



**Superintendent**  
Rex Weltz  
406.324-2000

**Business Manager**  
Janelle Mickelson  
406.324-2007

**BOARD OF TRUSTEES  
POLICY COMMITTEE MEETING**  
Lincoln Center - 1325 Poplar Street  
September 5, 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 JUNE 6, 2023 BOARD POLICY MEETING MINUTES**

**V. PRESENTATION OF POLICIES FOR THIRD READING**

5075 Termination of Employment

**VI. PRESENTATION OF POLICIES FOR FIRST READING:**

**1025 Board Member Term of Office**

*Revised to incorporate requirement under House Bill 811 for a district clerk to cooperate with OPI in providing trustee contact information.*

**1020 School Board Elections**

*Revised legal references to reflect House Bill 453, which requires that any levy or bond election form state that “an increase in property taxes may lead to an increase in rental costs” and must provide the impact on the taxes for homes valued at \$100,000, \$300,000, and \$600,000 at a minimum.*

**1065 Board Meetings**

*Revised to incorporate language from House Bill 724 requiring electronic posting of board and committee agendas on newspaper websites if free of charge or on a district website or social media page.*

**1085 Uniform Grievance Procedure**

*Revised to reflect requirements of House Bill 504. This bill requires school districts to have a uniform grievance procedure providing for both informal and formal resolution of complaints as well as providing a printed version of the grievance policy upon request. The law also requires*

*that a formal grievance process have a timeline that starts 30 days from the completion of the informal process. Clarification language was also added to state that the grievance process does not apply to those complaints covered by state or federal law that supersedes the uniform process. These would include issues related to special education under IDEA as well as disability discrimination and sexual harassment.*

**2015 Curriculum Development Content and Assessment**

*Revised to reflect changes in the law related to remote and offsite instruction from House Bill 214. Changes are also made to reflect changes made to the accreditation rules in Chapter 10.55 of the Montana Administrative Rules. Legal references were also updated.*

**2020 Student and Family Privacy Rights**

*Revised to reflect the language adopted in House Bill 676 regarding parental rights as well as participation in surveys. Total revision of existing policy.*

**2025 K-12 School Counseling**

*Revised to reflect House Bill 458 which permits (but does not require) high schools to hire career coaches. Note that the language of the bill allows the use of a career coach to assist with K-12 career and vocational/ technical training but most of the language is applicable to only high schools.*

**3097 Video Surveillance**

*Language was added to this policy to clarify that staff members cannot video a student in a classroom without permission of the parents, which is required by House Bill 676. That bill does not require parental permission for recording a student for purposes of security or surveillance.*

**VII. SUPERINTENDENT OR BOARD COMMENTS**

**VIII. ADJOURNMENT**

**NEXT MEETING:**

**October 3, 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, June 6<sup>th</sup>, 2023-12:00 p.m.

Lincoln Center

1325 Poplar St., Helena, MT 59601

And via

TEAMS

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## MINUTES

### *Attendees*

#### *Committee:*

Janet Armstrong, Committee Chair  
Linda Cleatus, Committee Member  
Jeff Hindoién, Committee Member

#### *Others:*

Rex Weltz, Superintendent  
Brian Cummings, Assistant Superintendent  
Karen Ogden, Communications Officer  
Barb Ridgway, Chief of Staff  
Josh McKay, Assistant Superintendent  
Candice Delvaux, Executive Assistant  
Jane Shawn, HEA President  
Keri Mizell, Human Resources Director  
Janelle Mickelson, Business Manager  
Joslyn Davidson, Curriculum Director  
Gary Myers, Director of Educational Technology  
Kaitlyn Hess, Assessment and Federal Programs  
Lona Carter, School Health Grant Facilitator

**I. CALL TO ORDER**

The meeting was called to order at 12:01 p.m. by the Committee Chair, Janet Armstrong.

**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 05.02.2023 POLICY COMMITTEE MINUTES**

The committee reviewed and approved the 05.02.2023 Policy Committee minutes.

**V. PRESENTATION OF POLICIES FOR THIRD READING**

A. Policy 2120: Wellness

The committee reviewed Policy 2120: Wellness. This policy has gone before the full board for review and no changes were recommended. The Policy Committee determined that Policy 2120: Wellness would go to the full board for action.

**VI. PRESENTATION OF POLICIES FOR SECOND READING**

A. Policy 7080: District, School, Student Group Fundraising

The committee reviewed and discussed Policy 7080: District, School, Student Group Fundraising. This policy has gone before the full board for a first reading and there were no changes. The Policy Committee determined that Policy 7080: District, School, Student Group Fundraising would go before the full board for action.

B. Policy 5075: Termination of Employment

The committee reviewed and discussed Policy 5075: Termination of Employment. Ms. Barb Ridgway, Chief of Staff, pointed out that we have a separate policy, Policy 5256: Reduction in Force, that was adopted in October of 2019 that has similar language that is found in Policy 5075. It would be redundant to keep both policies because Policy 5075: Termination of Employment has language regarding Reduction in Force on lines 22 through 31. The committee determined that some of the language in Policy 5256: Reduction in Force could

be combined with the Reduction in Force language stated in Policy 5075: Termination of Employment, and Policy 5256: Reduction in Force could be eliminated. The committee determined that Policy 5075: Termination of Employment will go before the full board for information.

