



Superintendent
Rex Weltz
406.324-2000

Business Manager
Janelle Mickelson
406.324-2007

BOARD OF TRUSTEES
POLICY COMMITTEE MEETING
Lincoln Center - 1325 Poplar Street
May 2, 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 MARCH 7, 2023, BOARD POLICY MEETING MINUTES

V. REVIEW APRIL 4, 2023, BOARD POLICY MEETING MINUTES

VI. PRESENTATION OF POLICIES FOR GENERAL REVIEW:

- A. 5255 Disciplinary Action (6.11.2019)
- B. 5075 Termination of Employment (8.13.2013)

VII. PRESENTATION OF POLICIES FOR THIRD READING:

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

VIII. PRESENTATION OF POLICIES FOR SECOND READING:

- A. 2120 Wellness

IX. PRESENTATION OF POLICIES FOR FIRST READING:

- A. 7080 District, School, Student Group Fundraising

X. SUPERINTENDENT OR BOARD COMMENTS

XI. ADJOURNMENT

NEXT MEETING:
Tuesday, June 6, 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, March 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
Jennifer Walsh, Committee Member

Others:

Rex Weltz, Superintendent
Bea Kaleva, District Legal Counsel
Josh McKay, Assistant Superintendent
Barb Ridgway, Chief of Staff
Brian Cummings, Assistant Superintendent
Candice Delvaux, Executive Assistant
Jane Shawn, HEA President
Kaitlyn Hess, Assessment and Federal Programs
Keri Mizell, Human Resources Director
Janelle Mickelson, Business Manager
Gary Myers, Director of Educational Technology
Lona Carter, School Health Grant Facilitator

I. CALL TO ORDER

The meeting was called to order at 12:07 p.m. by the 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 02.07.2023 POLICY COMMITTEE MINUTES

The committee reviewed and approved the minutes from the 02.07.2023 Policy Committee meeting.

V. PRESENTATION OF POLICIES FOR FIRST READING

A. Policy 5122: Criminal Background Investigation

The committee reviewed and discussed Policy 5122: Criminal Background Investigation. This is a current policy that has been updated and revised. The first paragraph of the policy was moved from the end of the policy to the beginning and the revisions have been underlined. Lines 16 through 18 is in the existing policy and lines 20 through 23 is new language that has been added to the policy. The new language on lines 20 through 23 states, *“Employees and volunteers have the responsibility to notify the District as soon as possible if they are arrested, charged with a crime, or served a restraining order. The District will take appropriate action, up to and including termination, if upon notification it is determined the criminal activity impacts the individual’s continued employment or ability to volunteer.”* The language on line 25 is in the existing policy and new language was added on line 26 stating, *“All records must be retained in accordance with state and federal law.”* The language on lines 40 through 45 has been stricken because it references substitute teachers when we are really talking about student teachers. The language on lines 55 through 64 pertaining to Student Teachers has been revised to be made clearer stating that, *“The District will accept the report of a previous fingerprint-based background check completed no more than six months prior to the student teacher’s start date. The fingerprint-based background check must be submitted to the District by a Montana university or college or a public or non-public Montana accredited school where the student teacher is currently or was formerly enrolled in a Montana professional educator program. Student teachers from a teacher education program outside the state of Montana must agree in writing to a finger-print based background check conducted by the appropriate state and/or federal authority.”* The

language on lines 68 through 81 pertaining to volunteers was revised. The section pertaining to forms of identification was removed and we also wanted to establish that not all volunteers need to be background checked. For example, if a volunteer is helping with a book fair or a bake sale, they are not required to have a background check if they are supervised by a District employee the entire time. A volunteer would be required to have a background check if they are volunteering during a field trip and would not always be supervised by another District employee. The language on lines 78 through 81 was revised and now states, *“The District may, at its discretion, conduct a name-based background check at the discretion of the Superintendent or designee.”* The language on lines 94 through 107 was stricken because it was integrated into the policy. The Policy Committee determined that the language on lines 85 through 92 would be revised to be made clearer. The committee determined that Policy 5122: Criminal Background Investigation will come back to the Policy Committee for further review and discussion.

