



# **Helena Public Schools**

## **Board of**

## **Trustees**

# **Policy Manual**

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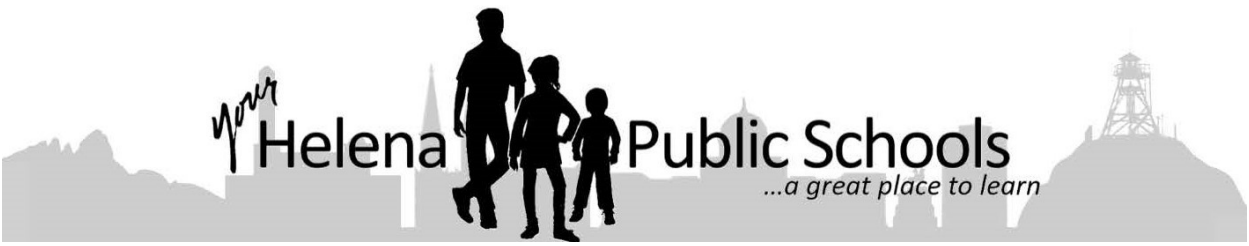
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**Series 1000:**

**School  
District  
Organization**

## Legal Status and Organization

The District is governed by a Board of Trustees consisting of eight (8) members: seven (7) members who are residents of and elected by qualified electors of the Elementary District and one (1) member who is a resident of and elected by qualified electors of an outlying elementary district within the High School District. Both the Elementary and the High School Districts are classified as class one districts and are operated according to the laws and regulations pertaining to a class one district.

**Legal References:**

- § 20-3-323 MCA District policy and record of acts
- § 20-3-324 MCA Powers and duties
- § 20-3-341 MCA Number of trustee positions in elementary school districts
- §20-3-351 MCA Number of trustee positions in high school district

### Policy History:

Adopted on: 2.8.2011  
Revised on: 2.12.2019  
Reviewed on: 3.2.2021



## SCHOOL DISTRICT ORGANIZATION

Governance

The trustees of the District shall participate on an equal basis with other members in all transactions pertaining to the High Schools maintained by the District. Only the trustees elected from the Elementary District may participate in decisions pertaining to the elementary school district. Official action of the Board may only occur at a duly called and legally conducted meeting. A “meeting” is defined as the convening of a quorum of the constituent membership of the Board, whether in person or by means of electronic equipment, to hear, discuss, or act upon a matter over which the Board has supervision, control, jurisdiction or advisory power.

There may be student delegates selected by the Board of Trustees from each high school to be the non-voting representatives of the student body. The student representatives may attend all regular and special Board meetings.

Individual school board members have no authority over school affairs, except as provided by law or as authorized by the Board.

Legal References:	§ 2-3-202, MCA	Meeting defined
	§ 20-3-324, MCA	Powers and duties

## Cross References:

Policy History:

Adopted on:	2.8.2011
Revised on:	
Reviewed on:	3.2.2021

## SCHOOL DISTRICT ORGANIZATION

Powers and Duties of the Board of Trustees

The Board establishes a structure in order to deliver educational services that comply with the mission, philosophy, goals, standards, and policies of the District. In order to accomplish this duty, the Board retains all powers and duties, statutory and inherent, as provided by law. The specific powers and duties listed in Section 20-3-324, MCA, are the foundation for all actions of the Board. Except as herein provided, the powers and duties of the Board shall also include the power and duty to:

- (1) Direct employees;
- (2) Employ, dismiss, promote, transfer, assign, and retain employees;
- (3) Relieve employees from duties because of lack of work or funds under conditions where continuation of such work would be inefficient and non-productive;
- (4) Maintain the efficiency of District operations;
- (5) Determine the methods, means, job classifications, and personnel by which District operations area to be conducted;
- (6) Take whatever actions may be necessary to carry out the mission of the District in situations of emergency; and
- (7) Establish the methods and processes by which work is performed.

The Board may delegate any of these duties to appropriate staff members as provided by law.

Legal References:	§ 20-3-324, MCA	Powers and duties
	§ 39-31-303, MCA	Management rights of public employees

## Cross Reference:

Policy History:

Adopted on: 2.8.2011

Revised on:

Reviewed on; 3.2.2021

**SCHOOL DISTRICT ORGANIZATION**

**Vision, Mission and Guiding Principles**

**Vision**

Helena Public Schools foster dynamic educational experiences that prepare all students for life.

**Mission Statement**

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.

This mission will be supported through the wise use of resources to meet students' needs, regardless of interests and talents. Students, families, educators and the community are committed to sharing the responsibility for creating a student-centered educational community that acknowledges learning as a life-long process.

**Guiding Principles**

- Each student enters school healthy and learns about and practices a healthy lifestyle.
- Each student learns in an intellectually challenging environment that is physically and emotionally safe for students and adults.
- Each student is actively engaged in learning and is connected to the school and broader community.
- Each student has access to personalized learning and to qualified, caring adults.
- Each graduate is prepared for success in college or further study and for employment in a global environment.

Each year, the Board and Superintendent will formulate annual goals for the District that reflect the District's vision, mission and guiding principles.

The Superintendent will provide the Board with a mid-year progress update.

At the conclusion of the year, the Superintendent shall report to the Board the status of agreed upon goals and the degree to which the goals have been accomplished.

Legal Reference:

Cross Reference:

**Policy History:**

Adopted on: 8.8.2011

Reviewed on: 3.2.2021, 1.10.2023

## SCHOOL DISTRICT ORGANIZATION

School Board Elections

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

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

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

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

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

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

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

## Legal References:

- |                  |   |
|------------------|---|
| § 13-1-101       | Definitions   |
| § 13-10-211, MCA | Declaration of Intent for write-in candidates           |
| § 15-10-425, MCA | Mill levy election ( <i>Revised by House Bill 543</i> ) |
| § 20-3-304, MCA  | Annual election   |

§ 20-3-305, MCA	Candidate qualification and nomination
§ 20-3-313, MCA	Election by acclamation – notice
§ 20-3-322, MCA	Meetings and quorum
§ 20-3-324(4), MCA	Powers and duties
§ 20-3-344, MCA	Nomination of candidates by petition in first-class elementary district
§ 20-9-353, MCA	Additional financing for general fund-election for authorization to impose
§ 20-9-426, MCA	Preparation and form of ballots for bond election ( <i>Revised by House Bill 543</i> )
§ 20-20-105, MCA	Regular school election and special school elections
§ 20-20-204, MCA	Election Notice
§ 20-20-301, MCA	Qualifications of elector
§ 13-1-101, MCA	Definitions ( <i>Revised by Senate Bill 15</i> )

#### Cross References:

#### Policy History:

Adopted on: 2.8.2011  
Revised on: 7.12.2016, 3.8.2022, 10.10.2023

SCHOOL DISTRICT ORGANIZATION

Board Member Term of Office

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

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

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

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

Cross References:

Policy History:

Adopted on:	2.8.2011
Revised on:	3.9.2016, 10.10.2023

SCHOOL DISTRICT ORGANIZATION

Board Member Conflict of Interest

Board members are expected to be familiar with and observe those provisions of Montana law that define school board authority and govern conflict of interest. Board members shall not only adhere to all laws regarding conflict of interest, but also to be alert to situations that may have the appearance of a conflict of interest and to avoid actions that might compromise himself or herself or the Board. Therefore, a trustee may not:

- engage in a substantial financial transaction for the trustee's private business purpose with a person whom the trustee inspects or supervises in the course of official duties;
- perform an official act directly and substantially affecting, to its economic benefit, a business or other undertaking in which the trustee has a substantial financial interest or is engaged as counsel, consultant, representative or agent;
- act as an agent or solicitor in the sale or supply of goods or services to the District;
- have a pecuniary interest, directly or indirectly, in any contract made by the Board when the trustee has more than a 10% interest;
- perform an official act directly and substantially affecting a business or other undertaking to its economic detriment a business or other undertaking in which the trustee has a substantial personal interest in a competing firm or undertaking;
- be employed in any capacity by the District, except to officiate at athletic competitions under the auspices of the Montana Officials Association; or
- appoint or employ any person related or connected by consanguinity within the fourth (4th) degree or by affinity within the second (2nd) degree.
  - a. This prohibition does not apply to the issuance of an employment contract to a person as a substitute teacher who is not employed as a substitute teacher for more than thirty (30) consecutive school days.
  - b. This prohibition does not apply to the renewal of an employment contract of a person related to a Board member who was initially hired before the Board member assumed the trustee position.
  - c. This prohibition does not apply if trustees comply with the following requirements:
    - 1) all trustees, except the trustee related to the person to be employed or appointed, vote to employ the related person;
    - 2) the trustee related to the person to be employed abstains from voting; and
    - 3) the trustees give fifteen (15) days written notice of the time and place of their intended action in a newspaper of general circulation in the county where the school is located.

*Degrees of Affinity*

Affinity is the legal relationship arising as the result of marriage. Relationship by affinity terminates upon\_

the death of one of the spouses or other dissolution of marriage, except when the marriage has resulted in issue still living.

Legal References:	§ 2-2-105, MCA	Ethical Requirements for Public Officers and Public Employees
	§ 2-2-121, MCA	Rules of Conduct for Public Officers and Public Employees
	§ 20-9-204, MCA	Conflict of interest
	§ 20-1-201, MCA	School officers not to act as agents
	§ 2-2-302, MCA	Appointment of relative to office of trust or emolument unlawful -- exceptions -- publication of notice.

Cross Reference:

Policy History:

Adopted on:	2.8.2011
Revised on:	9.10.2019, 9.14.2021



SCHOOL DISTRICT ORGANIZATION

Resignations and Other Vacancies

Any elected trustee position shall be vacant whenever the incumbent:

- (1) dies;
- (2) resigns;
- (3) moves his residence from the District, or from the nominating district in the case of an additional trustee in a high school district;
- (4) is no longer a registered elector of the District;
- (5) is absent from the District for 60 consecutive days;
- (6) fails to attend three consecutive meetings of the trustees without a good excuse;
- (7) has been removed under the provisions of § 20-3-310, MCA; or
- (8) ceases to have the capacity to hold office under any other provision of law.

A trustee position also shall be vacant when an elected candidate fails to qualify under the provisions of § 20-3-307, MCA. A resignation of a trustee, for whatever reason, must be submitted in writing to the Clerk of the District and shall specify an effective date.

When a trustee vacancy occurs, the remaining trustees shall declare the position vacant and shall fill such vacancy by appointment. The Board may request applications from any qualified persons seeking to fill the position and may appoint one (1) candidate to fill the position. Should the Board fail to fill a vacancy within sixty (60) days from the declaration of such vacancy, the county superintendent shall appoint, in writing, a competent person to fill such vacancy. An appointee shall qualify by completing and filing an oath of office with the county superintendent with fifteen (15) days after receiving notice of appointment and shall serve until the next regularly scheduled school election and a successor has qualified.

Legal Reference:	§ 2-16-502, MCA	Resignations
	§ 20-3-307, MCA	Qualification and oath
	§ 20-3-308, MCA	Vacancy of trustee position
	§ 20-3-309, MCA	Filing vacated trustee position – appointee qualification and term of office

Cross References:

Policy History:

Adopted on:	2.8.2011
Revised on:	9.10.2019
Reviewed on:	4.6.2021

**SCHOOL DISTRICT ORGANIZATION****Board Development and Self Evaluation**

The Board strives to learn, understand, and practice effective governance for the benefit of the District. As determined by the Board, individual members have the opportunity to attend state and national meetings designed to familiarize members with public school issues, governance and legislation. Notice of training opportunities will be provided either through the Superintendent or through the Board Chair.

Newly elected or appointed trustees shall be made aware of the location of District policies on the District web site and shall have the opportunity to meet with the Superintendent and/or members of the Board for the purpose of answering questions and providing information about the District. The Board Chair may request that a veteran Board member mentor a new member.

As part of the Board's professional development and in an effort to ensure a continuous improvement cycle, the Board will conduct an annual self-evaluation.

The Board of Trustees will make adjustments in its conduct and practices to ensure continued improvement in its performance over time based on their self-evaluation.

Legal Reference:

Cross References:

**Policy History:**

Adopted on:	2.8.2011
Revised on:	9.15.2021
Reviewed on:	

**SCHOOL DISTRICT ORGANIZATION****Board Member Expenses**

Trustees are not compensated for their service to the District. Travel expenses in the form of a mileage reimbursement may be paid to any trustee who lives more than three (3) miles from the regular meeting place of the trustees at the rate specified in § 2-18-503, MCA.

The District will pay the expenses for trustees to attend Board approved workshops, trainings and conferences both in state and out of state. The following expenses are eligible for payment and/or reimbursement at the rate established by the District:

1. Transportation as approved by the Board.
2. Hotel or motel costs as necessary.
3. Food costs as necessary.
4. Communication services.
5. Incidental expenditures for tips and other necessary costs.

The District will not pay for or reimburse expenses for alcohol, expenses of a guest, entertainment or other expenses unrelated to District business.

Legal Reference:       § 20-3-311, MCA Trustee travel reimbursement

Cross Reference:

**Policy History:**

Adopted on:           2.8.2011  
Revised on:          9.14.2021  
Reviewed on:

**SCHOOL DISTRICT ORGANIZATION****Board – Superintendent Relationship**

The Board –Superintendent relationship is based on mutual respect for the complementary roles of each entity. The relationship requires clear communication of expectations regarding the duties and responsibilities of both the Board and Superintendent.

The role of the Board shall be to:

- define the mission and vision for the District;
- determine long and short-term goals that will move the District toward its mission and vision;
- provide stewardship of the fiscal resources in relation to the mission of the District;
- maintain avenues for effective communication with all stakeholders;
- employ a superintendent and evaluate their performance;
- monitor and evaluate the District and its progress in relation to the mission, vision and goals; and
- advocate for students and quality public education.

The role of the Superintendent shall be to:

- provide leadership to move the District toward its mission and vision by achieving established long and short term goals;
- manage the District within the parameters of established policy and law;
- provide the Board with appropriate information to facilitate its deliberations and informed decision-making;
- maintain avenues for effective communication with all stakeholders; and
- advocate on behalf of students, the District and public education.