C. Policy 5256: Reduction in Force

The Policy Committee has combined language from Policy 5256: Reduction in Force into Policy 5075: Termination of Employment and has determined that the recommendation to terminate Policy 5256: Reduction in Force would go before the full board for information.

## VII. PRESENTATION OF POLICIES FOR FIRST READING

A. Policy 3010: School Admissions

The Policy Committee reviewed and discussed Policy 3010: School Admissions. The Legislature passed HB 352 “Early Literacy Targeted Intervention”. The “Early Literacy Targeted Intervention” legislation does not become effective until July 1, 2024. However, the legislation does allow districts to continue to enroll four-year-old students into early Kindergarten as defined in *MCA 20-5-101 Admittance of Child to School* for one more year – 2023-2024 only.

The District plans to establish a class at Bryant for students who won’t be five years old on or before September 10 but would qualify under the existing MCA 20-5-101 criteria. The recommendation is to expedite approval of this policy so the process of identifying children for the Early Kindergarten class can begin now.

The committee reviewed lines 21 through 63 which states:

*Enrolling Students Under the age of 5 Before September 10 for Exceptional Circumstances*

*It is the policy of the District to provide enhanced educational opportunities to students under the age of 5 when individual exceptional circumstances exist.*

*The administration shall ensure admission, enrollment, and assignment of all qualifying children referenced in this policy. The administration shall place children enrolled pursuant to this policy in either a half-time or full-time program as part of the elementary school program. The administration shall review the criteria set forth in this policy and make the determination whether an individual student or class of students meets the criteria for exceptional circumstances.*

*The administration shall present the information to the Board for approval. In presenting the information to the Board, the administration shall remove all identifying information in order to protect the privacy rights of the student under state and federal law. The Board shall make the final decision on the enrollment of students under the District’s exceptional circumstances policy.*

*The administration shall include children enrolled pursuant to this policy in the District's calculation of average number belonging (ANB) as reported to OPI to the extent allowed by law.*

*The Board of Trustees declares the following to be qualifying "exceptional circumstances" within the meaning of that term as used in 20-5-101(3) and "special permission" within the meaning of that term as used in 20-7-117 MCA, that merit waiving the age provisions of 20-7-117 MCA for qualifying children under 5 years of age.*

*1 A child at least 3 years of age with a disability qualifying the child for services under the federal Individuals with Disabilities Education Act.*

*2 A child who is 4 years of age or older on or before September 10 of the school year in which enrollment is to occur who:*

*a. Meets the income eligibility guidelines for free or reduced priced meals under the National School Lunch Program;*

*b. Is Limited English Proficient within the meaning of Title III of the federal Elementary and Secondary Education Act;*

*c. Is Gifted and Talented within the meaning of that term as used in 20-7-901 MCA;*

*d. Is an enrolled member of a federally recognized American Indian Tribe;*

*e. Is homeless as defined in 42 U.S. Code § 11302, or as determined by the administration, exhibits other characteristics or lives in circumstances that are uncommon, unusual, atypical, rare or otherwise distinguished from ordinary or typical which place the child at risk of failing to achieve at adequate levels,*

*f. Is an at-risk student as defined in Section 20-1-101(4). MCA;*

*g. Child's status as a member of a military family with prior enrollment.*

*The administration is authorized to enroll students in a manner consistent with this policy and to develop procedures to implement this policy.*

The Policy Committee stated it would be beneficial to add language that clarifies a student doesn't have to meet all the criteria listed above in section 2 to qualify under "exceptional circumstances", rather, they would need to meet some of the criteria listed above in section 2 to qualify for "exceptional circumstances". The Policy Committee determined that Policy 3010: School Admissions would go before the full board for action.

## **VIII. SUPERINTENDENT OR BOARD COMMENTS**

There were no superintendent or board comments.

## **IX. ADJOURNMENT**

Committee Chair, Janet Armstrong, adjourned the meeting at 12:36 p.m.

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 The Board will consider in no particular order all or some of the following criteria in determining  
34 order of dismissal when it reduces staff; or discontinues some type of educational service:

- 35  
36
  - performance evaluations,
  - 37 • staff needs,
  - 38 • seniority,
  - 39 • experience inside and outside the district,
  - 40 • professional development,

5.16.2013 Board Policy – 1<sup>st</sup> Reading  
6.4.2013 Board Policy – 2<sup>nd</sup> Reading  
6.11.2013 Full Board – 1<sup>st</sup> Reading  
8.13.2013 Full Board – 2<sup>nd</sup> Reading – Final

1.3.2023 Policy Committee – 1<sup>st</sup> Review  
2.7.2023 Policy Committee – 1<sup>st</sup> Review  
3.7.2023 Policy Committee – 1<sup>st</sup> Review  
4.4.2023 Policy Committee – 1<sup>st</sup> Review  
5.2.2023 Policy Committee – 1<sup>st</sup> Review  
6.6.2023 Policy Committee – 2<sup>nd</sup> Review  
6.13.2023 Full Board – 1<sup>st</sup> Review  
9.5.2023 Policy Committee – 3<sup>rd</sup> Review

- 41 • curricular or industry knowledge,
- 42 • endorsements and/or certifications, and / or
- 43 • other reasons it deems relevant.