B. Policy 5610: Intellectual Property Rights

The committee reviewed and discussed Policy 5610: Intellectual Property Rights. The language on lines 7 through 9 states, *“The purpose of this policy is to establish provisions which define how intellectual property rights are recognized when employees develop materials and other forms of intellectual property and how equitable allocation of royalties, compensation, and other ownership rights are established.”* The committee reviewed the sections, *Items Created Within the Employee’s Scope of Responsibilities*, and *Items created Outside the Employee’s Scope of Responsibilities*, *Items Created Using a Combination of Paid and Personal Time*, and *District Purchase of Employee Developed Materials*. Mrs. Barb Ridgway, Chief of Staff, recommended that lines 91 through 97 be revised because a minimum threshold that would be a significant amount needs to be determined. The committee determined that language pertaining to materials and/or other forms of intellectual property produced during sabbatical be added to the policy. The Policy Committee determined that Policy 5610: Intellectual Property Rights will come back to the Policy Committee for further review and discussion.

VI. PRESENTATION OF POLICIES FOR FOURTH READING

A. Policy 5045: Family Medical Leave Act

The Policy Committee reviewed and discussed Policy 5045: Family Medical Leave Act. At the previous Policy Committee meeting the reference to *“Secretary”* was clarified and revised to state *“United States Secretary of Labor.”* This policy went before the full board for review on February 14th, 2023, and there were no changes. The Policy Committee determined that Policy 5045: Family Medical Leave Act would be sent to the full board for action.

B. Policy 5035: Staff Ethics and Political Activity

The committee reviewed and discussed Policy 5035: Staff Ethics and Political Activity. This policy went before the full board for review on February 14th, 2023, and there were no changes. The committee determined that Policy 5035: Staff Ethics and Political Activity would go before the full board for action.

C. Policy 5051: Insurance Benefits for Employees

The committee reviewed and discussed Policy 5051: Insurance Benefits for Employees. At the previous Policy Committee meeting 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”. This policy went before the full board for review on February 14th, 2023, and there were no changes. The committee determined that Policy 5051: Insurance Benefits for Employees would go before the full board for action.

D. Policy 5030: Abused and Neglected Child Reporting

The committee reviewed and discussed Policy 5030: Abused and Neglected Child Reporting. The committee recommended that the first paragraph be revised to clarify that a contractor is someone that interacts with children such as a food service employee or a bus service employee. On line 35 the word *is authorized* was replaced with the word *shall* and states that, “*The Superintendent or designee shall provide access to educational resources for the purpose of training interested parties how to identify the warning signs of abuse, neglect, and sex trafficking, how to recognize predatory behaviors, and how to make a report to the proper authorities.*” The committee recommended that the definition of child abuse or neglect reflected on lines 16 through 21 be revised and given a broader definition such as the definition that DPHHS uses. The committee discussed that although we cannot compel a volunteer to report child abuse or neglect because they are not a mandatory reporter, the committee recommended adding a clause to the volunteer handbook asking for volunteers to please say something to a district employee such as the teacher or administrator if they suspect child abuse or neglect. The committee determined that the recommended revisions would be made and that Policy 5030: Abused and Neglected Child Reporting would go before the full board for information.

VII. PRESENTATION OF POLICIES FOR GENERAL REVIEW

A. Policy 5070: Disciplinary Action

The committee reviewed and discussed Policy 5070: Disciplinary Action. The committee discussed that there is an updated version of the policy from 2019 that they would review and discuss at the next Policy Committee meeting.

B. Policy 5075: Termination of Employment

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

VIII. SUPERINTENDENT OR BOARD COMMENTS

There were no additional comments.

IX. ADJOURNMENT

Committee Chair, Luke Muszkiewicz, adjourned the meeting at 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, April 4th, 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
Siobhan Hathorn, Board Chair

Others:

Rex Weltz, Superintendent
Bea Kaleva, District Legal Counsel
Josh McKay, Assistant Superintendent
Barb Ridgway, Chief of Staff
Brian Cummings, Assistant Superintendent
Candice Delvaux, Executive Assistant
Jane Shawn, HEA President
Keri Mizell, Human Resources Director
Janelle Mickelson, Business Manager
Joslyn Davidson, Curriculum Administrator
Trish Klock, Bryant Principal
Robert Worthy, Sodexo Manager
Tia Wilkins, Warren Principal
Lona Carter, School Health Grant Facilitator
Karen Ogden, Communications Officer

I. CALL TO ORDER

The meeting was called to order at 12:06 p.m. by the 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 03.07.2023 POLICY COMMITTEE MINUTES

The committee will review and approve the minutes from the 03.07.2023 Policy Committee meeting at the 05.02.23 Policy Committee Meeting, because they were not submitted in the Policy Committee Agenda packet.

V. PRESENTATION OF POLICIES FOR FIRST READING

A. Policy 2120: Wellness

The committee reviewed and discussed Policy 2120: Wellness. This is an existing policy that has been reviewed extensively by the Wellness Committee. The Wellness Committee is comprised of two subcommittees: the Nutrition Subcommittee and the Physical Activity Subcommittee.