Legal Reference:

Cross Reference:

**Policy History:**

Adopted on: 2.8.2011

Revised on:

Reviewed on: 4.6.2021

**SCHOOL DISTRICT ORGANIZATION**Qualifications, Terms and Duties of Board Officers

The Board officers are the chair and vice chair. These officers are elected at the annual organizational meeting.

The Board may elect any trustee as chair or vice-chair. If a high school trustee is chosen to serve as the chair or vice-chair he/she may not vote on issues pertaining only to the elementary district.

The Board elects a chair from its members for a one-year term. The duties of the chair are as follows:

- preside at all regular and special board meetings and conduct the meetings in the manner prescribed by the Board's policies;
- make all Board committee appointments; and
- sign all papers and documents as required by law and as authorized by the Board.

The chair must be able to perform the functions of a trustee in all matters over which they presides.

The vice chair shall preside at all regular or special Board meetings in the absence of the chair, and shall perform all of the duties of the chair in case of the chair's absence or disability.

Legal Reference: § 20-3-321(2), MCA Organization and officers

Cross Reference: Policy 1065 Board Meetings

Policy History:

Adopted on: 2.8. 2011

Revised on: 3.8.2016

Reviewed on: 4.6.2021

## SCHOOL DISTRICT ORGANIZATION

Communications To and From the Board

The Board encourages open lines of communication between members of the education community. It also must maintain a chain of command as an organization to promote efficient and effective communications.

All **official** communications to the Board should be directed to the Superintendent. Board member questions or communications to staff about programs and/or requests for information should also be submitted through the Superintendent.

The Board acts only as a body. Individual school board members have no authority to act independently and cannot commit or bind the board by their individual actions. Powers and duties of the board must be exercised by the board as a whole. If contacted individually, Board members should refer the matter to the Superintendent. Individual Board members may not take action to compromise the Board or the administration.

Use of digital communication will conform to the same standards of judgment, propriety and ethics as other forms of Board related communication. E-mail may not be used as a substitute for deliberations at Board meetings or for other communications or business properly confined to Board meetings. E-mail and related attachments received or prepared for use in Board business may be regarded as a public record subject to disclosure upon request, unless otherwise made confidential by law.

Legal Reference:     § 2-3-301, MCA Agency to accept public comment electronically - -  
                              dissemination of electronic mail address and documents required --  
                              prohibiting fees

Cross Reference:     Policy 1065 Board Meetings

Policy History:

Adopted on:           2.8. 2011  
Revised on:           1.9.2018, 9.14.2021  
Reviewed on:

## SCHOOL DISTRICT ORGANIZATION

Committees*Board Member Committees*

The Board may create Board member committees as deemed necessary. The Board Chair will make all appointments to board member committees. Notice of board member committee meetings shall be given in the same manner as notice for special meetings, and board member committee meetings shall be open to the public.

A trustee who is a member of a committee and is participating remotely in a committee meeting has the same privileges, rights, and responsibilities as if the trustee were physically present.

*Citizen Committees*

The Board or the Superintendent may create committees that involve community members as deemed necessary, either on an ad hoc or regular basis. The board chair or the Superintendent will make all appointments to citizen committees and will establish the parameters and duties for the citizen committees. Notice of citizen committee meetings shall be given in the same manner as notice for special meetings, and citizen committee meetings shall be open to the public.

*Administrative Committees*

The Superintendent may create administrative committees as deemed necessary. The Superintendent will make all appointments to the administrative committees. In determining whether an administrative committee meeting shall be open to the public, the following factors, although not exhaustive in nature, should be considered:

- (1) the frequency of the meeting held;
- (2) whether the committee is deliberating or just gathering facts;
- (3) whether the deliberations concern a matter of policy rather than ministerial or administrative functions;
- (4) whether the committee members have executive authority and experience; and
- (5) the results of the meeting.

If the presiding officer determines that the administrative committee should be held in compliance with the Open Meeting Act, they shall provide notice of the meeting in the same manner as notice for a special meeting, and the administrative meeting shall be open to the public.

Legal Reference:       § 2-3-203, MCA Meetings of public agencies open to the public

Cross Reference:

Policy History:

Adopted on:           2.8 2011  
Revised on:           9.14.2021  
Reviewed on:

**SCHOOL DISTRICT ORGANIZATION****Board Meetings**

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

Except for an unforeseen emergency or as described below, all meetings must be held in a District building or, by unanimous consent of the Board, in a publicly accessible building located within the District. The Trustees may meet outside the boundaries of the District for collaboration or cooperation on educational issues with other school boards, educational agencies, or cooperatives. Decision making must still occur only at properly noticed meetings held within the District's boundaries.

*Regular Meetings*

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

*Special Meetings*

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

*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 of 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.

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

## Cross Reference:

Policy History:

Adopted on: 2.8. 2011  
Revised on: 4.12.2016, 10.10.2023

**SCHOOL DISTRICT ORGANIZATION****School Board Meeting Procedure***Agenda*

All meetings shall be guided by an agenda prepared and delivered in advance to all Board members and to other persons upon request. The Superintendent shall prepare agendas in consultation with the Chair or presiding officer. Items submitted by Board members or other individuals may be included on the agenda. Individuals or groups that would like to address the Board through an agenda item must submit a request to the Superintendent in writing at least seven (7) days prior to the regular Board meeting. The notification must include the reason for the request. The Superintendent may determine that the individuals or groups must follow the uniform grievance procedure in order to appear before the Board and refer the individuals or groups to the appropriate step on that procedure.

All agendas must contain a public comment section to allow members of the public to comment on any public matter under the jurisdiction of the District that is not specifically listed on the agenda. Contested cases and other adjudicative proceedings are not appropriate topics in the public comment section. The presiding officer may place reasonable time limits on the comments received during this section of the meeting to ensure effective and efficient operations of the Board. The Board may not take action during that meeting on any matter discussed in the public comment section.

Board packets will be distributed to Board members not less than 48 hours prior to the meeting. This material shall be available to the public not less than 48 hours prior to the meeting.

*Quorum*

Four (4) members the Elementary Board shall constitute a quorum of that Board. Five (5) members of the High School Board shall constitute a quorum of that Board. If there is less than a quorum present at a Board meeting, the members may not hear, act upon or discuss any business. Board members may be present physically or present via electronic means to establish a quorum. Unless otherwise provided by law, affirmative votes by a majority of the membership of the Board are required to approve any action under consideration.

*Minutes*

The Clerk or the Clerk's designee shall keep written minutes of all meetings which are open to the public. The approved minutes must be signed by the Chair and the Clerk. The minutes must include:

- the date, time and place of the meeting;
- the name of the presiding officer;
- a record of Board members present and absent;
- a summary of the discussion on all matters discussed, proposed, deliberated or decided, and a record of any motions made and votes taken;
- a detailed statement of all expenditures;

- the purpose of recessing into closed session; and
- the time of adjournment.

The Clerk shall keep minutes of educationally related student disciplinary actions taken by the Board, including those portions held in closed session. The Board shall keep minutes of all closed sessions. Minutes taken during closed sessions shall be sealed.

The Board may direct the Clerk to make a verbatim record of any meeting. Any verbatim recording may be destroyed after the minutes are approved. A file of permanent minutes of all meetings shall be maintained in the office of the Clerk. A written copy of the minutes shall be made available to the public within five (5) days following approval by the Board. Sealed minutes taken during any closed session of the Board shall not be made available to the public absent a court order.

If the meeting is audio recorded and designated by the Board as the official record, a written record of the meeting must also be made and must include the information specified above. In addition, a log or time stamp for each main agenda item is required for the purpose of providing assistance to the public in accessing that portion of the meeting.

#### *Meeting Conduct and Order of Business*

The Board will use general rules of parliamentary procedure to govern the conduct of its meetings. Robert's Rules of Order shall be used as a guide at any meeting, although rules adopted by the Board and any laws or regulations of the State of Montana in conflict with Robert's Rules of Order shall take precedence. The order of business for each meeting shall be set out on the agenda. The Board may change the order of business by consent or by majority vote.

#### *Voting Method*

Unless otherwise provided by law, when a vote is taken upon any measure before the Board, a majority of the votes cast shall determine its outcome. Voting shall be by acclamation or show of hands. The use of proxy votes or secret ballots is not permitted. Trustees are encouraged to vote on all issues before the Board unless they are prohibited by law from voting on the matter. A trustee may abstain from voting on any issue before the Board.

#### *Public Participation*

The Board recognizes the value of public participation and encourages the public to attend and participate in its meetings. In order to permit the orderly and fair expression of such participation, the Board will solicit oral and/or written comments prior to a final decision on a matter of significant interest to the public. The Chair may place reasonable time limits on public comment and may interrupt or terminate any statement that is out of order, personally directed, abusive, obscene, or too lengthy. Members of the public are encouraged to make comments during the public comment section of the agenda on matters that are of public concern and that are not on that particular agenda. The Chair will recognize individuals or groups for public comment on agenda items after the Board has discussed the issue. Comments may be presented orally or in writing for the Board's consideration.

Legal Reference:     § 2-3-202, MCA Meeting defined  
                          § 2-3-103, MCA Public participation  
                          § 2-3-212, MCA Minutes of meetings  
                          § 20-3-322, MCA Meetings and quorum  
                          § 20-3-323, MCA District policy and record of acts  
                          § 2-3-301, MCA Agency to accept public comment electronically --  
                                  dissemination of electronic mail address and documents  
                                  required -- prohibiting fees

Cross Reference:

Policy History:

Adopted on:   February 8, 2011

Revised on:   October 13, 2015, February 12, 2019

## SCHOOL DISTRICT ORGANIZATION

Records Management and Access to Public Records

The District is committed to effective records management including meeting legal standards for record retention and protection of privacy, optimizing the use of space, minimizing the cost of record retention, and properly destroying outdated records. This policy applies to all records, regardless of whether they are maintained in hard (paper) copy, electronically, or in some other fashion.

The District requires that its records be maintained in a consistent and logical manner and be managed so that the District:

1. Meets legal standards for protection, storage and retrieval;
2. Protects the privacy of students and employees of the District;
3. Optimizes the use of space;
4. Minimizes the cost of record retention; and
5. Destroys outdated records in an appropriate manner.

The Superintendent shall establish appropriate records management procedures and practices, which shall be provided to staff members who manage records within the District. The Board acknowledges the importance of public records as the record of the acts of the District and the repository of information about the District. The Board acknowledges the public's right to inspect and copy the District's public records, with certain exceptions. Unless otherwise provided by law, a public record shall be accessible for inspection and duplication either by written or oral request. The District shall respond to all such requests within a reasonable period of time, generally not to exceed 10 business days. If the District cannot respond to the request within 10 business days, the records custodian shall notify the requestor in writing and provide a timeline for response to the request. If an oral request is not responded to within 10 business days, the requestor must put the request in writing.

The Superintendent shall establish procedures for storage of and access to essential records. The Superintendent shall designate essential records which are immediately necessary to:

- Respond to an emergency or disaster;
  - Begin recovery or reestablishment of operations during and after an emergency or disaster;
  - Protect the health, safety, and property of District students and employees;
- or
- Protect the assets, obligations, rights, history and resources of the District, its employees, and students.

The District will provide copies of all documents, including electronic communications, in the medium in which those documents exist.

Reasonable fees may be charged for copies and for time spent researching a request and reproducing materials as follows:

- actual costs directly related to fulfilling a records request including but not limited to the time required to gather, redact, scan, copy, or otherwise and reproduce the requested information; and
- actual cost of purchasing the electronic media used for transferring data, if the person requesting the information does not provide the media;
- copies of Board minutes at .15¢ per page;
- copies of other materials at .25¢ per page;
- no charge for copies emailed to requestor;
- actual postage for any copies mailed.

The District shall comply with Montana law in addressing any unauthorized breaches of its computer data security system, including but not limited to complying with all disclosure and investigative requirements.

Legal References:	§ 20-3-324, MCA	Powers and duties
	§ 20-3-323, MCA	District policy and record of acts
	§ 2-6-1001 <i>et al</i> , MCA	Public Records
	§ 30-14-1704, MCA	Computer Security Breach
	House Bill 123	Public Records Laws

Cross Reference:

Policy History:

Adopted on:	2.8. 2011
Revised on:	1.12.2016, 2.14.2017

**SCHOOL DISTRICT ORGANIZATION****School Board Policy**

It is the intent of the Board to develop written policies to serve as guidelines and goals for the successful and efficient functioning of the District. The policies are framed and are meant to be interpreted in terms of state statute, administrative rules, and all other regulatory agencies within our local, county, state, and federal levels of government. The policies are also framed and are meant to be interpreted in terms of those educational objectives, procedures, and practices that are broadly accepted by leaders and authorities in the public education field.

Changes in needs, conditions, purposes, and objectives will require revisions, deletions, and additions to the policies of the current Board and those of the future. The Board welcomes suggestions for ongoing policy development.

Policy proposals and suggested amendments to or revisions of existing policies shall be submitted in writing prior to a regularly scheduled board meeting. All new or amended policies become effective upon adoption unless a specific effective date is provided in the motion for adoption. Minutes of each meeting shall reflect any readings and action taken.

Legal References:     Mont. Const. Art. X, § 8 School District Trustees  
                              § 20-3-323, MCA District policy and record of acts  
                              § 10.55.701, ARM Board of trustees

Cross Reference:

**Policy History:**

Adopted on:            2.8. 2011  
Revised on:            1.4.2022



## School District Organization

Uniform Complaint Procedure

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

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

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

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

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

*Retaliation*

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

members determined to have retaliated against any individual for participating in an investigation or proceeding under this policy.

#### *Level 1: Informal*

An individual with a complaint should discuss it with the appropriate employee or building administrator with the objective of resolving the matter promptly and informally. If the complaint can't be resolved within (thirty) 30 school days of the completion of the informal process, then the complainant may file a written complaint as outlined in Level 2. An exception is that a complaint of sexual harassment should be discussed directly with an administrator not involved in the alleged harassment.