44  
 45 For any employees covered by a collective bargaining agreement the Board will follow the  
 46 procedure stated in the current CBA when considering a reduction in force

47  
 48 *Payment of Wages Upon Termination*

49  
 50 When a District employee quits, is laid off, or is terminated, wages owed will be paid on the next  
 51 regular pay day for the pay period in which the employee left employment or within fifteen (15)  
 52 days, whichever occurs first. In the case of an employee terminated for allegations of theft  
 53 connected to the employee’s work, the District may withhold the value of the theft, provided the  
 54 employee agrees in writing to the withholding or charges have been filed with law enforcement  
 55 within (7) business days of separation. If no charges are filed against the employee within thirty  
 56 (30) days of the filing of the report with law enforcement, wages are due upon the expiration of  
 57 the thirty (30) day period.

58  
 59 Legal References: § 20-4-204, MCA Termination of tenure teacher services  
 60 § 20-4-206, MCA Notification of non-tenure teacher re-election –  
 61 acceptance – termination  
 62 §20-4-207, MCA Dismissal of a teacher under contract  
 63 §10.55.701, ARM Board of Trustees  
 64 §10.57.611, ARM Substantial Material Non-Performance  
 65 *Booth v. Argenbright*, 225 M 272, 731 P.2d 1318, 44 St. Rep. 227 (1987)

66  
 67  
 68 Cross References: Helena Public Schools Employee Handbook  
 69 Helena Public Schools Administrators’ Handbook

70  
 71 Policy History:  
 72 Adopted on: 8.13.2013  
 73 Revised on:

5.16.2013 Board Policy – 1<sup>st</sup> Reading  
 6.4.2013 Board Policy – 2<sup>nd</sup> Reading  
 6.11.2013 Full Board – 1<sup>st</sup> Reading  
 8.13.2013 Full Board – 2<sup>nd</sup> Reading – Final

1.3.2023 Policy Committee – 1<sup>st</sup> Review  
 2.7.2023 Policy Committee – 1<sup>st</sup> Review  
 3.7.2023 Policy Committee – 1<sup>st</sup> Review  
 4.4.2023 Policy Committee – 1<sup>st</sup> Review  
 5.2.2023 Policy Committee – 1<sup>st</sup> Review  
 6.6.2023 Policy Committee – 2<sup>nd</sup> Review  
 6.13.2023 Full Board – 1<sup>st</sup> Review  
 9.5.2023 Policy Committee – 3<sup>rd</sup> Review



2 SCHOOL DISTRICT ORGANIZATION

3 Board Member Term of Office

4  
5 A newly elected trustee shall take office as soon as the election results have been certified and  
6 the newly-elected trustee has taken and subscribed to an oath that the trustee will faithfully and  
7 impartially discharge the duties of the office to the best of the trustee’s ability. The oath shall be  
8 administered by the county superintendent, the superintendent’s designee, or any person who is  
9 authorized by law to take testimony or has the power to administer oaths. Such oath must be filed with  
10 the county superintendent within fifteen (15) days after the receipt of the certificate of election.

11  
12 Except as otherwise provided by law, trustees shall hold office for terms of three (3) years, or  
13 until their successors are elected and qualified. Terms of trustees are staggered as provided by  
14 law.

15  
16 The District Clerk shall collaborate with the Office of Public Instruction to provide a link to the  
17 District website and contact information for trustees and the District Clerk within fourteen (14) days of  
18 trustee qualification and oathtaking.

|    |                  |                        |  |
|----|------------------|------------------------|--|
| 19 | Legal Reference: | <u>§ 1-6-101, MCA</u>  | <u>Officers who may administer oaths</u>         |
| 20 |                  | <u>§ 2-16-116, MCA</u> | <u>Power to administer oaths</u>                 |
|    |                  | § 20-1-202, MCA        | Oath of Office                                   |
|    |                  | § 20-3-307, MCA        | Qualification and oath                           |
|    |                  | § 20-3-301, MCA        | Election and term of office                      |
|    |                  | <u>House Bill 811</u>  | <u>Online Repository for Trustee Information</u> |

Cross References:

Policy History:

Adopted on: 2.8.2011  
Revised on: 3.9.2016

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22  
23

2 SCHOOL DISTRICT ORGANIZATION

3 School Board Elections

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

7 Board elections shall be held on the first Tuesday after the first Monday in May of each year. In  
8 years when the legislature meets in regular session or in a special session that affects school  
9 funding, the trustees may order the election on a date other than the regular school election day  
10 in order for the electors to consider a proposition requesting additional funding under § 20-9-  
11 353, MCA.