The members of the Nutrition Subcommittee include Assistant Superintendent Brian Cummings, Tia Wilkins-Warren Elementary School Principal, Joan Leik- ProStart/Family & Consumer Sciences, Helena High School, Lois Fitzpatrick-Trustee, Robert Worthy-Sodexo Manager, Lisa Lee-Director of Montana No Kid Hungry with DPHHS, Kim Dale- Programs Operations Director with Helena Food Share, Jacqueline Young-Human Resource Specialist with Helena Public Schools, Kim Lloyd-Harvest of the Month Coordinator with St. Peter's Health, and Chloe Lundquist-SNAP-ED Instructor with Montana State University.

The members of the Physical Activity Subcommittee include Assistant Superintendent Brian Cummings, Trish Klock-Bryant Elementary School Principal, Reg Hageman-P.E. Teacher at Capital High and President of the Executive Board of SHAPE Montana, Sarah Sandau- Prevention Programs Supervisor with Lewis and Clark Public Health, and Mike Alberts P.E. Teacher at Jim Darcy Elementary.

The Policy Committee reviewed the language added on lines 18 through 21 which states, *“Child nutrition professionals will provide students with access to a variety of affordable, nutritious, and appealing foods which meet the health and nutrition needs of students; will accommodate the religious, ethnic, and cultural diversity of the student body in meal planning; and will provide clean, safe, and pleasant settings.”* Robert Worthy, Sodexo Manager, stated that this language was added because this is something we do every day, but it was just not stated in our policy. The Wellness Committee reviewed several policies from other school districts and compared them to our Wellness Policy to create the language on lines 18 through 21. Bea Kaleva, District Legal Counsel for Helena Public Schools, stated that the language *“will accommodate the religious, ethnic, and cultural diversity of the student body in meal planning”* on lines 19 and 20 states very specific requirements that we would be required to meet, and suggested changing the language to state, *“we will consider the religious, ethnic, and cultural diversity of the student body in meal planning”*. Ms. Ridgway, Chief of Staff, suggested the language, *“we will consider the diversity of the student body”*.

The Policy Committee moved on to review the language on line 23 that states, *“Adequate time for students to eat will be provided.”* The Wellness Committee spent a lot of time discussing master schedules, and how important it is that students get a nutritious meal during the day and discussed that they wanted to be really intentional with giving students enough time to finish their meal. It can be challenging when the schedules are so tight, and students need to go out to recess, or the cafeteria must be transferred back to become the gym for P.E. class. Ms. Kaleva suggested not using the word *will* and to change the language to state, *“it is the intention of the district to give all students adequate time to eat”*.

Trustee Jennifer Walsh voiced her concern for the middle school and high school students and mentioned that often times they arrive late to the lunchroom due to various reasons such as the time they are released from class, or the location of their classroom from the lunchroom, and that often the last students in line do not have the same food options available as the first students in line, because that food is gone by the time they get to the food line, and they do not have as many choices.

The Policy Committee moved on to discuss that the word *individually* was removed from line 25. Mr. Worthy explained that the USDA has regulations called the Smart Snack Regulations. It's very calculable and time driven and states what you can and can't sell during the school day all the way down to the size of a water, the size of a milk, the size of an entree, the calorie count, and the sugar count; and it must meet the Smart Snack Regulations. The language in the policy states, *“The District strongly encourages that all foods and beverages individually sold before, during, and 30 minutes after the school day, outside the school reimbursable meal programs, (including those sold through vending machines, student stores, a la carte programs, fundraising, or through programs for students after the school day) will follow the USDA Smart Snack regulations. Schools are discouraged from using foods and beverages, especially those that do not meet the nutrition standards and are sold individually, as rewards for academic performance or good behavior. In addition, foods and beverages will not be withheld as a form of punishment.”* The Policy Committee discussed

that bake sales and student stores can pose a challenge, and that this will limit fundraising opportunities. Ms. Kaleva shared with the Policy Committee that she will review the regulations and see what is mandatory and what is suggested, and if the regulations are the same for elementary as they are for middle school and high school.

The Policy Committee moved on to review lines 33 through 38 which addresses classroom celebrations. The language states, *“Schools are encouraged to limit the number of celebrations during the school day that involve food. Helena Public Schools encourage the promotion of a positive learning environment by providing healthy celebrations that shift the focus from food to the child. Providing nutritious food options demonstrates a school commitment to promoting healthy behavior and supports classroom lessons. Each celebration should include healthy food and beverage choices, including water. Physical activity during celebrations is encouraged.”*

The committee determined that Policy 2120: Wellness will come back to the Policy Committee for further review and discussion.