#### *Level 2: Building Administrator*

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

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

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

#### *Level 3: Assistant Superintendent*

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

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

#### *Level 4: Superintendent*

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

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

#### *Level 5: The Board*

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

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

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

Cross Reference: 3000 - Equal Educational Opportunities  
, 5000 - Equal Employment Opportunity and Non-Discrimination  
5005 – Sexual Harassment

Legal Reference: Title IX of the Education Amendments of 1972 (Civil Rights Act)  
Title II of the Americans with Disabilities Act of 1990  
§ 504 of the Rehabilitation Act of 1973  
34 C.F.R. Part 106 Nondiscrimination on the Basis of Sex in  
Education  
§ 20-3-323, MCA District policy and record of acts (*revised by  
House Bill 504*)

#### Policy History:

Adopted on: 2.08.2011  
Revised on: 9.13.2016, 3.8.2022, 10.10.2023  
Reviewed on:



**Series 2000:**

**Student  
Instruction**

**STUDENT INSTRUCTION**Student Instructional Goals

The District will provide equal opportunity for students to receive an education, which will enable them to fulfill their role in society, commensurate with individual ability, in compliance with legal requirements, and reflecting the desires of the people.

Instructional programs, methods, and resources should meet the needs of each student, regardless of race, color, creed, sex, sexual orientation, or level of ability. The District recognizes that equal opportunity education does not imply uniformity and that each student's unique characteristics must be acknowledged. Instructional programs, methods, and materials will not imply, teach, or encourage any beliefs or practices reflecting bias or discrimination toward other individuals or groups and will not deny others their basic human rights.

The District has developed curriculum learner goals that are available through District and School Offices. These goals reflect the District's ongoing strategic educational plan and will be publicized and made available to interested citizens. This statement will be reviewed annually and revised as deemed necessary.

Legal References:	§ 20-1-102, MCA	Legislative goals for public
	10.55.701, ARM	elementary and secondary schools.
		Board of Trustees

**Cross References:**Policy History:

Adopted on: 1.14.2014

Revised on:

**STUDENT INSTRUCTION**School Year, Calendar, and Day

Subject to §§ 20-1-301 and 20-1-308, MCA, and the District's collective bargaining agreement covering the employment of affected employees, the Board sets the number of days in a school term, the length of the school day, and the number of school days in a school week

When proposing to adopt changes to a previously adopted school term, school week, or school day, the Board shall: (a) if necessary, negotiate the changes with the recognized collective bargaining unit representing the employees affected by the changes; (b) solicit input from the employees affected by the changes but not represented by a collective bargaining agreement; and (c) solicit input from the people who live within the boundaries of the school district.

Saturday School

In emergencies, including during reasonable efforts of the trustees to make up aggregate hours of instruction lost during a declaration of emergency by the trustees under Section 20-9-806, MCA, pupil instruction may be conducted on a Saturday when it is approved by the trustees.

Pupil instruction may be held on a Saturday at the discretion of a school district for the purpose of providing additional pupil instruction beyond the minimum aggregate hours of instruction required in Section 20-1-301, MCA, provided student attendance is voluntary.

*Commemorative Exercises*

All classes shall conduct appropriate exercises during the school day on the commemorative days noted in Montana law.

*School Holidays*

The schools in the District shall be closed on the following holidays: New Year's Day; Memorial Day; Independence Day (2 days); Labor Day; Thanksgiving Day (2 days); Christmas Day; Martin Luther King Day; President's Day; and State and national election days when the school building is used as a polling place and the conduct of school would interfere with the election process at the polling place. When these holidays fall on Saturday or Sunday, the preceding Friday or the succeeding Monday shall be a school holiday. The Board may establish other holidays.

*School Fiscal Year*

At least the minimum number of aggregate hours must be conducted during each school fiscal year. The minimum aggregate hours required by grade are:

- (a) A minimum of 360 aggregate hours for a kindergarten program;

- (b) 720 hours for grades 1 through 3;
- (c) 1,080 hours for grades 4 through 12; and
- (d) 1,050 hours may be sufficient for graduating seniors.

In addition, seven (7) pupil instruction-related days may be scheduled for the following purposes:

1. Pre-school staff orientation for the purpose of organization of the school year (2 days);
2. Staff professional development programs (minimum of three (3) days);
3. Parent/teacher conferences (2 days); or
4. Records days (not to exceed one (1) day at the end of each semester or quarter).

### *Professional Development*

The district recognizes that training and development are fundamental to ensure the quality of its services to students. The Superintendent shall provide an organized program of professional development designed to assist staff in acquiring the skills needed to work with all students.

A District professional development advisory committee will review, develop, recommend, and evaluate the school district's professional development plan. Each year the Board of Trustees shall be provided a copy of a professional development report for the previous school year.

Legal References:	§ 20-1-301, MCA	School fiscal year
	§ 20-1-302, MCA	School day and week
	§ 20-3-303, MCA	Conduct of school on Saturday or Sunday Prohibited – exceptions
	§ 20-1-305, MCA	School Holidays
	§ 20-1-306, MCA	Commemorative exercises on certain days
	§ 20-1-308, MCA	Religious instruction released time program
	ARM 10.65.101-103	Pupil-Instruction-Related Days
	ARM 10.55.714	Professional Development

### Cross References:

#### Policy History:

Adopted on: 2.28.2012  
Revised on: 12.11.2017, 5.10.2022

STUDENT INSTRUCTION

Instructional Program

The School District has instructional levels for grades pre-kindergarten through twelve. The grouping and housing of instructional levels in school facilities shall be according to plans developed by the Superintendent and approved by the Board.

Each student will be assigned to an instructional group or a classroom that will best serve the needs of that individual student and consider the rights and needs of the other students. Factors to be considered in classroom assignments are: class size, peer relations, student- teacher relations, instructional style of individual teachers, and any other variables that may affect the performance of the student.

Legal References:     § 20-6-501, MCA     Definition of various schools

Cross References:    3010    Entrance, Placement and Transfer

Policy History:

Adopted on:

Revised on:  2.13.2018





§ 20-4-402, MCA	Duties of district superintendent or county high school principal
§ 20-7-118, MCA	Remote Instruction ( <i>revised by House Bill 214</i> )
§ 20-7-602, MCA	Textbook selection and adoption
10.55.603, ARM	Curriculum and Assessment
§ 20-7-902, MCA	School district programs to identify and serve the gifted and talented child
§ 20-7-902	MCA School district programs to identify and serve the gifted and talented child (Revised by Senate Bill 109)

#### Cross References:

#### Policy History:

Adopted on: 2/28/2012  
Revised on: 2/13/2018, 10.11.2022, 10.10.2023

**STUDENT INSTRUCTION****Human Sexuality Instruction**

The District recognizes the right of a parent or guardian to withdraw a child from instruction or an organized school function regarding human sexuality instruction. Such withdrawals will be classified as an excused absence.

“Human sexuality instruction” means teaching or otherwise providing information about human sexuality, including intimate relationships, human sexual anatomy, sexual reproduction, sexually transmitted infections, sexual acts, sexual orientation, gender identity, abstinence, contraception, or reproductive rights and responsibilities.

*48 Hour Notice*

Parents and guardians will be notified no less than 48 hours prior to holding an event or assembly or introducing material for instructional use.

This notice will contain:

- 1) the basic content of the district's or school's human sexuality instruction; and
- 2) the right to withdraw the student from the instruction

*Annual Availability of Materials*

The District will make curriculum materials used in human sexuality instruction available for public inspection before use. This will occur on an annual basis.

*No Abortion Curriculum*

In compliance with Montana law, the District will not allow personnel to offer, sponsor, or furnish any course materials or instruction relating to human sexuality or sexually transmitted infections if the person or entity provides abortion services.

Legal References:	Senate Bill 99	Parameters for K-12 Human Sexuality Education
	§ 20-5-103, MCA	Compulsory attendance and excuses ( <i>Revised by Senate Bill 99</i> )
	10.55.701, ARM	Board of Trustees
Cross References:	Policy 2015	Curriculum Development, Content, and Assessment

**Policy History:**

Adopted on: 11.9.2021  
Revised on:

**INSTRUCTION****Student and Family Privacy Rights**

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

***Surveys - General***

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

***Surveys Created by a Third Party***

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

***Surveys Requesting Personal Information***

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

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

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

No student shall be required to submit to any survey requesting personal information without consent of the parent/guardian. Parents /guardians will be given notice and an opportunity to opt their child out of participation of any survey requesting personal information that is not required by the District.

### ***Instructional Material***

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

### ***Collection of Personal Information from Students for Marketing Prohibited***

The term "personal information," for purposes of this section only, means individually identifiable information including: (1) a student's or parent's/guardian's first and last name, (2) a home or other physical address (including street name and the name of the city or town), (3) telephone number, or (4) a Social Security identification number.

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

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

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

### ***Notification of Rights and Procedures***

The Superintendent or designee shall notify students' parents/guardians of this policy as well as its availability from the administration office upon request; how to opt their child out of participation in activities as provided in this policy; the approximate dates during the school year when a survey requesting personal information, as described above, is scheduled or expected to be scheduled; and how to request access to any survey or other material described in this policy.

This notification shall be given parents/guardians at least annually at the beginning of the school year and within a reasonable period after any substantive change in this policy.

The rights provided to parents/guardians in this policy transfer to the student when the student turns eighteen (18) years of age or is an emancipated minor.

Cross Reference:

Legal Reference:	20 U.S.C. 1232h	Protection of Pupil Rights
	§ 40-6-701, MCA	Interference with Fundamental Parental Rights
		Restricted ( <i>revised by House Bill 676</i> )

Policy History:

Adopted on:	5.8.2012
Reviewed on:	10.10.2023
Revised on:	

**STUDENT INSTRUCTION****K-12 School Counseling Program**

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

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

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

All staff will encourage students to explore and develop their individual interests in career and vocational technical programs and employment opportunities without regard to gender, race, marital status, national origin, or disability/mobility conditions, including encouraging students to consider and explore "nontraditional" occupations.

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

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

Cross References:

**Policy History:**

Adopted on:	12.19.2014
Revised on:	10.10.2023

**STUDENT INSTRUCTION****Federal Funding and Title I**

The Board may participate in federal programs which in the judgment of the administrative staff shall be beneficial to the total school program. All projects written to secure federal funds shall be on the recommendation of the Superintendent and approval of the Board. The Board shall comply with all federal and state certification requirements for alcohol and drug abuse education and prevention programs.

The Superintendent or designee shall pursue funding under Title I of the Elementary and Secondary Education Act, to supplement instructional services and activities in order to improve the educational opportunities of educationally disadvantaged children.

All District schools, regardless of whether they receive Title I funds, shall provide services that, taken as a whole, are substantially comparable. Teachers, administrators and other staff shall be assigned to schools in a manner that ensures equivalency among the District's schools. Curriculum materials and instructional supplies shall be provided in a manner that ensures equivalency among the District's schools.

In keeping with the requirements of federal law, the Board assures:

1. A salary schedule which applies to all instructional personnel,
2. Equivalence among schools in teachers, administrators, and auxiliary personnel,
3. Equivalence among schools in the provision of curriculum materials and instructional supplies, and
4. Parental consultation in project planning, implementation and evaluation.

*Parental and Family Engagement*

District schools operating Title I programs shall undertake the following to engage parents and families:

- Host an annual meeting that accommodates parents' needs to inform parents about Title I requirements and about the right of parents to be involved in the Title I program.
- Involve parents and families in an organized, ongoing, and timely way, in the planning, review, and improvement of the school's Title I program and the school-parent compact.
- Provide parents with timely information about the Title I program/services.
- Provide parents with an explanation of the curriculum used at the school, the assessments used to measure student progress, and the proficiency levels students are expected to meet.
- Provide opportunities for regular meetings that allow the parents to participate in decisions relating to the education of their children.
- Develop, with the assistance of parents and families, and conduct an effective evaluation process regarding the Title I program.



### *School-Parent Compact*

The District will distribute to parents a school-parent compact for each school operating a Title I program. The compact, jointly developed with parents, explains how parents, the entire school staff, and students share the responsibility for improved student academic achievement. It shall describe specific ways the school and families will partner to help children achieve the State's academic standards. It will address the following:

- The school's responsibility to provide high-quality curriculum and instruction;
- The ways parents will be responsible for supporting their children's learning;
- The importance of ongoing communication between parents and teachers through, at a minimum, annual parent-teacher conferences; reports on student progress; access to staff; opportunities for parents to volunteer and participate in their child's class; and opportunities to observe classroom activities.

It will also address any other matters determined in development of the compact.

### *Interactions with Parents and Families*

The District will engage parents and families in meaningful interactions with schools operating Title I programs. It will support flexible opportunities for a partnership among staff, parents, and the community to improve student academic achievement. To help reach these goals, schools will establish the following practices:

- Provide parents and families with assistance in understanding the State's academic content standards, assessments, and how to monitor and improve the achievement of their children.
- Provide parents and families with materials and training to help them work with their children to improve their children's achievement.
- With the assistance of parents, educate staff members about the value of parent and family contributions, and in how to work with parents and families as equal partners.
- Coordinate and integrate the Title I parental and family engagement program with other programs, and conducts other activities, such as parent/family resource nights/activities, to encourage and support parents and families in more fully participating in the education of their children.
- Distribute information related to school and parent and family programs, meetings, and other activities to parents and families in a format and language that the parents understand.

To the extent feasible and appropriate, the District will attempt to coordinate and integrate parent and family engagement strategies with other relevant federal, state, and local laws and programs.

### *Accessibility*

The District will provides opportunities for the participation of all parents, including parents with limited English proficiency, parents with disabilities, and parents of migratory students. Information and reports shall be provided in a format and language that parents understand.

### *Review*

The District shall undertake activities to engage parents and families in the review and revision of this policy.