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

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

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

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

33  
34 The District will comply with Montana law in providing access to voting places and  
35 accessibility for individuals with disabilities.

36 Legal References:

- 37
- 38 § 13-1-101 Definitions
- 39 § 13-10-211, MCA Declaration of Intent for write-in candidates
- 40 § 15-10-425, MCA Mill levy election (*Revised by House Bill 543*)
- 41 § 20-3-304, MCA Annual election

|    |                             |   |
|----|-----------------------------|---|
| 42 | § 20-3-305, MCA             | Candidate qualification and nomination  |
| 43 | § 20-3-313, MCA             | Election by acclamation – notice  |
| 44 | <u>§ 20-3-322, MCA</u>      | <u>Meetings and quorum</u>  |
| 45 | <u>§ 20-3-324(4), MCA</u>   | <u>Powers and duties</u>  |
| 46 | <u>§ 20-3-344, MCA</u>      | <u>Nomination of candidates by petition in first-class elementary district</u>    |
| 47 | § 20-9-353, MCA             | Additional financing for general fund-election for authorization to impose        |
| 48 | <u>§ 20-9-426, MCA</u>      | <u>Preparation and form of ballots for bond election (<i>Revised by House</i></u> |
| 49 |                             | <u><i>Bill 543</i>)</u>   |
| 50 | § 20-20-105, MCA            | Regular school election and special school elections                              |
| 51 | <u>§ 20-20-204, MCA</u>     | <u>Election Notice</u>  |
| 52 | § 20-20-301, MCA            | Qualifications of elector   |
| 53 | <del>§ 20-20-401, MCA</del> | <del>Trustees' election duties – ballot certification</del>                       |
| 54 | <del>Senate Bill 15</del>   | <del>Revises election laws related to accessibility for disabled electors</del>   |
| 55 | § 13-1-101, MCA             | Definitions ( <i>Revised by Senate Bill 15</i> )                                  |
| 56 |                             |   |

Cross References:

Policy History:

Adopted on: 2.8.2011  
Revised on: 7.12.2016, 3.8.2022

2  
3 SCHOOL DISTRICT ORGANIZATION

4  
5 Board Meetings  
6

7 For all meetings of the Board and its committees, the Superintendent or designee shall satisfy all  
8 notice and posting requirements contained herein, as well as the Open Meetings Act. This shall  
9 include providing meeting notification to news media that have officially requested it. The  
10 agenda for the meeting shall be posted through a link on the website of the newspaper of general  
11 circulation in the District, if offered free of charge, or through a link on the District’s website or  
12 posted to the District’s social media site(s). A copy of the agenda will also be posted at the  
13 entrance of the Lincoln Center.  
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15

16 Except for an unforeseen emergency or as described below, all meetings must be held in a  
17 District building or, by unanimous consent of the Board, in a publicly accessible building located  
18 within the District. The Trustees may meet outside the boundaries of the District for  
19 collaboration or cooperation on educational issues with other school boards, educational  
20 agencies, or cooperatives. ~~Adequate notice of the meeting as well as an agenda will be provided~~  
21 ~~to the public in advance, and no decisions may be made at these meetings.~~ Decision making must  
22 still occur only at properly noticed meetings held within the District’s boundaries.  
23

24 *Regular Meetings*  
25

26 Unless otherwise specified by the Board, all regular meetings are held on the second Tuesday of  
27 the month at 5:30 p.m. ~~in a location to be published on the agenda~~ at the Lincoln Center, 1325  
28 Poplar Street. If the time or place of a Board meeting is changed, notice shall be given in the  
29 same manner as provided for special meetings. The Board may choose to not convene a meeting  
30 in the month of July if there is no pressing business to attend to at that time.  
31

32 *Special Meetings*  
33

34 Special meetings may be called by the Board Chair or by any 2 members of the trustees. A  
35 written notice of a special meeting, stating the purpose of the meeting, must be provided to each  
36 trustee not less than 48 hours prior to the time of the meeting. The 48 hour written notice is  
37 waived in the event of an unforeseen emergency or to consider a violation of the student code of  
38 conduct within a week of graduation. Written notice shall also be sent not less than 24 hours  
39 prior to the meeting to each newspaper and radio or television station that has filed a written  
40 request for such notices.  
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*Committee Meetings*

Committee meetings may be called by the Committee Chair, and are subject to the requirements of the Open Meetings Act, including notice and posting requirements.

*Budget Meetings*

As required by state law, the Board shall meet to consider all budget information and any attachments required by law. The Board may continue the meeting from day to day but shall adopt the final budget for the District and determine the amounts to be raised by tax levies for the District not later than the fourth Monday in August and before the fixing of the tax levies for each district.

As required by state law, the Clerk shall publish one notice, in the *Independent Record*, stating the date, time, and place that the Board will meet for the purpose of considering and adopting the final budget.