VI. PRESENTATION OF POLICIES FOR SECOND READING

A. Policy 5122: Criminal Background Investigation

The committee reviewed and discussed Policy 5122: Criminal Background Investigation. This is a current policy that has been updated and revised. The entire section titled *“Other”* beginning with line 88 has been deleted due to redundancy. Lines 16 through 19 is the result of the revision and the language states, *“All applicants, employees of firms that hold a contract with the District, and volunteers who will have unsupervised access to students will be required to submit to a comprehensive criminal background investigation to include fingerprinting. The authorization must be in writing.”* The committee determined that Policy 5122: Criminal Background Investigation will go before the full Board of Trustees for information.

B. Policy 5610: Intellectual Property Rights

The committee reviewed and discussed Policy 5610: Intellectual Property Rights. Ms. Ridgway reviewed the language added on line 10 which states, *“for intellectual property valued in excess of twenty-five hundred dollars (\$2500.00).”* Ms. Ridgway reviewed the revised language starting on line 92 which states, *“An employee who receives royalties or compensation on the sale of materials and/or other forms of intellectual property to the District, must divide royalties and/or net pro rata profits to an approved charity as defined if:*

1. *The sale of the materials and/or other forms of intellectual property exceeds twenty-five hundred dollars (\$2,500.00) annually, or*
2. *The employee receives a pro rata share of payment of account on sales of materials and/or other forms of intellectual property that exceeds twenty-five hundred dollars (\$2,500.00) annually.*
3. *The amount that is to be donated in the royalties and/or net pro rata profits on any sales exceeds twenty-five hundred dollars (\$2,500.00).*

If the royalties and/or net pro rata profits exceed twenty-five hundred dollars (\$2,500.00) annually the following distribution shall apply:

- *50% to employee*
- *40% to District*
- *10% to Helena Education Foundation”*

The Policy Committee reviewed language that was added to line 23 that states “*or an employee’s sabbatical*”. The Policy Committee determined that Policy 5610: Intellectual Property Rights would go before the full Board of Trustees for information.

VII. PRESENTATION OF POLICIES FOR FIFTH READING

A. Policy 5030: Abused and Neglected Child Reporting

The committee reviewed and discussed Policy 5030: Abused and Neglected Child Reporting. The committee reviewed language added on lines 7 and 8 that clarifies who a contractor is and states, “*third party contractors providing service to students, volunteer, student teacher or student nurse*”. The word *volunteer* on line 7 was removed because we cannot compel a volunteer to report. The committee reviewed the revised language on lines 32 and 33 which states, “*All District employees are responsible for reporting regardless of whether or not another employee has made a report.*” Ms. Ridgway stated that per her conversation with DPHHS, they stated that it is important that every employee calls and reports, even if another employee has already done so, because sometimes DPHHS gets different information from different reporters. The committee determined that the recommended revisions would be made and that Policy 5030: Abused and Neglected Child Reporting would go before the full Board of Trustees for action.

VIII. PRESENTATION OF POLICIES FOR GENERAL REVIEW

A. Policy 5070: Disciplinary Action

The committee reviewed and discussed Policy 5070: Disciplinary Action. Ms. Ridgway pointed out the historical note at the bottom of the policy which states, “*Policies 3.20 Personal Conduct and 3.16 Employee Disciplinary Action adopted on 1.14.2003 were combined to become Policy 5070 in 2013. Policy 5070 was revised and became Policy 5255 on 6.11.2019*”. Ms. Ridgway stated that Policy 5255 is the correct and accurate name of this

policy since 2019, and it should state, “*Policy 5255: Disciplinary Action*”. The Policy Committee determined that Policy 5255: Disciplinary Action would come back to the Policy Committee for further review and discussion.

B. Policy 5075: Termination of Employment

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

IX. SUPERINTENDENT OR BOARD COMMENTS

Trustee Janet Armstrong thanked everyone for the thoughtfulness that has gone into examining all these policies. Regarding Policy 5030: Abused and Neglected Child Reporting, Trustee Armstrong stated that she would much rather seven teachers call in instead of having a teacher assume other teachers called in and we miss it.

X. ADJOURNMENT

Committee Chair, Luke Muszkiewicz, adjourned the meeting at 1:01 p.m.