Legal Reference: Title I of the Elementary and Secondary Education Act, 20 U.S.C. §6301- 6514, as implemented by 34 C.F.R. part 200 of the No Child Left Behind Act of 2001 Agostini v. Felton, 521 U.S. 103 (1997)

Cross References: Board Policy 4040 School, Student, Parent, Family and Community Engagement in Education

Policy History:

Adopted on: 2.28.2012

Revised on: 1.14.2020

**STUDENT INSTRUCTION****Special Education and Accommodations**

The District shall provide a free, appropriate public education and necessary related services to all children with disabilities residing within the District, as required under the federal Individuals With Disabilities Education Act (hereinafter “IDEA”) and under the provisions in Montana law, and in compliance with the Americans With Disabilities Act.

For students eligible for services under IDEA, the District shall follow procedures for identification, evaluation, placement, and delivery of service to children with disabilities provided in the current Montana State Plan Under Part B of IDEA and the Montana State Plan Under Part C of IDEA.

The District may maintain a membership in one or more cooperative associations, which shall assist the District in fulfilling its obligations to the District’s disabled students.

Legal Reference:                   42 U.S.C. § 12101, et seq. Americans With Disabilities Act 20  
  U.S.C.  
  § 1400, et seq. Individuals With Disabilities Education Act, 29  
  U.S.C.  
  § 794 Rehabilitation Act of 1973  
  Title 20, Chap. 7, MCA Special Education  
  Title 10, Chap. 16, ARM Special Education

Cross Reference:

**Policy History:**

Adopted on:                       8.13.2013  
Revised on:

**STUDENT INSTRUCTION**Section 504 of the Rehabilitation Act of 1973 (“Section 504”)

It is the intent of the District to ensure that students who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated, and provided with appropriate educational services.

For those students who need or are believed to need special instruction and/or related services under Section 504 of the Rehabilitation Act of 1973, the District shall establish and implement a system of procedural safeguards. The safeguards shall cover students’ identification, evaluation, and educational placement. This system shall include notice, an opportunity for the student’s parent or legal guardian to examine relevant records, an impartial hearing with opportunity for participation by the student’s parent or legal guardian, and a review process.

Legal Reference:      42 U.S.C. § 12101, et seq. Americans With Disabilities Act  
                             20 U.S.C. § 1400, et seq. Individuals With Disabilities Education Act,  
                             29 U.S.C. § 794 Rehabilitation Act of 1973  
                             Title 20, Chap. 7, MCA Special Education  
                             Title 10, Chap. 16, ARM Special Education

Cross Reference:

Policy History:

Adopted on:            8.13.2013  
Revised on:

**STUDENT INSTRUCTION**

Limited English Proficient Students

The Superintendent shall develop and maintain a program for students having limited English language proficiency that will:

- Appropriately identify students with limited English proficiency.
- Comply with any applicable federal law and/or any requirements for the receipt of federal grant money for limited English proficient students.
- Determine the appropriate instructional environment for limited English proficient students.
- Annually assess the English proficiency of limited English proficient students and monitor their progress in order to determine their readiness for a mainstream classroom environment.
- Notify parents/guardians of, and provide information about:
  1. the instructional program,
  2. reasons for their child's identification,
  3. their child's level of English proficiency,
  4. the method of instruction to be used,
  5. how the program will meet their child's needs,
  6. specific exit requirements of the program,
  7. how the program will meet their child's IEP, if applicable, and
  8. information on parent/guardian rights.

Parental involvement will be encouraged and parents/guardians will be regularly apprised of their child's progress.

Parents/guardians of limited English proficient students will be:

1. given an opportunity to provide input to the program, and
2. provided notification regarding their child's placement in, and information about, the District's limited English proficiency program.

Legal References:                      42 U.S.C. 2000d Title IV, Civil Rights Act of 1964  
   20 U.S.C. 1703 (f) Equal Education Opportunities Act  
   20 U.S.C. 7401 et seq Bilingual Education Act,

Cross References:

Policy History:

Adopted on:                              2.28.2012

Revised on:

STUDENT INSTRUCTION

Instructional Materials

The Board is legally responsible to approve and to provide the necessary instructional materials used in the District.

Basic instructional course material in the fundamental skill areas of language arts, mathematics, science, and social studies should be reviewed at intervals not exceeding five (5) years or in a manner consistent with the state's standards revisions schedule. Instructional materials, both print and non-print, are selected based upon their quality and educational value. Instructional materials shall be recommended by committees established by the Superintendent. Specific criteria for selection shall be developed by each committee. Instructional materials shall be provided for use to students at no cost. Students may be charged for lost or damaged instructional materials including but not limited to textbooks, technology, etc.

The District may receive and/or provide distance, online, and technology-delivered learning programs to supplement instruction within the District. These programs may be utilized in the same manner as other supplementary resources, and all programs and/or courses shall meet the learner expectations as adopted by the District and must be aligned with state content standards and content-specific grade-level learning progressions.

Except as provided by state regulation, teachers of distance, online and technology delivered learning programs shall be licensed and endorsed in Montana in the area of instruction taught with such license granted as a result of the completion of an accredited professional educator preparation program. The District shall appoint a distance learning facilitator for each course.

Legal References:	§ 20-7-601, MCA	Free textbook provision
	§ 20-7-602, MCA	Textbook selection and adoption
	10.55.603, ARM	Curriculum and assessment

Cross References: 2135 K-12 Online Learning

Policy History:

Adopted on: 6.9.2015

Revised on:

**STUDENT INSTRUCTION**Library/Media Collection Management Policy

Helena School District library media centers provide access to information and resources in a variety of formats and facilitate the development of skills necessary to become lifelong learners in an information rich society. Library media centers in the district are committed to evaluating, selecting, organizing and managing resources to insure that students and teachers will have access to a wide variety of information and ideas. Materials must present the problems and issues of our times in a format suitable to the student's maturity and interest level. Materials must also represent multiple points of view.

Library/media collection management must address the needs of the school, curriculum, and students. The purpose of this policy is to ensure a quality collection is available for use by all students as set forth in procedures by the district in guiding library media specialists in the selection of materials and equipment.

Selection must provide for a wide range of materials and technology on appropriate levels of difficulty with a diversity of appeal and with a presentation of a variety of viewpoints.

Though final responsibility rests with the Board of Trustees, the collection management process is generally delegated to the building level principals and librarians.

The Board recognizes the right of privacy of all library users as provided by Montana law and the American Library Association. Records maintained in libraries, which identify specific individuals with specific resources, programs or services, are confidential and will not be disclosed.

A library is not prevented from publishing or making available to appropriate sources statistical reports regarding library circulation if those reports are presented so that no individual is identified therein.

Library records may be disclosed to the extent necessary to return overdue or stolen materials or collect fines.

The Board recognizes and supports the following documents governing library/media collection management, operation and standards:

1. American Library Association: Library Bill of Rights.
2. American Library Association: Free Access to Libraries for Minors.
3. American Library Association: Access to Resources and Services in the School Library Media Program.
4. National Council of Teachers of English: The Students Right to Read.

5. The Freedom to Read: A Joint Statement by the American Library Association and the Association of American Publishers.

Copies of these documents are on file in the central administration building, the District Library office, and each library/media center.

Legal References:

Cross References:

Policy History:

Adopted On:

Revised On: 12.11.1990, 10.27.1998, 1.12.1999, 9.10.2002



**STUDENT INSTRUCTION****Handling Challenged or Questioned Material**

The Board of Trustees, although it is ultimately responsible for all instructional and library material, recognizes the right of students to free access to many different types of books and resources. The Board also recognizes the right of teachers, librarians and administrators to select books and other materials in accordance with the adopted curriculum, current trends in education, and student and staff needs, and to make them available in schools and libraries.

Therefore, books and other resources will be chosen for value of interest and enlightenment of all students in the school community. A book or other resource will not be excluded because of the race, nationality, political, or religious values of the writer or of the material's style and language. Every effort will be made to provide materials that present all points of view concerning the international, national, and local problems and issues of our times. Books and other resources of sound factual authority will not be proscribed or removed from library shelves or classrooms because of partisan doctrinal approval or disapproval.

Censorship of books and other materials will be challenged in order to maintain the school's responsibility to provide information and enlightenment. Accordingly, the Board will deal with censorship of books or other materials as follows:

- The final decision on controversial materials rests with the Board after the established process for handling challenged materials has been exhausted/completed.
- The Board recognizes the right of an individual parent or guardian to request that his or her child not have to read a given book, or view a particular media work.
- Any parent or person of legal standing who wishes to request reconsideration of the use of any book or resource in the school must make such request in writing on forms provided through building principals or school librarians.

[Administrative Procedure for the enforcement of this policy may be obtained in the Central Administration building and each school office.]

Legal References:

Cross References:

**Policy History:**

Adopted On:

Revised On: 9.10.2002

**STUDENT INSTRUCTION****Network Information and Communication System Policy**

The District has implemented voice, data, and video electronic communications systems (networks). The Board intends for these networks to be used only for educational activities and authorizes under this policy and district network procedures specific limitations contained therein.

Communications over district networks is not to be considered private. Network supervision and maintenance may require review and inspection of directories or messages. All network communication is subject to both federal and state laws regarding public disclosure. The district reserves the right to access stored records in cases where there is reasonable cause to expect wrong-doing or misuse of the system. However, the district will take all reasonable steps to secure district data files. Access procedures based on individual privileges will be instituted and monitored to ensure security at all levels.

Network access is a privilege and access to network services may be suspended or withdrawn from students and staff who do not act in accordance with the District's Acceptable Use Procedures. Student use of networked information and communication resources will be permitted upon submission of permission forms by parents or guardians of minor students (under 18 years of age) and by the students themselves. These forms are included with the District's Acceptable Use Procedures. Students will be required to indicate they will act in accordance with the Acceptable Use Procedures by signing a document indicating they have read and will abide by the procedures.

The Board directs the Superintendent to provide training and procedures that encourage the widest possible access to electronic information and communication systems and networks by students, staff and patrons while establishing reasonable controls for the lawful, efficient, and appropriate use and management of the system.

Legal References:

Cross References:

**Policy History:**

Adopted On: 10.14.1997

Revised On: 9.10.2002

**STUDENT INSTRUCTION**Field Trips

Helena School District No. 1 recognizes that instructional field trips and activity-related travel when used as a device for teaching and learning and educational incentive are an educationally sound and important ingredient in the overall program of the schools. Such trips can supplement and enrich educational opportunities.

Field trips that take students out-of-state, or out of the country must be approved in advance by the Superintendent. Building principals may approve all other field trips. Building principals will develop procedures with respect to field trips, excursions, and outdoor education including appropriate parent approval procedures.

Staff members may not solicit students during instructional time for any privately arranged field trip or excursion.

The presence of a person with a currently valid American Red Cross standard first aid card or current certification from an equivalent first aid course is required during school-sponsored activities, including field trips, athletic and other off-campus events.

Legal References: 37.111.825, ARM Health Supervision and Maintenance

Cross References:

Policy History:

Adopted on: 5.8.2012

Revised on:

**Student Field Trip Request Form (To be completed by educator planning trip)**

*Directions: Please complete this form and attach required documents. Building principal must approve before request can be sent to the Superintendent for final approval.*

Teacher(s): \_\_\_\_\_ Grade or Group: \_\_\_\_\_

Destination: \_\_\_\_\_ Number of Students: \_\_\_\_\_

Date(s) of Trip: \_\_\_\_\_ Number of School Days: \_\_\_\_\_

Time of Departure: \_\_\_\_\_ Time of Return: \_\_\_\_\_

**Type of Trip – Complete the required information in the appropriate section.**

☐ **Overnight (K-8), Out-of-State Travel (K-12) – Principal and Superintendent Approval REQUIRED.**

(See: Board Policy 2075, Administrative Procedure 2075P for details. Use Form 2075F-2 for planning.)

- ☐ Letter to Principal and Superintendent describing concept for trip, including curricular rationale and general plans. (Letter should be submitted at least six months ahead of trip, when circumstances permit.)
- ☐ Draft of parent permission slip with a letter explaining trip details. Please attach.
- ☐ Number of HSD Chaperones (21 or older): \_\_\_\_\_ (ratio ranging from 1:10 to 1:14 depending on trip) Please attach list.
- ☐ First Aid (Minimum of one chaperone must be first aid certified.) Provide copy of current certification.
- ☐ Fingerprinting necessary / verified for any non-HSD employee who will be unsupervised with students.
- ☐ Type of transportation to be utilized (school bus preferred if possible) – Attach additional sheet describing all modes of transportation to be used on trip including any tours while at destination.
- ☐ Housing: Hotel: \_\_\_\_\_ Other: \_\_\_\_\_
- ☐ Cost to Student (Attach description of fundraising activities and preliminary budget)
- ☐ Cost to School or District. (Please provide detail.)

☐ **Out-of-Country Travel – Principal and Superintendent Approval REQUIRED.**

(See: Board Policy 2075, Administrative Procedure 2075P for details. Use Form 2075F-2 for planning.)

- ☐ Letter to Principal and Superintendent describing concept for trip, including curricular rationale and general plans. (Letter should be submitted at least six months ahead of trip, when circumstances permit.)
- ☐ Draft of parent permission slip with a letter explaining trip details. Please attach.
- ☐ Number of HSD Chaperones (21 or older): \_\_\_\_\_ (ratio at least 1:10) Please attach list.
- ☐ First Aid (Minimum of one chaperone must be first aid certified.) Provide copy of current certification.
- ☐ Fingerprinting necessary / verified for any non-HSD employee who will be unsupervised with students.
- ☐ Type of transportation to be utilized – Attach additional sheet describing all modes of transportation to be used on trip including any tours while at destination.
- ☐ Housing: Hotel: \_\_\_\_\_ Other: \_\_\_\_\_
- ☐ Cost to Student (Attach description of fundraising activities and preliminary budget)
- ☐ Cost to School or District. (Please provide detail.)
- ☐ Possible additional insurance required. Contact Business Administrator at 324.2040.