*Organizational Meeting*

After the issuance of the election certificates to the newly elected trustees in May, and as required by state law, the Board shall convene and elect from among its members a Chair and a Vice-Chair to serve 1 year terms. The Chair shall serve until the next organizational meeting and shall preside at all the meetings of the Board. In addition, the Board shall employ and appoint a competent person as the Clerk of the District at this meeting.

*Emergency Meetings*

In the event of a storm, fire, explosion, community disaster, insurrection, act of God, or other unforeseen destruction or impairment of school district property that affects the health and safety of the trustees, students, or district employees or the educational functions of the district, the Board may meet immediately and take official action without prior notification.

*Closed Session of Any Meeting*

The Board or any committee may hold closed sessions to consider matters of individual privacy or to discuss a strategy to be followed with respect to litigation when an open meeting would have a detrimental effect on the litigating position of the District. Prior to closing the meeting to consider matters or individual privacy, the presiding officer must determine that the demands of individual privacy exceed the merits of public disclosure. The litigation strategy exception is not available if the litigation involves only public bodies or associations as parties.

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|-----|-------------------|------------------------|--|
| 93  | Legal References: | <u>§ 2-3-103, MCA</u>  | <u>Public participation – governor to ensure</u>     |
| 94  |                   |                        | <u>guidelines adopted (revised by House Bill</u>     |
| 95  |                   |                        | <u>724)</u>  |
| 96  |                   | <u>§ 2-3-104, MCA</u>  | <u>Requirements for compliance with notice</u>       |
| 97  |                   |                        | <u>provisions</u>                                    |
| 98  |                   | <u>§ 2-3-105, MCA</u>  | <u>Supplemental notice by radio or television</u>    |
| 99  |                   | <u>§ 2-3-201, MCA</u>  | <u>Legislative intent – liberal construction</u>     |
| 100 |                   | <u>§ 2-3-203, MCA</u>  | <u>Meetings of public agencies and certain</u>       |
| 101 |                   |                        | <u>associations of public agencies to be open to</u> |
| 102 |                   |                        | <u>public– exceptions</u>                            |
| 103 |                   | <u>§ 20-3-321, MCA</u> | <u>Organization and officers</u>                     |
| 104 |                   | <u>§ 20-3-322, MCA</u> | <u>Meeting and quorum (revised by House Bill</u>     |
| 105 |                   |                        | <u>724)</u>  |
| 106 |                   | <u>§ 20-9-115, MCA</u> | <u>Notice of final budget meeting</u>                |
| 107 |                   | <u>§ 20-9-131, MCA</u> | <u>Final budget meeting</u>                          |
| 108 |                   | <u>10.55.701, ARM</u>  | <u>Board of Trustees</u>                             |

109

110

111 Cross Reference:

112

113 Policy History:

114 Adopted on: 2.8. 2011

115 Revised on: 4.12.2016

1 **Helena Public Schools**

2 School District Organization

1085

3  
4 Uniform Complaint Procedure

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

11  
12 The District will endeavor to respond to and resolve complaints without resorting to this  
13 formal complaint procedure and, when a complaint is filed, to address the complaint as  
14 outlined in this policy. The right of a person to prompt and equitable resolution of a  
15 complaint filed hereunder will not be impaired by a person’s pursuit of other remedies. Use  
16 of this complaint procedure is not a prerequisite to pursue other remedies and use of this  
17 complaint procedure does not extend any filing deadline related to pursuit of other remedies.

18  
19 The District requires that all individuals use this complaint procedure when the individual  
20 believes the Board or its employees or agents have violated the individual’s rights under  
21 state or federal law or Board policy. Complaints against a building administrator shall be  
22 filed with the appropriate Assistant Superintendent. Complaints against a District level  
23 administrator shall be filed with the Superintendent. Complaints against the Superintendent  
24 or Clerk shall be filed with the Board.

25  
26 When a complaint alleges sexual harassment or a violation of Title IX of the Education  
27 Amendments of 1972 (the Civil Rights Act), Title II of the Americans with Disabilities Act  
28 of 1990, or Section 504 of the Rehabilitation Act of 1973, the building administrator shall  
29 turn the complaint over to the applicable District nondiscrimination coordinator. The  
30 coordinator shall ensure an investigation is completed in accordance with the applicable  
31 procedure. In the case of a sexual harassment or a Title IX complaint the applicable  
32 investigation and appeal procedure is Policy 3000 or 5005. In the case of a disability  
33 complaint, the coordinator shall complete an investigation and file a report and  
34 recommendation with the building administrator for decision. Appeal of a decision in a  
35 disability complaint will be handled in accordance with this policy.

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

39  
40 *Retaliation*

41  
42 Any individual participating in an investigation or proceeding under this policy shall notify  
43 the appropriate building or district administrator if that person believes that he or she is  
44 being retaliated against for participating in the investigation or proceeding. The District  
45 prohibits retaliation against individuals making complaints and/or participating in any

46 investigation that may ensue under this policy. The District may discipline students or staff  
47 members determined to have retaliated against any individual for participating in an  
48 investigation or proceeding under this policy.

