of intellectual property and to gain an
24 understanding of any ethical considerations. The meeting should occur regardless of whether the
25 materials and/or other forms of intellectual property will be developed outside or during the
26 workday or will use some or no District resources.

27
28 Employees who receive approval for the development of materials and/or other forms of
29 intellectual property that does involve full or partial use of District resources and/or partial use of
30 the workday will seek to have the respective rights of ownership between the employee and the
31 District addressed in a written agreement. If there is no such agreement, the rights of ownership
32 shall belong to the District.

33 *Items Created Within the Employee’s Scope of Responsibilities*

34 The Board retains the rights to all materials and/or other forms of intellectual property produced
35 by employees during their workday, as part of their employment, and/or using District resources.
36 In this situation, the District reserves the right to copyright or patent the intellectual property in
37 its name and to otherwise exercise proprietary rights, including royalty or compensation rights.
38 Employees will not be compensated for the materials and/or other forms of intellectual property
39 produced by employees during the paid workday, or as part of their employment, or with the use
40 of public resources.

41
42 *Items Created Outside the Employee’s Scope of Responsibilities*

43
44 The Board does not inhibit employees, outside of their workday and apart from their
45 employment with the District, from using their own resources, to research, author, or produce

46 materials and/or other forms of intellectual property. The Board also recognizes the right of
47 employees to own business interests in companies which produce such intellectual property
48

49 Employees who produce materials and/or other forms of intellectual property outside of their
50 workday, apart from and not related to their employment, using their own resources, have the
51 right to exercise total proprietary rights, including royalty rights and/or compensation, regarding
52 the intellectual property.
53

54 However, if an employee uses District resources, equipment or facilities outside the workday to
55 create intellectual property, the rights to such property belongs to the District unless an
56 agreement is reached prior to the initiation of the work.
57

58 *Items Created Using a Combination of Paid and Personal Time*

59

60 Work that an employee does in a combination of both paid and personal time that contributes to
61 the job for which the employee was hired, may be considered within the employee's scope of
62 responsibilities as defined by this policy. When an employee creates items used to perform their
63 job function and any portion of the work on the item occurred when the employee was being
64 paid by the District and/or the employee was using District equipment, resources or facilities the
65 items may belong to the District, the employee or a combination of the two.
66

67 Employees must receive prior approval for the development of materials and/or other forms of
68 intellectual property that involves full or partial use of District resources and/or partial use of the
69 workday. The written agreement will establish the respective rights of ownership between the
70 employee and the District. If there is no such agreement, the rights of ownership shall belong to
71 the District.
72

73 Should an employee develop intellectual property but not see to monetize or legally protect it,
74 the District may make use of the property without additional compensation, but shall not
75 distribute, copy, or monetize the property without the consent of the originating employee.
76

77 *District Purchase of Employee Developed Materials*

78

79 Materials and/or other forms of intellectual property authored or produced by employees may be
80 purchased by the District if they are approved for purchase according to standard evaluation and
81 selection procedures for those items in accordance with Board Policies, state statute and
82 administrative procedures.
83

84 An employee may not participate in the evaluation or procurement of materials and/or other
85 forms of intellectual property wholly or partially produced by the employee and/or immediate
86 family member.
87

88 An employee who receives royalties or compensation on the sale of materials and/or other forms
89 of intellectual property to the District, must donate royalties and/or net pro rata profits to an
90 approved charity if

- 91 1. The sale of the materials and/or other forms of intellectual property exceeds
92 \$25,000 annually, or
93 2. The employee receives a pro rata share of payment of account on sales of
94 materials and/or other forms of intellectual property in excess of \$25,000
95 annually.
96 3. The amount that is to be donated in the royalties and/or net pro rata profits
97 on any sales in excess of \$25,000.

98 Any employee who chooses not to comply with the foregoing requirements may request of the
99 Superintendent/designee that his or her materials and/or other forms of intellectual property not
100 be purchased by the District. Such requests will be honored.

101
102 An employee may not use District property, student work (without prior documented written
103 permission obtained from parents), or personnel, in preparing materials for private use or for use
104 unrelated to the school system.

105
106 The Superintendent is authorized to develop appropriate procedures to implement this policy.

107
108 Cross Reference: 5035 Staff Ethics and Political Activity

109
110 Legal References: §2-2-121, MCA Rules of Conduct for Public Officers and Public
111 Employees
112 §2-2-121, MCA School Officers Not to Act as Agents
113 Copyright Act of 1976

114
115 Policy History:
116 Adopted:
117 Revised:
118 Reviewed:

2
3 PERSONNEL

4
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:		

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 2.14.2023 Full Board – 1st Reading
1.3.2023 Policy Committee – 2nd Review
2.7.2023 Policy Committee – 3rd Review
3.7.2023 Policy Committee – 4th Review

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

11.1.2022, 12.9.2022 Policy Committee – 1st Review
1.3.2023 Policy Committee – 2nd Review
2.7.2023 Policy Committee – 3rd Review
3.7.2023 Policy Committee – 4th Review

2.14.2023 Full Board – 1st Reading

2
3 PERSONNEL

4
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~~,” “enrollment,”
14 as defined in the plan documents. An eligible employee wishing to initiate, discontinue or change health
15 insurance coverage must initiate the action by contacting the Human Resources office and completing
16 appropriate 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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12.9.2022 Policy Committee – 1st Review
1.3.2023 Policy Committee – 1st Review
2.7.2023 Policy Committee – 1st Review
3.7.2023 Policy Committee – 4th Review

2.14.2023 Full Board – 1st Reading

2
3 PERSONNEL

4
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~~ shall provide access to educational resources for
36 the purpose of training interested parties how identify the warning signs of abuse, neglect, and
37 sex 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

11.1.2022, 12.9.2022 Policy Committee – 1st Review
1.3.2023 Policy Committee – 2nd Review
2.7.2023 Policy Committee – 3rd Review
3.7.2023 Policy Committee – 4th Review

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:

59

60

11.1.2022, 12.9.2022 Policy Committee – 1st Review
1.3.2023 Policy Committee – 2nd Review
2.7.2023 Policy Committee – 3rd Review
3.7.2023 Policy Committee – 4th Review

2
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
	40			

41 Cross References:

42
43 Policy History:

44 Adopted on: 8.13.2013

45 Revised on:

- 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
- 3.7.2023 Policy Committee – 1st Review

- 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
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
3.7.2023 Policy Committee – 1st Review

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