Teacher or Sponsor signature: \_\_\_\_\_ Date: \_\_\_\_\_

Principal signature (signifies approval): \_\_\_\_\_ Date: \_\_\_\_\_

Superintendent's signature (signifies final approval): \_\_\_\_\_ Date: \_\_\_\_\_

**Out-of-State or Out-of-Country Trip Planning Guide**

<u>Date</u>	<u>Activity</u>	<u>Approval Needed</u>
	1. Develop concept for trip, including educational rationale, dates, supervision plan, destination and cost estimates. Begin process at least six months in advance of trip. <u>Submit Form 2075F-1</u> to principal.	
	2. Discuss with principal and meet and talk with students and parents about the possibility of the trip.	
	3. Revise concept as necessary and create written proposal for <u>approval in concept</u> .	Principal approves and forwards to Superintendent.
	4. Superintendent reviews proposal and may ask for revision or clarification prior to any decision.	
	5. As requested, attend meeting with principal to present proposal to Superintendent.	
	6. Revise any necessary and resubmit through principal and to Superintendent.	Superintendent must approve or proposal doesn't move forward.
	7. Create complete proposal including: ~ Specific itinerary and activities for each day ~ Supervision Plan ~ Housing and number of chaperones ~ Transportation ~ Cost and fundraising plan	
	8. Review plan with principal and revise as necessary.	Principal approves and forwards to Superintendent.
	9. Superintendent approves or denies	
	10. If the trip is approved work with Activity Director and/or Business Manager, set up account for fundraising and trip receipts.	
	11. Notify principal if trip plans change from those originally proposed.	

**Out-of-State / Out-of-Country Field Trip**

**Parent Permission /Emergency Information /Informed Consent for Student to Participate Form**

I hereby give my permission for \_\_\_\_\_ *(Name of student)*

to participate in a field trip to: \_\_\_\_\_ *(Destination)*

on: \_\_\_\_\_ from: \_\_\_\_\_ to: \_\_\_\_\_  
*(Date)* *(Time departs)* *(Time returns)*

for the purpose of: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Class/Club/Team: \_\_\_\_\_

Staff contact: \_\_\_\_\_ Phone #: \_\_\_\_\_

Transportation for this activity will be provided by:

\_\_\_\_ District bus/vehicle

\_\_\_\_ Other (specify) \_\_\_\_\_  
\_\_\_\_\_

Accommodations will be as follows: \_\_\_\_\_  
\_\_\_\_\_

Food will be provided at/by: \_\_\_\_\_

We, the undersigned participant and the undersigned parent of the participant, acknowledge and agree to the following terms and conditions for the undersigned student's participation in the in the following program:

Program Name: \_\_\_\_\_

Program Dates: \_\_\_\_\_

**Nature of Trip**

We understand that this program entails travel to a foreign country, and that such travel entails certain inherent risks regardless of all feasible safety measures that may be taken by the district. We understand that participation in this program is entirely voluntary. We understand that the teachers will be traveling with the group and acting as chaperones for the group.

**Expectations and Terms**

We agree to the terms governing this program, including appropriate standards of conduct, and we agree that the undersigned student will follow the terms and standards of the program and the directives of the chaperones. The chaperones will enforce rules of conduct and the terms of the program. Failure of the undersigned student to follow the rules of conduct and terms of the program or the directives of the chaperones at any time may result in the student's immediate termination from the program. In such event, the chaperones are authorized to arrange transportation back to the United States at the undersigned's expense.

**Needed Accommodations**

If the student has a disability or requires any special accommodations, those accommodations are attached.

**Medical*****Medical/emergency information***

Student home phone #: \_\_\_\_\_ Date of birth: \_\_\_\_\_

Student's Address \_\_\_\_\_

Family Physician: \_\_\_\_\_ Phone #: \_\_\_\_\_

Describe any medical or physical condition, medication information, or allergies which could interfere with the student's safety in these activities:

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In the event of an emergency (injury, illness, unforeseen incident), I wish the following person to be notified in case I cannot be contacted:

Name: \_\_\_\_\_

Relationship: \_\_\_\_\_

Phone #: \_\_\_\_\_

Alternate phone #: \_\_\_\_\_

***Medical Procedures***

If any emergency medical procedures or treatment are required during the trip, we consent to the trip chaperone(s) taking, arranging for, and consenting to the procedures or treatment, in the chaperone's discretion. We will pay the costs of any such medical procedures.

***Medical Insurance***

We verify that health and medical insurance (please attach copy of insurance card) is in place for the undersigned student,

- Insurance Company \_\_\_\_\_
- Policy number \_\_\_\_\_
- Telephone number \_\_\_\_\_

### **Student Responsibility for Actions**

We understand that the chaperones are not responsible for the undersigned student's well-being during times that the student may be absent from the group during independent travel or travel the undersigned student may elect to do with relatives, friends, or other group members outside the travel plans of the program specified above, or at any other time that the student may be on his or her own. It is the student's responsibility to stay with the group and to keep the chaperones advised at any time the student leaves the group.

### **Informed consent**

As the parent/guardian of the above named student, I have read the field trip information and I understand that there are risks of physical injury associated with participation in these activities.

I authorize qualified emergency medical professionals to examine and in the event of injury or serious illness, administer emergency care to the above named student. I understand every effort will be made to contact me to explain the nature of the problem prior to any involved treatment. In the event it becomes necessary for the school district staff-in-charge to obtain emergency care for my student, neither he/she nor the school district assumes financial liability for expenses incurred because of the accident, injury, illness and/or unforeseen circumstances.

These activities are an extension of the school education program and student conduct is to be in accordance with the school's published rules and regulations.

\_\_\_\_\_  
*Signature of parent/guardian* *Date*

\_\_\_\_\_  
*Printed name of parent/guardian*

\_\_\_\_\_  
*Parent/guardian work phone* *Home phone #* *Cell phone #*

I pledge that my conduct will, at all times, reflect credit upon myself, my parents, and my school. I understand that the school rules of conduct apply while on the trip.

\_\_\_\_\_  
*Signature of student* *Date*



## Participant List for Out-of-Country Trips

**2075F-4**

[illegible]

Note: A copy of this completed list is to be maintained in the School Office and a copy is to be sent to the Superintendent's Administrative Assistant @ MBC.

Rev. 12.21.2012

## **Helena Public Schools**

### **Student Instruction**

**2075F-5**

### **Field Trips**

#### **Guidelines and Form for Volunteer Field Trip Chaperones**

#### **Thank You for Your Support!**

The Helena School District believes that field trips provide a valuable educational experience for students. Without the help of volunteer chaperones like you, many field trips would not be possible. We thank you very much for giving your time and support to these important activities. In order to help ensure that District-sponsored field trips result in safe and rewarding experiences for all participants, we have prepared these guidelines to provide information about volunteering as a field trip chaperone.

#### **Becoming a Volunteer Field Trip Chaperone**

Because student safety is paramount concern, our Board Policy 3.14 requires the District to conduct a criminal record background check of school volunteers with unsupervised access to children. To accomplish this, all volunteers must complete the School Volunteer Disclosure Form. The District also requires that volunteer chaperones be at least 21 years old.

#### **Guidelines for Volunteer Chaperones**

Prior to your field trip, the supervising staff member will provide you with information regarding the activities planned for the trip, expectations for supervising students, and emergency procedures. In addition, we have developed the following general guidelines to help you perform your duties as a chaperone. If you have any questions regarding these guidelines, please contact the supervising staff member or the building principal.

1. All school rules apply on District-sponsored events. Chaperones are expected to comply with District policies, follow the directions given by the District's supervising staff member, work cooperatively with other staff and volunteers, and model appropriate behaviors for students. Chaperones may request a copy of the Student Handbook which outlines expectations for student behavior.
2. In order to comply with District policy, during District sponsored events, chaperones:
  - may not use, sell, provide, possess, or be under the influence of drugs (including medical marijuana) or alcohol,
  - may not use tobacco in the presence of, or within the sight of, students,
  - may not possess any weapon even if the chaperone possesses a concealed weapon permit,
  - may not administer any medications, prescription or nonprescription, to students.

3. Students must be supervised at all times while at District-sponsored events. As a chaperone, you will supervise a small group of students, helping them learn and making sure they behave appropriately. Students must stay with you, their chaperone, at all times. Account for all participants regularly and before changing activities. Be sure you know when and where to meet the rest of your group at the end of the visit. Chaperones must be readily available, be mindful of safety concerns, and respond to students' needs.
4. Student behavior is your responsibility. School rules related to student behavior apply. Go over rules and standards of behavior, safety rules, and any site specific rules with students. Ensure that students do not get involved in no extra activities not preapproved by administrators and parents.
5. For the protection of both the student and the chaperone, chaperones should not place themselves in situations in which they are alone with a student.
6. Family members or friends of a chaperone may not participate in a District-sponsored field trip or event unless prior approval has been obtained from the building principal.
7. Chaperones who transport students in their personal vehicle must complete the District Private Transportation for School Activities form. You are expected to comply with all District and State student transportation rules and regulations. Be aware that your personal vehicle insurance provides primary coverage in the event of an accident or injury.
8. Be sure to know what to do in an emergency (medical emergency, natural emergency, lost child, serious breach of rule, etc.). Know who is first aid trained, where the first aid kit is, where the cell phone is kept, and who has the copies of parental permission slips with emergency phone numbers and medical information.

\*\*\*\*\*

In the event that I have a personal emergency, please contact:

\_\_\_\_\_  
*Printed Name*

\_\_\_\_\_  
*Relationship*

\_\_\_\_\_  
*Daytime Phone*

I acknowledge that I have received the copy of the "Guidelines for Volunteer Field Trip" Chaperones," have read these guidelines, and agree to comply with the guidelines as a school volunteer.

Name \_\_\_\_\_ Date \_\_\_\_\_  
*Printed Name*

Name \_\_\_\_\_  
*Signature*

**Field Trips**

**Field Trip Procedures**

A “field trip” occurs when students leave school grounds for an educational purpose. It is a student trip for the purpose of curriculum related study (part of the classroom educational experience), MHSA interscholastic athletics, co-curricular activities, outdoor education, or part of a school-sponsored club.

Types of field trips include:

- Day field trips
- Recurring field trips (same activity over and over on regular basis, such as a choir or sports games)
- Field trips with special hazards:
  - near water or involving swimming or boating
  - in remote locations/hiking
  - involving animals (farms, zoos, riding animals, etc.)
  - involving outdoor education
- Extended field trips - overnight field trips or out of area (over 50 miles)
- Out of country field trips

**Guidelines for day field trips:**

Pursuant to Board Policy 2075, building principals have developed procedures for field trips. Prior to each field trip, the teacher or sponsor will fill out and submit the Field Trip Approval Form. Students will take home, and must return signed, a Field Trip Consent Form which describes the field trip and provides general information about the trip. Extracurricular coaches are not required to fill out a Field Trip Approval Form prior to each out of district event, and students participating in extracurricular activities with recurring trips must provide only one Field Trip Consent Form per season.

In addition, each volunteer chaperone will be provided with the *District's Guidelines for Volunteer Field Trip Chaperones*. The supervising staff member will provide each volunteer with information regarding the activities planned for the trip, expectations for supervising students, and emergency procedures.

**Guidelines for overnight, out-of-state, or out-of-country overnight field trips:**

**Purpose:**

The purpose of overnight, out-of-state or out-of-country field trip needs to be curriculum related, educationally sound, and improve student achievement.

1. Travel requests must be submitted first to the Principal and then the Superintendent for approval prior to any planning. The request must be submitted on: **Student Field Trip Request Form 2075F-1** form and supporting documents (defined on form) must be attached.
2. The proposal/request must have strong support from the building principal, teachers, parents/guardians, and students.
3. The proposal must include a statement of assurance regarding adequate liability insurance to protect the School District, School Board Members, chaperones, teachers and students.
4. The total number of school days missed must be included in the written proposal.
5. Proposals for overnight, out-of-state or out-of-country overnight field trips should include financial information, including the cost to the class, club, department or organization, and the projected cost to the School District and the individual student. Fundraising drives to defray costs must be pre-approved by the Principal.
6. The specific proposal will include the names and numbers of students, names of chaperones, the itineraries, and a breakdown of the estimated cost.
7. Following an extended overnight, out-of-state, or out-of-country overnight trip the instructor and students may be requested to make a presentation at a School Board meeting upon their return from the field trip.

### **Student Responsibilities**

Students are expected to be knowledgeable about the rules governing student conduct. Out-of-state, out-of-country, or overnight trips are considered an extension of the classroom and all rules pertaining to a school-sponsored activity must be followed.

1. Proposals will include support of all District policy and rules contained in the respective school handbook.
2. Students and their parent/guardian will read and sign the standard code of conduct to be reviewed during the pre-trip meetings.
3. At the discretion of the Advisor/Teacher the student's parent/guardian may be required complete and return to the staff member overseeing the trip, a notarized "Medical Consent Form".

Students who violate any school policy during an extended trip may be disciplined, including, but not limited to, being sent home at the parent/guardian's expense.

### **Chaperones**

Teachers who are proposing field trips must be familiar with *Guidelines and Forms for Volunteer Field Trips Chaperones (2075F-5)* and should review the guidelines with any volunteers prior to the field trip.

The proposal/request must include the names and numbers of chaperones, (strongly encouraged) including both male and female chaperone, if the proposal is for a mixed group of students -- staying overnight. If the chaperones are of the same gender, then the proposal/request must include in the plan the method for supervising students of the opposite gender (i.e. utilizing chaperones from other School Districts that are attending the event).

District employees serving as chaperones and developing the proposal for the overnight trips will perform the following duties:

1. Hold a pre-trip meeting with students.
2. Provide detailed written information about the activities of the trip.
3. Provide information on the responsibility and rules to the students.
4. Discuss District policy regarding student conduct while on a school-sponsored activity.
5. Establish a reasonable curfew and enforce strict compliance to this curfew. Periodic checks must be made to ascertain that the students are following the curfew requirements. Every effort should be made to have chaperones of both genders when there are male and female students on the trip. Two adult chaperones are required for all overnight out-of-state and international trips regardless of the number of students or the gender of the students. When conducting hotel room checks, assistance will be required from someone of the same gender as the student(s) in the hotel room.
6. Make periodic checks to ensure strict compliance with all school rules.
7. When appropriate, organize recreational and educational activities for students during leisure time to maximize the learning and social benefits of the tour.
8. Refrain from using tobacco and consuming alcoholic beverages or drugs while on the extended trip.