49  
50 *Level 1: Informal*

51  
52 An individual with a complaint ~~is first encouraged to~~ should discuss it with the appropriate  
53 employee or building administrator with the objective of resolving the matter promptly and  
54 informally. If the complaint can't be resolved within ~~(fifteen)~~(thirty) ~~15~~ 30 school days of  
55 ~~the incident that generated the complaint~~ the completion of the informal process, then the  
56 complainant may file a written complaint as outlined in Level 2. An exception is that a  
57 complaint of sexual harassment should be discussed directly with an administrator not  
58 involved in the alleged harassment.

59  
60 *Level 2: Building Administrator*

61  
62 When a complaint has not been or cannot be resolved at Level 1, an individual may file a  
63 signed and dated written complaint stating: (1) the nature of the complaint; (2) a description  
64 of the event or incident giving rise to the complaint, including any school personnel  
65 involved; and (3) the remedy or resolution requested. The written complaint must be filed  
66 within ~~(fifteen)~~(thirty) ~~15~~ 30 school days of the event or incident or completion of the  
67 informal resolution process.

68  
69 When a complaint alleges a violation of Board policy or procedure, the building  
70 administrator or supervisor will investigate and attempt to resolve the complaint. The  
71 administrator or supervisor will respond in writing to the complaint, within fifteen (15)  
72 school days of receipt of the written complaint.

73  
74 If the complainant disagrees with the findings of the administrator or supervisor the  
75 complainant may request, in writing, that the appropriate Assistant Superintendent review  
76 the administrator's or supervisor's decision. (See Level 3.) This request must be submitted  
77 to the appropriate Assistant Superintendent within fifteen (15) school days of receipt of the  
78 administrator's or supervisor's decision.

79  
80 *Level 3: Assistant Superintendent*

81  
82 If the complainant appeals the administrator's or supervisor's decision provided for in Level  
83 2, the Assistant Superintendent will review the complaint, any relevant documents and the  
84 administrator's or supervisor's decision. The Assistant Superintendent will respond in  
85 writing to the appeal, within fifteen (15) school days of the Assistant Superintendent's  
86 receipt of the written appeal.

87  
88 If the complainant disagrees with the findings of the Assistant Superintendent the  
89 complainant may request, in writing, that the Superintendent consider an appeal of the  
90 Assistant Superintendent's decision. (See Level 4.) This request must be submitted in  
91 writing to the Superintendent, within fifteen (15) school days of the Assistant  
92 Superintendent's written response to the complaint.



94 *Level 4: Superintendent*

95  
96 If the complainant appeals the Assistant Superintendent’s decision provided for in Level 3,  
97 the Superintendent will review the complaint and the Assistant Superintendent’s decision.  
98 The Superintendent will respond in writing to the appeal, within fifteen (15) school days of  
99 the Superintendent’s receipt of the written appeal.

100  
101 If the complainant disagrees with the findings of the Superintendent, the complainant may  
102 request, in writing, that the Board consider an appeal of the Superintendent’s decision. (See  
103 Level 5) This request must be submitted in writing to the Superintendent, within fifteen (15)  
104 school days of the Superintendent’s written response to the complaint, for transmission to  
105 the Board.

106  
107 *Level 5: The Board*

108  
109 Upon written appeal of a complaint alleging a violation of the individual’s rights under state  
110 or federal law or Board policy upon which the Board of Trustees has the authority to  
111 remedy, the Board may consider the decisions made in Level 2, 3 and 4. Upon receipt of  
112 written request for appeal, the Chair will either; place the appeal on the agenda of a regular  
113 or special Board meeting or respond to the complaint with an explanation of why the appeal  
114 will not be heard by the Board of Trustees in accordance with this policy. The Board will  
115 report its decision on the appeal, in writing, within thirty (30) school days of the Board  
116 meeting at which the Board considered the appeal or the recommendation of the panel.

117  
118 A decision of the Board is final, unless it is appealed pursuant to Montana law within the  
119 period provided by law.

120  
121 An individual may obtain a written copy of this policy by requesting one through the  
122 Superintendent. This procedure is available on the District’s website.

- 123  
124 Cross Reference: 3000 - Equal Educational Opportunities  
125 5000 - Equal Employment Opportunity and Non-Discrimination  
126 5005 – Sexual Harassemnt  
127  
128 Legal Reference: Title IX of the Education Amendments of 1972 (Civil Rights Act)  
129 Title II of the Americans with Disabilities Act of 1990  
130 § 504 of the Rehabilitation Act of 1973  
131 34 C.F.R. Part 106 Nondiscrimination on the Basis of Sex in Education  
132 **§ 20-3-323, MCA District policy and record of acts (revised**  
133 **by House Bill 504)**

134  
135  
136 Policy History:

137 Adopted on: 2.08.2011  
138 Revised on: 9.13.2016, 3.8.2022  
139 Reviewed on:

2 **STUDENT INSTRUCTION**

3 **Curriculum Development, Content and Assessment**

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4 The Superintendent shall recommend a comprehensive curriculum that is designed to accomplish  
5 the learning objectives and goals for excellence contained in the District’s educational  
6 philosophy, mission statement, objectives and goals. The Board must approve all changes to the  
7 curriculum. New course proposals, changes in existing course names, and suspension or  
8 elimination of courses will be approved by the Superintendent.