2 **PERSONNEL**

3 Disciplinary Action

4 District employees who fail to fulfill their job responsibilities or to follow reasonable directions
5 of their supervisors, or who conduct themselves on or off the job in ways that affect school
6 operations, may be subject to discipline. Behavior, conduct, or action that may call for
7 disciplinary action or dismissal includes but is not limited to reasonable job-related grounds
8 based on a failure to satisfactorily perform job duties, disruption of the District’s operation, or
9 other legitimate reasons.

10 Discipline will be reasonably appropriate to the circumstance and will include but not be limited
11 to a supervisor’s right to reprimand an employee and the Superintendent, building principal or
12 supervisor’s right to suspend an employee, without pay, or to impose other appropriate
13 disciplinary sanctions. Disciplinary sanctions, including all forms or reprimands, will be
14 documented and placed in the employees personnel file accordance with Policy 5040. In
15 accordance with Montana law, only the Board may terminate an employee or non-renew
16 employment.

17 The Superintendent or designee is authorized to immediately suspend a staff member, with or
18 without pay, and recommend retention or termination of employment.

19

20 Cross Reference: Policy 5225 Termination from Employment / Non-Renewal of
21 Employment

22 Policy 5040 Personnel Records

23

24 Legal Reference: §20-3-324, MCA Powers and duties
25 §20-4-204, MCA Termination of tenure teacher services
26 §20-4-207, MCA Dismissal of teacher under contract
27 §39-2-903, MCA Definitions
28 §45-8-361, MCA Possession or allowing possession of a weapon in
29 school building – exceptions – penalties – seizure
30 and forfeiture or return authorized – definitions

31 Policy History:

32 Adopted on: 6.11.2019

33 Revised on:

34 Historical Note: Policies 3.20 Personal Conduct and 3.16 Employee Disciplinary Action
35 adopted on 1.14.2003 were combined to become Policy 5070 in 2013.
36 Policy 5070 was revised and became Policy 5255 on 6.11.2019.

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.

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
3.7.2023 Policy Committee – 1st Review
4.4.2023 Policy Committee – 1st Review
5.2.2023 Policy Committee – 1st Review

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

1.3.2023 Policy Committee – 1st Review
2.7.2023 Policy Committee – 1st Review
3.7.2023 Policy Committee – 1st Review
4.4.2023 Policy Committee – 1st Review
5.2.2023 Policy Committee – 1st Review

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 All applicants, employees of firms that hold a contract with the District, and volunteers
17 who will have unsupervised access to students will be required to submit to a
18 comprehensive criminal background investigation to include fingerprinting. The
19 authorization must be in writing.

20
21 Arrests resolved without conviction shall not be considered in the hiring process
22 unless the charges are pending and prohibit the individual from working as an
23 employee or volunteering.

24
25 Employees and volunteers have the responsibility to notify the District as soon as possible if
26 they are arrested, charged with a crime, or served a restraining order. The District will take
27 appropriate action, up to and including termination, if upon notification it is determined the
28 criminal activity impacts the individual’s continued employment or ability to volunteer.

29
30 The Superintendent or designee shall keep all criminal record information confidential as
31 required by law. All records must be retained in accordance with state and federal law.

32
33
34 *Paid Full & Part-time Employees / Certified and Classified Substitutes*

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

44
45 ~~The District will accept the report of a previous fingerprint-based background check~~
46 ~~completed within the six (6) months before for the non-licensed substitute teacher~~

47 ~~applied if it is submitted by a Montana university or college where the applicant is~~
48 ~~currently or was formerly enrolled in an accredited Montana professional educator~~
49 ~~program or from a public or nonpublic state-accredited school that previously employed~~
50 ~~the applicant.~~

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

57 *Student Teachers*

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

66
67 Student teachers from a teacher education program outside the state of Montana must
68 agree in writing to a finger-print based background check conducted by the appropriate
69 state and/or federal authority.

70 *Volunteers*

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

82
83 The District may, at its discretion, conduct a name based background check at the
84 discretion of the Superintendent or designee. ~~waive criminal background checks for~~
85 ~~volunteers who assist with events similar in nature to bake sales and book sales and~~
86 ~~who do not have unsupervised access to students.~~

87 *Other*

88
89
90 ~~The following applicants for employment shall be required as a condition of any~~
91 ~~offer of employment to authorize, in writing, the District to conduct a~~
92 ~~comprehensive criminal background investigation to include fingerprinting. The~~