At the discretion of the Superintendent, or Building Principal, non-employee chaperones may be required to undergo a criminal history check.

**STUDENT INSTRUCTION****Grading, Progress Reports and Promotion**

The administration and professional staff shall establish a system of grading and develop procedures for reporting academic achievement to students and their parents. The system shall also determine when promotion and graduation requirements are met. The decision to promote a student to the next grade level shall be made by the building administration with consideration given to a variety of educational factors including but not limited to; successful completion of the curriculum, attendance, and District assessments.

Legal References:

Cross Reference:

**Policy History:**

Adopted on: 2.28.2012

Revised on:

## STUDENT INSTRUCTION

Graduation Requirements

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

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

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

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

Educational Disruption

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

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

Legal References:	10.55.906, ARM	High School Credit
	10.55.905, ARM	Graduation Requirements
	§ 10-1-1402, MCA	Montana Youth Challenge
	House Bill 246	Revise education laws to enhance local control and opportunities for pupils
	§ 20-1-101, MCA	Definitions ( <i>Revised by House Bill 246</i> )



§ 20-3-324, MCA Powers and duties (*Revised by House Bill 246*)  
§ 20-7-118, MCA Offsite provision of educational services by school district (*Revised by House Bill 246*)  
§ 20-4-101, MCA System and definitions of teacher and specialist certification --student teacher exception (*Revised by House Bill 246*)

Cross References:

Policy History:

Adopted On:

Revised On: 2.12.1991, 3.9.1993, 3.10.1998, 12.8.1998, 9.10.2002, 2.9.2016, 2.8.2022

Reviewed On:

**STUDENT INSTRUCTION**Credit Transfer Assessment for Placement Policy*High School*

Requests for transfer of credit or grade placement from any non-accredited, nonpublic school will be subject to examination and approval before being accepted by the District. The credit review will be conducted by the Principal or designee. The reviewer may seek assistance from content/subject area instructors.

The reviewer will:

1. Document that a student has spent approximately the same number of classroom hours in home school as would have been spent in a regular class in the District;
2. Document that a student followed a curriculum essentially similar to that of a course for which credit is requested;
3. Document that in the event of a credit request in a lab, industrial arts, or music course, equipment and facilities were sufficient to meet required learning activities of the course;
4. Require that a student has satisfactorily passed, in all courses in which a final exam normally is given, a final exam prepared and administered by a staff member in the District.

The District will give credit only for home schools, which have met all requirements as specified in Montana law. The school transcripts will record courses taken in home schools or non-accredited schools by indicating title of the course, location where the course was taken, and grade. For the purpose of calculation of class rank, only those courses taken in an accredited school will be used.

*Grades 1-8*

Requests from parents of students in non-accredited, nonpublic schools for placement in the District school system will be evaluated by the Principal or designee. The Principal or designee will take into account the following when recommending grade placement:

1. Documentation that the non-accredited, nonpublic school has provided a comparable number of hours as the child would have attended in a public or private school;
2. Documentation that the child followed a similar curriculum as would have been provided in an accredited public or private school;
3. Demonstrated proficiency on school and district assessments.

If a parent is not in agreement with the placement of the child, he/she may request a hearing before the Superintendent.

## **2090 Continued**

Legal References: 20-5-110, MCA School district assessment for placement of a child who enrolls from a non-accredited, non-public school  
10.55.701, ARM Board of Trustees

Cross References:

Policy History:

Adopted on: 2.28.2012

Revised on:

**STUDENT INSTRUCTION**Recognition of Native American Cultural Heritage

The District recognizes the distinct and unique cultural heritage of Native Americans and is committed in the District's educational goals to the preservation of such heritage.

In furtherance of the District's educational goals, the District is committed to:

- working cooperatively with Native American advocates and organizations when providing instruction, when implementing educational goals or adopting rules relating to the education of the students in the District;
- periodically reviewing its curriculum to ensure the inclusion of cultural heritage of Native Americans, which will include, but not necessarily be limited to:
  - considering methods by which to provide books and materials which reflect authentic historical and contemporary portrayals of Native Americans;
  - taking into account individual and cultural diversity and differences among students.
- providing the necessary training to school personnel, with the objective of gaining an understanding and awareness of Native American culture which will assist the District's staff in its relations with Native American students and parents.

Legal Reference:                      Art. X, Sec. 1(2), Montana Constitution  
   20-1-501, et seq., MCA Recognition of American Indian Cultural  
   Heritage - Legislative Intent  
   10.55.603 ARM Curriculum Development and Assessment  
   10.55.701 ARM Board of Trustees  
   10.55.803 ARM Learner Access

Cross Reference:

Policy History:

Adopted on:                              3.9.2004

Revised on:

**STUDENT INSTRUCTION****Recognition of Religious Beliefs and Customs**

The District's curriculum may include the study of religions as ancillary to studies of human history and development and of various national, cultural, and ethnic groups. The study of religions shall give neither preferential nor derogatory treatment to any single religious belief or to religion in general. The study of religions shall be treated as an academic subject with no emphasis on the advancement or practice of religion.

Legal References:

Cross References:

**Policy History:**

Adopted on: 2.12.2013

Revised on:

**STUDENT INSTRUCTION****Freedom to Teach, to Learn and to Express Ideas**

The freedom to teach, to learn and to express ideas is essential to the fulfillment of the educational goals of the Helena schools. The Board of Trustees believes that exposure to a broad range of ideas and experiences are necessary to prepare students for a life of responsible citizenship.

The District will offer courses of study that will afford learning experiences appropriate to levels of student understanding. The instructional program respects the right of students to face issues, to have free access to information, to study under teachers in situations free from prejudice, and to form, hold, and express their own opinions without personal prejudice or discrimination.

Teachers will guide discussions and procedures with thoroughness and objectivity to acquaint students with the need to recognize various points of view, importance of fact, value of good judgment, and the virtue of respect for conflicting opinions. This policy further assures that teachers and students have the right to participate fully in the affairs of the community.

Teachers must be actively involved in decisions regarding the organization, presentation and evaluation of instruction to insure a balanced curriculum providing for a free exchange of ideas. The Board encourages and supports the concept of academic freedom, recognizing it as a necessary condition to aid in maintaining an environment conducive to learning and to the free exchange of ideas and information. In a study or discussion of controversial issues or materials, however, the Board directs teaching staff to take into account the following criteria:

1. The issue should be appropriate for the maturity level of the students;
2. The issue should be related to the adopted course content and course objectives;
3. Teachers shall have the right to express their personal opinions provided they state them as such without indoctrinating students;
4. The issue should balance various and/or conflicting points of view in an atmosphere free from bias and prejudice;
5. Students should have an opportunity to study controversial issues about which they will begin to have an opinion;
6. Opportunity should be provided for the development of critical thinking skills; and
7. Emphasis should be placed on the right and necessity of forming independent judgments based on reasoning and the full use of all available information.

It is essential that democratic values be transmitted in an atmosphere which supports free inquiry and learning, and in which the freedom to teach, to learn and to express ideas for teachers and students is encouraged.

Legal References: 20-3-324, MCA Powers and duties  
10.55.701, ARM Board of Trustees  
10.55.603, ARM Curriculum and Assessment

Cross References:

Policy History:

Adopted on: 2.28.2012

Revised on:

**STUDENT INSTRUCTION**Copyright Policy

The District recognizes that federal law makes it illegal to duplicate copyrighted materials without authorization of the holder of the copyright, except for certain exempt purposes. Severe penalties may be imposed for unauthorized copying or use of audio, visual, digital, or printed materials and computer software, unless the copying or use conforms to the “fair use” doctrine.

Under the “fair use” doctrine, unauthorized reproduction of copyrighted materials is permissible for such purposes as criticism, comment, news reporting, teaching, scholarship, or research.

While the District encourages its staff to enrich learning programs by making proper use of supplementary materials, it is the responsibility of staff to abide by District copying procedures and obey requirements of law. Under no circumstances will it be necessary for staff to violate copyright requirements in order to properly perform their duties.

Any staff member who is uncertain as to whether reproducing or using copyrighted material complies with District procedures or is permissible under the law should consult their school librarian. School librarians will assist staff in obtaining proper authorization to copy or use protected materials, when such authorization is required or will direct staff to the proper resource for obtaining more information or authorization.

Legal References:                    17 USC 101 - 1010 Federal Copyright Law of 1976 10.55.701,  
ARM Board of Trustees

Cross References:

Policy History:

Adopted on:                    2.28.2012

Revised on:



**STUDENT INSTRUCTION**

Community and Adult Education

The District makes its resources available to adults and other non-students within the limits of budget, staff and facilities, provided there is no interference with or impairment of the regular school program. Community school, adult education and other offerings may be developed, subject to approval and authorization by the Board.

Legal References:                   § 20-7-702, MCA Authorization to establish adult education program  
   § 20-7-703, MCA Trustees' policies for adult education

Cross References:

Policy History:

Adopted on:                         05.08.2012

Revised on:

**STUDENT INSTRUCTION**Wellness

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

*Nutritional Standards for Foods Available to Students.*

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

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 consider the diversity of the student body in meal planning; and will provide clean, safe, and pleasant settings.

The intention of the District is to provide adequate time for students to eat.

The District strongly encourages that all foods and beverages 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.

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 foods and beverage choices, including water. Physical activity during celebrations is encouraged.

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

### *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, 6.13.2023

## STUDENT INSTRUCTION

Response to Instruction (RTI)

It is the District's policy to ensure that all students receive high quality, scientific, research-based general education core instruction and, as appropriate, strategic and intensive instructional supports matched to student needs. The District will strive to utilize the core principles of the Response to Instruction (RTI) process, which combines systematic assessment; decision-making and multi-tiered services delivery models to improve educational and behavioral outcomes for all students.

*Implementation*

When using the RTI model, the District will utilize a process that identifies students' learning needs early and provides appropriate instruction to support students' successful learning in the general education classroom. In implementing the RTI process, the District shall apply:

1. Scientific, research-based instructional strategies in the general education setting;
2. Measure the student's response to instruction;
3. Use data to inform instruction; and
4. Employ highly-qualified teaching staff.

The Superintendent shall develop procedures to implement research-based instructional strategies that meet students' learning needs. The Superintendent shall use teacher observations and classroom, school, or district assessments to identify students who are at risk of academic or behavioral problems and thereby in need of scientific, research-based instructional strategies. The District shall inform parents regarding the use of scientific, research-based instructional strategies in accordance with state and federal law.

Legal Reference:                   20 USC §§ 6312, 6612 No Child Left Behind  
  34 CFR 300.309 Identification of Child with Specific Learning  
  Disabilities  
  10.16.3125, ARM Child Find

## Cross References:

Policy History:

Adopted on:                       2.28.2012  
Revised on:

**INSTRUCTION****K-12 Online Learning Policy**

The Helena Public Schools Board of Trustees recognizes, and values quality instruction provided to students on campus by Montana licensed educators. Helena Public Schools campus-based education, serves as the primary and preferred source of instruction for most Helena students.

The Board further recognizes that for some students, online learning is an appropriate supplemental or alternative means to provide quality educational services.

In order for a student to receive credit online learning courses must be taught by Montana licensed and endorsed instructors and courses must be aligned with the Montana state content standards.

The District may charge students a reasonable fee for an online course or activity not required for graduation. The Board authorizes the Superintendent to waive the fee in cases of financial hardship. Any courses the District does not pay for will not be included in the ANB calculation.

Legal References:	§ 20-7-1201, MCA	Montana Digital Academy
	§ 20-7-1202, MCA	Funding – Rulemaking authority
	§ 20-9-213, MCA	Fees
	§ 20-9-311, MCA	Calculation of average number belonging (ANB) – three-year averaging

**Cross References:****Policy History:**

Adopted On:	2.14.2006
Revised On:	11.11.2014, 10.11.2022

**STUDENT INSTRUCTION****Suicide Awareness and Prevention Training**

The Board is committed to protecting the health and well-being of all District students. The Board directs the Superintendent or designee to develop a program and associated procedures to prevent, assess the risk of, intervene in, and respond to suicide. The District's suicide prevention program shall be consistent with federal and state law and guidance provided by the Office of Public Instruction.

The District will provide a comprehensive suicide education program within the context of approved curriculum. The District will provide training to administrators, support staff and other school staff in preventing, assessing the risk of, intervening in, and responding to students at risk of suicide. The training shall be made available annually, but employees working directly with students are required to participate in a minimum of two (2) hours of training every five (5) years. The training shall be provided at no cost to District personnel and shall be consistent with approved material provided by the Office of Public Instruction.

Legal References: MCA § 20-7-1310 Youth suicide awareness and prevention training

Cross References:

**Policy History:**

Adopted on: 1.9.2018

Revised on:

**STUDENT INSTRUCTION****Gifted Program**

To the extent possible with available resources, gifted and talented students will have the opportunity to participate in appropriate educational programs. “Gifted and talented children” are students of outstanding abilities, who are capable of high performance and who require differentiated educational programs beyond those normally offered in public schools in order to fully achieve their potential contribution to self and to society. The children so identified include those with demonstrated achievement or potential ability in a variety of worthwhile human endeavors.

The Helena Public Schools shall offer appropriate services for students who have been identified as gifted and talented.

The Board authorizes the Superintendent to provide best-practice, district-wide gifted services which include:

- Identifying students with demonstrated achievement or potential intellectual ability and academic performance;
- Providing appropriate academic challenges and social and emotional interventions for gifted students utilizing current best practices in the field of Gifted Education;
- Developing measurable objectives based on student needs and delivering programming to meet those objectives;
- Providing training and materials related to identification and best practices in the field of Gifted Education for district staff and families of identified gifted students;
- Identifying, utilizing, and involving parent and community resources to maximize opportunities for gifted students;
- Monitoring and evaluating stated goals and objectives regularly and developing methods to evaluate program effectiveness.

Legal References:     § 20-7-901 through 904, MCA Gifted and talented children  
                              10.55.804, ARM Gifted and talented

Cross References:

**Policy History:**

Adopted on: 1.24.2017

Revised on:

**STUDENT INSTRUCTION**

**Significant Writing**

The Board of Trustees has chosen not to have a significant writing program as defined in the Administrative Rules of Montana (10.55.701). Rather the Board directs the district administration and staff to develop an intensive writing program.