9  
10 Written sequential curricula that aligns with the appropriate content standards, grade-level band  
11 progressions, and the District’s educational goals shall be developed for each program area. A  
12 curriculum review cycle and time lines for curriculum development and evaluations shall be  
13 established by the Superintendent.

14  
15 The District shall assess student progress toward achieving content standards and content-  
16 specific grade-level band learning progressions including: content and data; accomplishment of  
17 appropriate skills; development of critical thinking and reasoning; and attitude.

18  
19 The District will use assessment results to improve the educational program, and use effective  
20 and appropriate tools for assessing such progress. This may include, but is not limited to:  
21 standardized tests; criterion-referenced tests; teacher-made tests; ongoing classroom evaluation;  
22 actual communication assessments such as writing, speaking, and listening assessments; samples  
23 of student work and/or narrative reports passed from grade to grade; samples of students’  
24 creative and/or performance work; and surveys of carry-over skills to other program areas and  
25 outside of school.

26  
27 The District may receive and/or provide distance, ~~online and technology delivered~~ remote, or  
28 offsite learning programs, as provided in Montana law. ~~Distance, online and technology-~~  
29 ~~delivered~~ These learning programs and/or courses shall meet the learner expectations adopted in  
30 the District and shall be aligned with state content standards and content-specific grade-level  
31 band learning progressions. The Superintendent is directed to develop procedures regarding the  
32 District’s distance, ~~online and technology-~~ remote or offsite delivered learning.

33  
34 The District will provide gifted and talented coursework. The District will provide structured  
35 support and assistance to teachers in identifying and meeting the diverse student needs of gifted  
36 and talented students and a framework for considering a full range of alternatives for addressing  
37 students needs.

38  
39 The building principal shall be responsible for the supervision and implementation of the  
40 adopted curriculum. The teaching staff has a significant responsibility in the development of  
41 curricula and the primary responsibility for the implementation of curricula.

|    |                   |   |
|----|-------------------|---|
| 42 |                   |   |
| 43 |                   |   |
| 44 | Legal References: | <b><u>§ 20-1-101, MCA</u></b> <b><u>Definitions (revised by House Bill 214)</u></b> |
| 45 |                   | § 20-3-324, MCA      Powers and duties  |
| 46 |                   | § 20-4-402, MCA      Duties of district superintendent or county high               |
| 47 |                   | school principal  |

|    |                               |   |
|----|-------------------------------|---|
| 48 | <b><u>§ 20-7-118, MCA</u></b> | <b><u>Remote Instruction (revised by House Bill 214)</u></b>  |
| 49 | § 20-7-602, MCA               | Textbook selection and adoption                               |
| 50 | 10.55.603, ARM                | Curriculum and Assessment                                     |
| 51 | § 20-7-902, MCA               | School district programs to identify and serve the            |
| 52 |                               | gifted and talented child ( <del>Revised by Senate Bill</del> |
| 53 |                               | <del>109</del> )  |
| 54 | <del>Senate Bill 109</del>    | <del>Revise laws related to gifted and talented</del>         |
| 55 |                               | <del>education.</del>   |
| 56 | <del>10.55.603</del>          | <del>ARM Curriculum development and assessment</del>          |
| 57 | <del>10.55.701</del>          | <del>ARM Board of Trustees</del>                              |
| 58 | § 20-7-902                    | MCA School district programs to identify and serve            |
| 59 |                               | the gifted and talented child (Revised by Senate Bill         |
| 60 |                               | 109)  |
| 61 | Cross References:             |   |
| 62 |                               |   |
| 63 | Policy History:               |   |
| 64 | Adopted on:                   | 2/28/2012   |
| 65 | Revised on:                   | 2/13/2018, 10.11.2022   |

4  
5  
6 Student and Family Privacy Rights

7  
8 **All fundamental parental rights are exclusively reserved to the parent of a child without**  
9 **obstruction or interference by a governmental entity in accordance with the common law,**  
10 **state and federal law, and Board policies.**

11  
12 *Surveys - General*

13  
14 All surveys requesting personal information from students, as well as any other instrument used  
15 to collect personal information from students, must advance or relate to the District’s educational  
16 objectives as identified in Board policy. This applies to all surveys, regardless of whether the  
17 student answering the questions can be identified and regardless of who created the survey.

18  
19 *Surveys Created by a Third Party*

20  
21 Before the District administers or distributes a survey created by a third party to a student, the  
22 student’s parents may inspect the survey upon request and within a reasonable time of their  
23 request. This section applies to every survey that is created by a person or entity other than a  
24 District official, staff member, or student, regardless of whether the student answering the  
25 questions can be identified, and regardless of the subject matter of the questions.