93 ~~authorization must be in writing. determine if he or she has been convicted of~~
 94 ~~certain criminal or drug offenses:-~~
 95 ~~• Education support personnel seeking full or part-time employment within the~~
 96 ~~District;-~~
 97 ~~• Any employee of a person or firm holding a contract with the District.;~~
 98
 99 ~~Any requirement of an applicant or employee of a contractor to submit to a fingerprint~~
 100 ~~background check will be in compliance with the National Child Protection Act and~~
 101 ~~applicable state and federal regulations. If an applicant has any prior record of arrest or~~
 102 ~~conviction by any local, state, or federal law enforcement agency for an offense other~~
 103 ~~than a minor traffic violation, the facts must be reviewed by the Superintendent or his/her~~
 104 ~~designee, who shall decide whether the applicant shall be declared eligible for~~
 105 ~~appointment or employment.~~
 106
 107 ~~Arrests resolved without conviction shall not be considered in the hiring process~~
 108 ~~unless the charges are pending and prohibit the individual from working as an~~
 109 ~~employee.~~
 110
 111 ~~The Superintendent shall keep all criminal record information confidential as required by~~
 112 ~~law.~~
 113
 114

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:

115
 116

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 for intellectual property valued in excess of twenty-five hundred dollars (\$2500.00).

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

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

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

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

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

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

46 *Items Created Outside the Employee's Scope of Responsibilities*

47
48 The Board does not inhibit employees, outside of their workday and apart from their
49 employment with the District, from using their own resources, to research, author, or produce
50 materials and/or other forms of intellectual property. The Board also recognizes the right of
51 employees to own business interests in companies which produce such intellectual property

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

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

61
62 *Items Created Using a Combination of Paid and Personal Time*

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

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

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

80
81 *District Purchase of Employee Developed Materials*

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

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

92 An employee who receives royalties or compensation on the sale of materials and/or other forms
93 of intellectual property to the District, must ~~donate~~ divide royalties and/or net pro rata profits ~~to~~
94 ~~an approved charity~~ as defined if:

- 95 1. The sale of the materials and/or other forms of intellectual property exceeds
96 twenty-five hundred dollars (\$2,500.00) annually, or
- 97 2. The employee receives a pro rata share of payment of account on sales of
98 materials and/or other forms of intellectual property that exceeds twenty-five
99 hundred dollars (\$2,500.00) annually.
- 100 3. The amount that is to be donated in the royalties and/or net pro rata profits
101 on any sales exceeds twenty-five hundred dollars (\$2,500.00).

102 If the royalties and/or net pro rata profits exceed twenty-five hundred dollars (\$2,500.00)
103 annually the following distribution shall apply:

- 104 • 50% to employee
- 105 • 40% to District
- 106 • 10% to Helena Education Foundation

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

110
111 An employee may not use District property, student work (without prior documented written
112 permission obtained from parents), or personnel, in preparing materials for private use or for use
113 unrelated to the school system.

114
115 The Superintendent is authorized to develop appropriate procedures to implement this policy.

116
117 Cross Reference: 5035 Staff Ethics and Political Activity

118
119 Legal References: §2-2-121, MCA Rules of Conduct for Public Officers and Public
120 Employees

121 §2-2-121, MCA School Officers Not to Act as Agents
122 Copyright Act of 1976

123
124 Policy History:
125 Adopted:
126 Revised:
127 Reviewed:

2
3 **STUDENT INSTRUCTION**

4
5 Wellness

6
7 Recognizing that good health and wellness are positively correlated to success in school, the
8 Helena Public Schools Board of Trustees is committed to providing learning environments that
9 promote children’s health, well-being and ability to learn. This commitment includes nutrition,
10 education, physical activity and other school-based activities that are designed to promote
11 student wellness.

12
13 *Nutritional Standards for Foods Available to Students.*

14
15 The District will serve meals that, at a minimum, meet the nutritional requirements established
16 by the United States Department of Agriculture.

17
18 Child nutrition professionals will provide students with access to a variety of affordable,
19 nutritious, and appealing foods which meet the health and nutrition needs of students; will
20 consider the ~~accommodate the religious, ethnic, and cultural~~ diversity of the student body in meal
21 planning; and will provide clean, safe, and pleasant settings.

22
23 Adequate time for students to eat will be provided. The intention of the District is to provide
24 adequate time for students to eat.

25
26 The District strongly encourages that all foods and beverages ~~individually~~ sold before, during
27 and 30 minutes after the school day, outside the school reimbursable meal programs, (including
28 those sold through vending machines, student stores, a la carte programs, fundraising, or through
29 programs for students after the school day) will follow the USDA Smart Snack regulations.
30 Schools are discouraged from using foods and beverages, especially those that do not meet the
31 nutrition standards and are sold individually, as rewards for academic performance or good
32 behavior. In addition, foods and beverages will not be withheld as a form of punishment.