Legal Reference:      ARM 10.53.403 College and Career Readiness Anchor Standards for Writing  
                              ARM 10.55.701(2) (p) Board of Trustees  
                              ARM 10.55.1101 Communicate Arts Program Delivery Standards

Cross References:     Board Policy 2120 Curriculum Development and Assessment

**Policy History:**

Adopted on:            7.11.2017

Revised on:



## STUDENT INSTRUCTION

Participation in Commencement Exercises

A student's right to participate in the Helena Public Schools commencement exercise is an honor. Participation in the commencement ceremony is reserved for those members of the graduating class who have completed all state and local requirements. The principal may allow participation in the ceremony due to extenuating circumstances in cases where the student will complete their requirements during the summer semester following their senior year.

The Helena Public Schools will permit students to honor their American Indian heritage through the display of culturally significant tribal regalia at commencement ceremonies.

Prohibited items that may not be worn or incorporated into the graduation ceremony include but are not limited to; items that promote drug use, weapon use, threats of violence, sexual harassment, bullying or other intimidation, or violates a district policy, state or federal law.

The school administration will review student presentations and specific content and will advise participants about appropriate language for the audience and occasion.

Legal References:	Art. II, Sec. 5	Montana Constitution – Freedom of religion
	Art. X, Sec. 1(2)	Montana Constitution – Educational Goals and Duties
	Art. X, Sec. 7	Montana Constitution – Nondiscrimination in education
	§ 20-5-201(3), MCA	Duties and Sanctions
	§ 20-7-112, MCA	Sectarian publications prohibited and prayer permitted

## Cross References:

Policy History:

Adopted on: 5.19.2019

Revised on:



**Series 3000:**

**Students**

## STUDENTS

Equal Educational Opportunities

Equal educational and extracurricular opportunities shall be available for all students without regard to race, color, religion, creed, national origin, sex, age, gender, sexual orientation, gender identity and expression, ancestry, marital status, military status, citizenship status, culture, social origin or condition, political affiliation, mental, physical or sensory handicap, or by any other distinguishing characteristic and other legally protected categories.

The District will not knowingly enter into agreements with any entity or any individual that discriminates against students on the basis of sex or any other protected status. Any student may file a complaint by using the Section 504 / ADA Grievance Procedures for claims relating to disability discrimination, the Title IX Sexual Harassment Grievance Procedures for claims of sexual harassment, or the Uniform Grievance Procedure for all other claims.

No student shall, on the basis of sex, be denied equal access to programs, activities, services, or benefits or be limited in the exercise of any right, privilege, advantage, or denied equal access to educational and extracurricular programs and activities pursuant to Title IX and its regulations. Any student may file a sex equity complaint by using the District's Uniform Grievance Procedures.

Inquiries regarding discrimination of any kind should be directed to the building administrator or District's Title IX Coordinator, who shall provide information and, if necessary, direct the individual to the appropriate grievance procedures. Inquiries regarding sex discrimination or sexual harassment may also be directed to the District's Title IX Coordinator, the Assistant Secretary for the U.S. Department of Education, or both. The District will annually publish notice of these rights to students and parents.

Legal References:	§ 49-2-307, MCA	Discrimination in education
	§ 49-3-201, MCA et seq	Governmental Code of Fair Practices
	20 USC 1681 et seq	Title IX
	42 USC § 12111 et seq.	Americans with Disabilities Act
	29 USC § 791 et seq.	Rehabilitation Act of 1973
	28 CFR 35.107	Nondiscrimination on the Basis of Disability in State and Local Government Services
	34 CFR 104.7	Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance
	34 CFR Part 106	Nondiscrimination on the Basis of Sex in Education
	10.55.701, ARM	Board of Trustees

## Cross References:

Policy History:

Adopted on:	2.10.2015
Revised on:	2.09.2021
Reviewed on:	

## STUDENTS

Bullying, Intimidation, Harassment & Hazing Prevention and Reporting Policy

The Board is committed to providing students with a safe and civil school environment free from harassment, intimidation and bullying. The District will not tolerate harassment, intimidation or bullying in any form at school, school-related events (including off campus events), school sponsored activities, school buses or any event related to school business. Bullying, harassment, intimidation or hazing by students, staff or third parties is strictly prohibited and shall not be tolerated. This includes but is not limited to: inciting, aiding, encouraging, coercing or directing others to commit acts of harassment, intimidation or bullying.

The District expressly prohibits any form of intimidation, hazing, bullying or harassment including but not limited to the following: any gesture or written, verbal or physical act that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, creed, national origin, sex, gender, sexual orientation, gender identity and expression, age, citizenship status, culture, social origin or condition, marital status, military status, political affiliation or a mental, physical or sensory handicap, or by any other distinguishing characteristic and other legally protected categories.

Intimidation, bullying and harassment include acts that a reasonable person knew or should have known, under the circumstances the gesture or written or physical act (a) will have the effect of harming a student or damaging the student's property; or (b) will place a student in reasonable fear of harm to the student's person or damage to the student's property; or (3) has the effect of insulting or demeaning any student or group of students in such a way as to disrupt or interfere with the school's educational mission or the education of any student.

***Definitions:***

1. "Third parties" include but are not limited to coaches, school volunteers, parents, school visitors, service contractors or others engaged in District business, such as employees of businesses or organizations participating in cooperative work program with the District, and others not directly subject to District control at inter-district and intra-District athletic competitions or other school events.
2. "Hazing" includes but is not limited to any act that recklessly or intentionally endangers the mental or physical health or safety of a student for the purpose of initiation or as a condition or precondition of attaining membership in or affiliation with any District sponsored activity or grade-level attainment, including but not limited to forced consumption of any drink, alcoholic beverage, drug, or controlled substance, forced exposure to the elements, forced prolonged exclusion from social contact, sleep deprivation, or any other forced activity that could adversely affect the mental or physical health or safety of a student; requires, encourages, authorizes or permits another to be

subject to wearing or carrying any obscene or physically burdensome article, assignment of pranks to be performed, or other such activities intended to degrade or humiliate.

3. “Bullying” means any harassment, intimidation, hazing, or threatening, insulting, or demeaning gesture or physical contact, including any intentional written, verbal, or electronic communication (cyberbullying) or threat directed against a student that is persistent, severe, or repeated, and that substantially interferes with a student’s educational benefits, opportunities, or performance, that take place on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation, at any official school bus stop, or anywhere conduct may be reasonable be considered to be a threat or an attempted intimidation of a student or staff member or an interference with school purposes or an educational function, that has the effect of:

- a. Physically harming a student or damaging a student’s property;
- b. Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student’s property;
- c. Creating a hostile educational environment, or;
- d. Substantially and materially disrupts the orderly operation of a school.

4. “Electronic communication device” means any mode of electronic communication, including but not limited to computers, cell phones, the internet, or any other technological communication innovation.

### ***Sexual Harassment Prohibited***

Sexual harassment is prohibited. Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual’s participation in unwelcome sexual conduct;
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District’s education program or activity; or
- (3) “Sexual assault” as defined in 20 U.S.C. § 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. § 12291(a)(10), “domestic violence” as defined in 34 U.S.C. § 12291(a)(8), or “stalking” as defined in 34 U.S.C. § 12291(a)(30).

### ***Reporting***

Students who believe they are victims of sexual harassment **are encouraged to discuss the matter, including the formal complaint process, with the Title IX Coordinator. Students who believe they are victims of** harassment based upon a disability are encouraged to report the matter to the Section 504 Coordinator or Principal. Students may choose to report to a person of the student's

same sex if alleging a violation of Title IX. Complaints will be kept confidential to the extent possible given the need to investigate.

Any adult school employee, adult volunteer, district contractor or agent who witnesses, overhears or receives a report, formal or informal, written or oral, of bullying, harassment, or intimidation shall report it in accordance with procedures developed under this policy. **Any adult school employee who has notice of sexual harassment or allegations of sexual harassment shall make a report to the District's identified Title IX Coordinators. All other complaints are handled through the District's Uniform Grievance Procedure.**

Formal complaints alleging sexual harassment shall be addressed through the District's Title IX Grievance Procedures. Formal complaints alleging sexual discrimination complaints shall be addressed through the District's Uniform Grievance Procedure. Complaints alleging disability discrimination or harassment shall be addressed through the District's Section 504 [and ADA if applicable] Grievance Procedures. All other complaints alleging bullying, discrimination, or harassment shall be addressed through the District's Uniform Grievance Procedure.

The Title IX Coordinator, Section 504 [and ADA if applicable], and/or administrator are responsible for taking the following actions in conformance with the applicable grievance procedure:

1. Taking prompt action to investigate/report complaints of harassment, intimidation and bullying.
2. Promptly notifying the **complainants** and **respondents** and their parents/guardians regarding the outcome;
3. **Taking supportive or remedial measures to ensure continued access to the District's programs or activities while the grievance process is pending;** and
4. Taking disciplinary action as appropriate and any other actions appropriate to address the harassment, intimidation, and bullying.

In the event that a staff member or administrator knows or reasonably believes that the alleged behavior constitutes criminal activity or child abuse or neglect, the staff member or administrator shall report such activity to law enforcement and/or the Department of Public Health and Human Services. Nothing herein prohibits other individuals from reporting complaints to law enforcement. If it is determined that the alleged harassment, intimidation, or bullying did not occur at school or school-related activity or does not materially or substantially disrupt the orderly operation of the District, an administrator shall refer the matter, as appropriate, to other persons or entities with appropriate jurisdiction, including but not limited to law enforcement or the Department of Public Health and Human Services.

All staff are obligated to address bullying, harassment, hazing and intimidation as described in Board Policy 5015, administrative procedures and / or staff and student handbooks.

### ***Exhaustion of Administrative Remedies***

A person alleging violation of any form of harassment, intimidation, hazing, or threatening, insulting, or demeaning gesture or physical contact, including any intentional written, verbal, or electronic communication, as stated above, may seek redress under any available law, either civil or criminal, after exhausting all administrative remedies.

### ***Responsibilities***

The District Administration shall be responsible for ensuring that notice of this policy is provided to staff and third parties and for the development of administrative regulations, including reporting and investigative procedures, as needed.

### ***Consequences***

Students whose behavior is found to be in violation of this policy will be subject to discipline up to and including expulsion. Staff whose behavior is found to be in violation of this policy will be subject to discipline up to and including dismissal. Third parties whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the District Administrator or the Board. Individuals may also be referred to law enforcement officials.

### ***Retaliation and Reprisal***

Retaliation is prohibited against any person who reports or is thought to have reported a violation, files a complaint, or otherwise participates in an investigation or inquiry. Such retaliation shall be considered a serious violation of Board policy, whether or not a complaint is substantiated. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

Cross Reference: 5015 PERSONNEL: Harassment / Intimidation / Bullying  
3000 STUDENTS: Equal Educational Opportunities

Legal Reference: 34 C.F.R. Part 106 Nondiscrimination on the Basis of Sex in Education  
§ 20-5-207, MCA “Bully-Free Montana Act”  
§ 20-5-208, MCA Definition  
§ 20-5-209, MCA Bullying of student prohibited  
§ 20-5-210, MCA Enforcement – exhaustion of administrative remedies  
§ 49-2-307, MCA Discrimination in education  
§ 49-3-101 et seq. Governmental Code of Fair Practices  
10.55.701(2)(f), ARM Board of Trustees  
10.55.719, ARM Student Protection Procedures  
10.55.801(1)(d), ARM School Climate

Policy History:

Adopted on:

Revised on: 12.11.1990, 6.10.2003, 2.12.2019, 10.13.2020

**STUDENTS**

School Admissions: Boundary Lines for Attendance Areas

Boundary lines set by the Board of Trustees shall be observed unless an exception has been granted by the Superintendent. The District may assign a student to a school outside their attendance area in order to:

1. Avoid overcrowding;
2. Accommodate individual student needs;
3. Balance class sizes;
4. Accommodate space limitations; or
5. Address similar conditions.

District transportation will be provided for students who are moved as a result of overcrowding or other District needs. District transportation will not be provided for family-initiated requests to transfer to another school.

The District will not assign a student to a school outside of the attendance area for the convenience of the District more than once if possible.

**Procedure History:**

Adopted on:

Revised on: 6.23.1992, 9.10.2002, 12.12.2009



## STUDENTS

School Admissions*Age*

No pupil may be enrolled in the kindergarten or first grade whose 5<sup>th</sup> birthday does not occur on or before September 10 of the school year in which child registers to enter school. A parent may request a waiver of the age requirement. All waivers are at the discretion of and subject to the approval of the Board. No pupil may be enrolled in the District if that pupil has reached his or her 19<sup>th</sup> birthday on or before September 10 of the school year in which the child registers to enter school. A waiver of the age limitation must be reviewed and approved by the Board in an executive session. The Trustees may also admit an individual who has graduated from high school but is not yet 19 years of age even though no special circumstances exist for waiver of the age provision or a student who is not yet 19 years of age and experienced educational disruption and was awarded a diploma as a result and seeks access to reasonable curriculum designed to advance postsecondary success.

*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 meets one or more of the following:
  - 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.

#### *Entrance – Identity and Immunization*

Students enrolling in the District for the first time must present a birth certificate or other reliable proof of identity and age within 40 days, as well as proof of residence. Students must also provide additional student records including original immunization records within 30 days. If the parent of the student does not provide proof of identification within 40 days, the District shall notify the Missing Children Information Program and a local law enforcement authority of the fact that no proof of identity has been presented for the child.

Students who are homeless, in foster care, or are the child of a military family are entitled to immediate enrollment regardless of presentation of the required documentation. Nonresident students shall be admitted when required by law or as permitted by District policy.

A student who transfers from one school district to another may photocopy immunization records in the possession of the school of origin. The District shall accept the photocopy as evidence of immunization. When a student enrolls in the Helena School District the school the student left must send the original immunization records within thirty (30) days after the student has transferred out.