26  
27 *Surveys Requesting Personal Information*

28  
29 School officials and staff members shall not request, nor disclose, the identity of any student who  
30 completes ANY survey containing one (1) or more of the following items:

- 31
- 32 1. Political affiliations or beliefs of the student or the student’s parent/guardian;
  - 33 2. Mental or psychological problems of the student or the student’s family;
  - 34 3. Behavior or attitudes about sex;
  - 35 4. Illegal, antisocial, self-incriminating, or demeaning behavior;
  - 36 5. Critical appraisals of other individuals with whom students have close family
  - 37 relationships;
  - 38 6. Legally recognized privileged or analogous relationships, such as those with lawyers,
  - 39 physicians, and ministers;
  - 40 7. Religious practices, affiliations, or beliefs of the student or the student’s parent/guardian;
  - 41 8. Income (other than that required by law to determine eligibility for participation in a
  - 42 program or for receiving financial assistance under such program).
- 43

44 The student’s parents may inspect the survey within a reasonable time of the request, and/or  
45 refuse to allow their child to participate in any survey requesting personal information. The  
46 school shall not penalize any student whose parent(s)/guardian(s) exercise this option.

47  
48 **No student shall be required to submit to any survey requesting personal information**  
49 **without consent of the parent. Parents will be given notice and an opportunity to opt their**  
50 **child out of participation of any survey requesting personal information that is not**  
51 **required by the District.**

52  
53 *Instructional Material*

54  
55 A student’s parent may, within a reasonable time of the request, inspect any instructional  
56 material used as part of their child’s educational curriculum. The term “instructional material,”  
57 for purposes of this policy, means instructional content that is provided to a student, regardless of  
58 its format, printed or representational materials, audio-visual materials, and materials in  
59 electronic or digital formats (such as materials accessible through the Internet). The term does  
60 not include academic tests or academic assessments.

61  
62 *Collection of Personal Information from Students for Marketing Prohibited*

63  
64 The term “personal information,” for purposes of this section only, means individually  
65 identifiable information including: (1) a student’s or parent’s first and last name, (2) a home or  
66 other physical address (including street name and the name of the city or town), (3) telephone  
67 number, or (4) a Social Security identification number.

68  
69 The District will not collect, disclose, or use student personal information for the purpose of  
70 marketing or selling that information or otherwise providing that information to others for that  
71 purpose.

72  
73 The District, however, is not prohibited from collecting, disclosing, or using personal  
74 information collected from students for the exclusive purpose of developing, evaluating, or  
75 providing educational products or services for, or to, students or educational institutions such as  
76 the following:

- 77  
78 1. College or other post-secondary education recruitment or military recruitment;  
79 2. Book clubs, magazines, and programs providing access to low-cost literary products;  
80 3. Curriculum and instructional materials used by elementary schools and secondary  
81 schools;  
82 4. Tests and assessments to provide cognitive, evaluative, diagnostic, clinical, aptitude, or  
83 achievement information about students (or to generate other statistically useful data for  
84 the purpose of securing such tests and assessments) and the subsequent analysis and  
85 public release of the aggregate data from such tests and assessments;  
86 5. The sale by students of products or services to raise funds for school-related or education-  
87 related activities;  
88 6. Student recognition programs.



3  
4 STUDENT INSTRUCTION

5  
6 K-12 School Counseling Program

7  
8 The District will provide a K-12 School Counseling program that will strive to assist every  
9 student.

10  
11 All staff members are responsible for effectively guiding students under their supervision in  
12 order to provide early identification of intellectual, emotional, social and physical needs, and to  
13 make appropriate referrals for evaluation of special needs. The counselors offer services to  
14 supplement the District’s efforts to meet the academic development, personal / social  
15 development and career development needs of students outside of the classroom setting.

16  
17 High school students will have the opportunity to receive college and career-oriented  
18 information. Representatives from colleges and universities, occupational training institutions  
19 and career-oriented recruiters, including the military, may be given access to the school campus  
20 in order to provide students and parents with information. All recruiters, including but not  
21 limited to college, university, employment and military recruiters, must follow the procedures  
22 established by the District.

23  
24 All staff will encourage students to explore and develop their individual interests in career and  
25 vocational technical programs and employment opportunities without regard to gender, race,  
26 marital status, national origin, or handicapping conditions, including encouraging students to  
27 consider and explore “nontraditional” occupations.

28  
29 **The District may utilize a career coach for educational and career counseling. A career**  
30 **coach may offer opportunities for internships or apprenticeships within the community**  
31 **and assist students with high school course offerings, career options, occupational training,**  
32 **and postsecondary opportunities associated with the student’s field of interest.**

33  
34 Legal References: § 26-1-809, MCA Confidential communications by student to  
35 employee of educational institution  
36 § 49-3-203, MCA Educational, counseling and training programs  
37 **House Bill 458** **Career Coaches**  
38

39 Cross References:  
40  
41  
42

43 Policy History:

44 Adopted on: 12.19.2014

45 Revised on:  
46