33
34 Schools are encouraged to limit the number of celebrations during the school day that involve
35 food. Helena Public Schools encourage the promotion of a positive learning environment by
36 providing healthy celebrations that shift the focus from food to the child. Providing nutritious
37 food options demonstrates a school commitment to promoting healthy behavior and supports
38 classroom lessons. Each celebration should include healthy foods and beverage choices,
39 including water. Physical activity during celebrations is encouraged.

40
41 Foods and beverages offered and sold at school events should include choices that meet the
42 nutrition standards for meals and beverages sold individually.

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Development, Review, and Implementation of the Policy

The Superintendent or designee will establish a committee comprised of staff members, parents, educators, and the public. The committee shall be responsible for the development of procedures that support wellness for both students and staff and are necessary to implement this policy.

Members may include but are not limited to parents, students, school food service staff, health and physical education educators, school and community health professionals, trustees, administrators and members of the general public.

The District will assess the implementation of this policy and inform and update the public every three years, at a minimum, regarding compliance with the policy, how it compares to model wellness policies, and progress in attaining the goals of the wellness policy.

Legal References: P.L. 108-265 Child Nutrition and WIC Reauthorization Act of 2004
P.L. 111-296 The Healthy, Hunger-Free Kids Act of 2010
10.55.701, ARM Board of Trustees

Cross References:

Policy History:

Adopted on: 2.28.2012
Revised on: 5.9.2017

For further incorporated: Determine Smart Snack rules and cite.
Consider allergies, preferences for snacks.

3
4 FINANCIAL SERVICES

5
6 District, School, Student Group Fundraising

7
8 **Purpose**

9
10 The purpose of this policy is to establish the parameters for fundraisers or requests for
11 resources sponsored by the district, a school, employees, or student activity groups. This
12 policy does not apply to third party organizations that may choose to fundraise for the
13 district, specific schools, programs or activities.

14
15 Because students are required to attend school, and because the primary purpose of
16 school is the education of those students, it is essential that school and district fundraising
17 activities be limited so as not to interfere with that primary purpose. It is essential that
18 fundraising activities of schools, student groups, and employees conform to this purpose,
19 and to all federal and state laws governing the holding and use of funds raised.

20
21 At no time shall any student be required to participate in any school sponsored or school
22 related fundraising activity.

23
24 Teachers, student activity advisors, club sponsors, coaches, and others involved in
25 fundraising are responsible for following the appropriate financial requirements for funds
26 raised through classroom, group, online, or team activities. The sponsoring employee is
27 responsible for obtaining permission, instructing students regarding fundraising activity
28 conduct, and reporting the results of the activity to the principal. The principal or
29 ~~coordinator~~ supervisor is responsible for reporting all fundraising activities to the
30 Assistant Superintendent on an annual basis.

31
32 Only district related/approved groups are permitted to operate under this policy and non-
33 District groups may not use the District's name, network or infrastructure to conduct
34 fundraising.

35
36 As public employees, staff members are subject to Montana public employees' ethics
37 laws. Staff members may not solicit or accept material, cash, or equipment intended for
38 personal use from individuals or through a crowd source effort that could be considered a
39 gift of substantial value or that otherwise violates the ethics statutes.

40
41 **School Fundraising**

42
43 Requests for school fundraising projects must be pre-approved by the school principal or
44 ~~coordinator~~ supervisor. This includes online fundraising.

46 The sale or advertising of merchandise in the school buildings, online, or upon the school
47 grounds or as a school project for money-raising purposes may be limited by the principal
48 or ~~coordinator~~ supervisor as to the number and time of year.

49
50 Students in the schools shall not be used to advertise or distribute any particular brand
51 name or to promote the sale or use of products of any company so advertised.

52
53 Fundraising projects that do not involve the entire school shall be proposed to the
54 principal by the teacher or teachers whose classes, student activity, or group will
55 participate. The principal may approve or deny the proposal based on the following
56 factors:

- 57
- 58 • The scope of the fundraising project; method to be used, including length of
 - 59 time, items sold, or method of solicitation.
 - 60 • The number of fundraising activities entered into by classes, groups or others
 - 61 that affect the school and its students during the school year.
 - 62 • The appropriate nature of the fundraising activity given the age and
 - 63 understanding of the students involved.
 - 64 • The extent of student involvement.
 - 65 • The impact of the requested resource on facilities, technology, and
 - 66 curriculum/instruction.

67
68 A file is to be maintained at the school or department for any fundraising request. This
69 file should include: the principal's/administrator's fundraising approval form, the written
70 detail of the projects as well as what is posted on any online platform / website, any
71 photos or images posted with the project and a copy of all agreements and permission
72 forms.

73
74 Fundraising activities should primarily be done outside of school hours.

75
76 Door-to-door fundraising activities and any fundraising activities during the school day
77 shall be of a limited nature.

78 79 **Crowdfunding**

80
81 If a crowdfunding proposal is approved:

- 82
- 83 • The individual who initiated the crowdfunding effort shall immediately notify
 - 84 the Superintendent or designee when the request has been posted and how
 - 85 long it will remain active online.
 - 86 • For any funds raised on a crowdfunding site a check should be requested to be
 - 87 mailed to the school in the name of the school, not to an individual person.
 - 88 • All gifts, grants, bequests, and contributions must be officially accepted in
 - 89 accordance Policy 7005 (Revenue and Investments).
 - 90 • All non-monetary items (supplies, equipment, etc.) obtained are the property
 - 91 of the Helena School District and all inventory procedures apply, and, if
 - 92 applicable, will remain in the school where the proposal originator was

93 located at time of the grant award unless a move to another site is approved by
94 the principal or supervisor.

- 95 • All monetary donations should be recorded by the business manager/clerk in
96 the Schools Funds accounting system at each school.

97 98 **Student Activity Fundraising**

99
100 Fundraising activities must be approved by the staff advisor of the student activity group
101 and forwarded to the principal or ~~coordinator~~ supervisor for pre-approval.

102
103 The principal or ~~coordinator~~ supervisor shall approve or reject the application of any
104 student group, whether co-curricular or extra-curricular, including athletics, for any
105 fundraising activity taking place on school grounds or in the school or district's name.
106 No fundraising activities may commence prior to approval.

107
108 Students participating in fundraising activities are expected to appropriately represent
109 their activity, their school, the district, and their community. All district policies
110 regarding student conduct and discipline apply to fundraising activities.

111 112 **Fundraising from District Staff**

113
114 The Superintendent may authorize solicitation of funds or pledges from district
115 employees on an annual basis by organizations authorized to do so by the Superintendent
116 or Superintendent's designee.

- 117 • Funds collected or pledged via payroll deductions shall be sent to the
118 authorized fiscal agent or central headquarters of the respective approved
119 organizations.
- 120 • Employees shall exercise freedom of choice in choosing to donate or
121 pledge, and may choose between various approved organizations.

122
123 In addition to the annual charitable giving program referenced above, the
124 Superintendent may authorize additional charitable giving campaigns that solicit
125 donations from staff in response to natural disasters or other charitable purposes.

126 127 **Exceptions**

128
129 *School Stores.* Schools may operate school stores which offer for sale to students or
130 employees simple school supplies and items emblematic of the school under the
131 permission and supervision of the principal or ~~coordinator~~ supervisor. Such stores shall
132 not be considered to be a school-wide fundraising project.

133
134 *Charitable Giving Campaigns.* Principals may authorize charitable giving campaigns
135 that solicit contributions from students in response to natural disasters or other charitable
136 purposes. It is preferred that such charitable giving campaigns concentrate on non-
137 monetary contributions, such as food, used or new toys and clothing. Contributions being
138 requested should be limited to small monetary values. Prior parent notification is

139 required for any charitable solicitation from students. Participation must be completely
140 voluntary and not tied to any extrinsic reward system.

141

142 *Concessions and Vending.* Concession and vending sales connected to a student activity
143 or student performance may be conducted with the permission and under the supervision
144 of the Principal or program supervisor. The District may procure vending or concession
145 products through quotes, bids, requests for proposals or other methods allowed by law.

146

147 *Student Product Sales.* Schools may conduct the sale of articles that are wholly or in part
148 the product of students in a recognized activity of the school for general, activity or
149 charitable giving fundraising purposes. Such sales shall be approved in advance by the
150 principal or ~~coordinator~~ supervisor, and conducted under her or his supervision.

151

152

153	Legal References:	§20-6-601, MCA.	Power to accept gifts
154		§20-6-604, MCA.	Sale of property when resolution passed after hearing – appeal procedure
155			
156		§2-2-102(3), MCA	Definitions
157		§2-2-104, MCA	Rules of conduct for public officers, legislators and public employees
158			

159 Cross References: 7005 Revenue and Investments

160 Policy History:

161 Adopted on: 5.13.2014

162 Revised on: 1.10.2017

163

164

165