Parents who choose not to immunize their child based on religious tenets must annually submit to the District a signed affidavit on the form prescribed by the State of Montana. The form must be presented to the District prior to the child's first day of attendance. The statement must be maintained as part of the student's immunization records. The District will also accept medical exemptions as required by law.

#### *Placement*

The goal of the District shall be to place students at levels and in settings that will enhance the probability of student success. Developmental testing, together with other relevant criteria,

including but not limited to, health, maturity, emotional stability, and developmental disabilities, may be considered in the placement of all students. Final disposition of all placement decisions rests with the Principal subject to review by the Superintendent. If a student is assigned to a school in the District outside of the adopted school boundaries applicable to that student, this decision is subject to the District's Uniform Grievance Procedure. Upon completion of these procedures, the Board's decision regarding the assignment is final.

#### *Children of Relocated Military Families*

The Board shall assign and admit a child whose parent or guardian is being relocated to Montana under military orders to a school in the district and allow the child to preliminarily enroll in classes and apply for programs offered by the District prior to arrival and establishing residency. The student may attend classes during preliminary enrollment and may receive offsite instruction if not present in the District.

#### *Transfer Students*

Resident students seeking to transfer to a District school will be admitted and placed pursuant to the terms of this policy. The District will request the student's records from the prior school district prior to making any final decision on placement.

Elementary students shall be placed at their current grade level on a probationary basis for a period of two weeks. Should any doubt exist with the teacher and/or Principal as to grade and level placement of the student, the student shall be subject to an educational assessment to determine appropriate grade and level placement

High school students shall be placed according to the number of credits earned in their previous accredited school districts, subject to Montana Accreditation Rules and Standards and local alternate procedures for earning credit.

Legal References:	§ 1-1-215, MCA	Residence -- rules for determining.
	§ 20-5-101, MCA	Admittance of child to school
	§ 20-5-403, MCA	Immunization requirements
	§ 20-5-404, MCA	Conditional attendance
	§ 20-5-405, MCA	Medical or religious exemption
	§ 20-5-406, MCA	Immunization record
	§ 20-5-502, MCA	Enrollment by caretaker relative -- residency -- affidavit
	§ 20-7-117, MCA	Kindergarten and preschool programs
	§ 44-2-511, MCA	School enrollment procedures for missing children
	10.55.701, ARM	Board of Trustees
	10.55.906, ARM	High School Credit
	10.16.3122., ARM	Local Education Agency Responsibility for Students with Disabilities
		Individual with Disabilities Act
		Federal Rehabilitation Act 1973

National School Lunch Act (Public Law 396, 79<sup>th</sup> congress, chapter 281,  
2<sup>nd</sup> session)  
Title III, ESEA (English Language Acquisition, Language Enhancement  
and Academic Achievement Act  
McKinney-Vento Homeless Assistance Act of 1987 (Pub. L. 100-77, July  
22, 1987, 101 Stat. 482, U.S.C. §11301 et seq)

Cross References:	Policy 1085	Uniform Grievance Procedure
	Policy 1065	Board Meetings
	Policy 3022	Children of Military Families

Policy History:

Adopted on: 2.12.2013

Revised on: 10.8.2013, 12.10.2019, 10.11.2022, 6.13.2023

**STUDENTS**

Attendance and Truancy

A telephone call, a written note, or electronic communication from a parent is necessary when a student is absent or late for any reason. Notes shall be given to the attendance secretary, and teachers shall be given a list of students to be admitted. All absences and tardies shall be recorded on the report card.

The principal or designee will attempt to contact, by the end of the school day, any parent, guardian, or legal custodian whose child is absent from school, but who has not reported the child absent for the school day, to determine whether the parent, guardian, or legal custodian is aware of the child's absence from school.

*Attendance Policy*

Specifics regarding numbers of absences and consequences for excessive absenteeism for all students are found in the student handbooks.

*Tardies*

Classroom tardies should be handled by the teacher. Excessive tardies may be referred to the Building Principal.

Legal References:

Cross References:

Policy History:

Adopted on: 5.8.2012

**STUDENTS****Education of Homeless Youth**

For purposes of this policy and to comply with the McKinney Vento Homeless Assistance Act the term “homeless youth” means:

1. an individual who lacks a fixed, regular, and adequate nighttime residence; and
2. an individual whose primary nighttime residence may be but is not limited to:
  - a. a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);
  - b. an institute that provides a temporary residence for individuals intended to be institutionalized; or
  - c. a public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings.

A homeless youth is entitled to equal access to the same free, appropriate public education as provided to other students. The lack of a permanent residence and/or adequate student records may not be the basis for denying enrollment. The Superintendent will give special attention to ensuring the enrollment and attendance of youth who are homeless and not currently attending school. The Superintendent will appoint a liaison for homeless youth. The District homeless liaison will help homeless youth and their families’ access community and district resources. A person who has a concern or complaint regarding placement or education of a homeless youth may contact the building administrator or District homeless liaison. A written complaint may be filed in accordance with the District Uniform Complaint Procedure.

Legal Reference: 42 U.S.C. § 11431, et seq. McKinney Homeless Assistance Act  
§ 20-5-101, MCA Admittance of child to school

Cross Reference: 1085 Uniform Complaint Procedure

Policy History:  
Adopted on: 7.10.2007  
Revised on:

**STUDENTS**Children of Military Families

It is the intention of the District to remove barriers to educational success imposed on children of military families transitioning to and from school because of frequent moves and/ deployment of a parent on active duty in the regular Armed Forces, National Guard, or Reserves.

Educational Records and Enrollment

In the event that official education records cannot be released prior to the transfer of a child of a military family to another school district, the District shall prepare and furnish to the parent a complete set of unofficial educational records, including but not limited to records encompassing all material maintained in the student's permanent and cumulative files (general identifying data, records of attendance and academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status) and special education records. The District shall process and furnish the official educational records to the school in which the child of a military family has transferred within 10 days.

In the event that a child of a military family seeks to enroll in the District, the District shall enroll and appropriately place the student as quickly as possible based upon information in the unofficial educational records pending receipt of the official records. The trustees shall assign and admit a child whose parent or guardian is being relocated to Montana under military orders to a school in the district and allow the child to preliminarily enroll in classes and apply for programs offered by the district prior to arrival and establishing residency.

Tuition

The District shall not charge tuition in relation to a child of a military family transferring into the District who has been placed in the care of a noncustodial parent or other person through a special power of attorney so long as that noncustodial parent or other person resides within the District.

Placement

The District will initially honor the placement of a child of a military family transferring into the District in the educational courses and educational programs based on the child's enrollment in the previous school or educational assessments of the previous school provided the courses and programs are offered and space is available. Course placement includes, but is not limited to, honors, international baccalaureate, advanced placement, vocational, technical, and career pathways courses. Educational programs include, but are not limited to, gifted and talented programs. If appropriate, the District may perform subsequent evaluations to ensure the child continues to be appropriately placed.

The Superintendent may waive course or program prerequisites or other preconditions for a child of a military family's placement in any courses or programs.

### Extracurricular Activities

The District shall facilitate the opportunity for a child of a military family transferring into the District to participate in extracurricular activities, regardless of application deadlines, provided that the child is otherwise qualified.

### Graduation

The District may waive specific courses required for graduation of a child of a military family who has transferred into the District if similar coursework has been satisfactorily completed at the child's previous schools. If the District refuses a request for a waiver from a child of a military family who has transferred into the District regarding courses required for graduation, it shall provide a reasonable justification for the denial and shall provide an alternative means of acquiring the required coursework so that the child may graduate on time.

In the event a child of military family who transfers at the beginning of or during the child's senior year and is ineligible to graduate from a school within the District despite alternative means being offered, the District shall coordinate with the school from which the child transferred for the child to receive a diploma from that school.

### Children of Military Families with Disabilities

The District shall initially provide comparable services to a child of a military family transferring into the District who is receiving special education and related services pursuant to an individual education program under Individuals with Disabilities Education Act. The District shall make appropriate accommodations and modifications to address the educational needs of children of military families transferring into the District who qualify for services under Section 504 of the Rehabilitation Act, subject to any existing Section 504 plan. If appropriate, the District may perform subsequent evaluations to ensure the child continues to be appropriately placed.

Legal References:	§ 20-1-230, MCA	Interstate Compact on Educational Opportunity for Military Children Admittance of child to school ( <i>Revised by House Bill 68</i> ) Early school enrollment for children of relocated military families
	§ 20-5-101, MCA	
	House Bill 68	
Cross Reference:	2040	Special Education and Accommodations Section 504 Procedural Safeguards High School Graduation Credit Transfer/Assessment for Placement
	2050	
	2085	
	2090	



3010	School Admissions
3015	Attendance and Truancy
3025	Discretionary Nonresident Student Attendance Policy
3065	Co-Curricular Participation Code
3085	Transfer of Student Records

Policy History:

Adopted on:	10.22.2013
Revised on:	11.09.2021

**STUDENTS****Education of Children in Foster Care**

Children in foster care are entitled to educational stability and the opportunity to achieve at the same high levels as their peers. “Foster care” means 24-hour substitute care for children placed away from their parents or guardians and for whom the child welfare agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes.

The District agrees to cooperate with child protective agencies to ensure that children in foster care remain in their school of origin unless it is not in their best interests. If it is determined to be in the child’s best interest to not remain in his or her school of origin, the District shall enroll a child in foster care in a school determined to be in the child’s best interest without delay regardless of whether that student can produce records normally required for enrollment. The new school in which a child in foster care is enrolled shall immediately contact the school of origin to obtain the child’s records.

The Superintendent or designee shall identify a Point of Contact (POC) to coordinate the District’s provision of services to children in foster care.

**Cross References:**

3085 Transfer of Student Records  
3090 Receipt of Confidential Records

Legal References: 20 U.S.C. 6311 Title I (as amended by Every Student Succeeds Act)

**Policy History:**

Adopted on: 5.18.2018  
Revised on:

**STUDENTS****Discretionary Nonresident Student Attendance**

The Board, recognizing that its resident students need an orderly educational process and environment, free from disruption and overcrowding, hereby establishes criteria for the discretionary admission of nonresident students. The District will screen all nonresident students and consider only those who meet the criteria set forth in this policy. The Superintendent will recommend to the Board any nonresident student admission in accordance with this policy. Foreign exchange students shall be admitted pursuant to the terms of this policy and according to current federal law regulating foreign exchange programs.

The District will consider the following criteria for discretionary admission of nonresident students: the student's academic record, disciplinary record, including truancy records, and the current student enrollment in the class in which the student would be admitted.

The Superintendent or designee will not admit any student prior to viewing that student's records from the student's previous school districts. The Superintendent or designee will evaluate the student based on the above listed criteria and determine whether or not to recommend the admission of the student. The Superintendent or designee will not admit any nonresident student who is serving a suspension or expulsion in another school district or who has been recommended for suspension or expulsion.

All resident students who become nonresident students due to a move by the students' parents from the District may continue attendance for the semester, barring registration in another school district. At the completion of the semester, the student must apply for admission as a nonresident student if the student wishes to remain in the District.

The Board reserves the right to charge tuition for nonresident students. The Board may, in its discretion, charge or waive tuition for all students whose tuition is required to be paid by one type of entity. Unless otherwise provided by law, nonresident students are not eligible transportees for school transportation services.

Legal References:                   § 20-5-320, MCA Attendance with discretionary approval  
  § 20-5-323, MCA Tuition and transportation rates  
  § 10.10.301B, ARM Out of District Attendance Agreements

Cross References:

Policy History:  
Adopted on:                       2.12.2013  
Revised on:

**STUDENTS**

Student Appearance

Students' dress and grooming must not disrupt the educational process, interfere with the maintenance of a positive teaching/learning climate, or compromise reasonable standards of health, safety, and decency. While matters of dress remain the primary responsibility of students, in consultation with their parents or legal guardians, students are reminded that their appearance significantly affects the way others respond to them.

The Superintendent shall establish procedures for handling students who dress or groom inappropriately. These procedures will be published in the Parent-Student Handbook.

Legal References:

Cross References:

Policy History:

Adopted on: 3.20.2012

Revised on:

## STUDENTS

Searches and Seizures

The District has a responsibility for the health and safety of its students during the school day, at all extra-curricular activities and events, and all activities conducted on school premises. Use of and / or possession of drugs, alcohol, tobacco and tobacco innovations, controlled substances, medications (including over-the-counter medications without permission), and any other illegal drug, and/or drug paraphernalia on school property or at a school sponsored event pose a serious risk to health and safety to students, employees and visitors. Possession and use of weapons on school grounds poses an additional risk to the health and safety of students, employees and visitors.

To protect students, employees, and visitors from these risks, it is necessary to conduct searches of persons and property under certain, limited circumstances. Such searches are necessary to: deter the presence and possession of prohibited substances and items; deter drug and alcohol abuse among the student population; to educate students as to the serious physical, mental and emotional harm caused by drug and alcohol abuse; to prevent injury, illness and harm as result of drug, alcohol abuse and/or weapons; to help identify student drug use and assist parents in pursuing evaluation and appropriate counseling; and to maintain a safe environment free of weapons, alcohol and drug use.

Searches may be carried out to recover stolen property, to detect illegal substances or weapons, or to mitigate or eliminate risks to and disruption of a safe and healthy educational environment. In keeping with these goals, the Board authorizes school authorities to conduct reasonable searches of school property and equipment, as well as of students and their personal effects, to maintain health, safety, and security in the schools.

The search of a student, by authorized school authorities, is reasonable if it is both: (1) justified at its inception, and (2) reasonably related in scope to the circumstances which justified the interference in the first place.

School authorities are authorized to utilize any reasonable means of conducting searches, including but not limited to the following:

1. A “pat down” of the exterior of the student’s clothing;
2. A search of the student’s clothing, including pockets;
3. A search of any container or object used by, belonging to, or otherwise in the possession or control of a student; and/or
4. Devices or tools such as breath-test instruments, saliva test strips, etc.

The “pat down” or “search” of a student, if conducted, will be conducted by a school official or employee of the same gender as the student being searched.

The types of property that may be searched by school officials include but are not limited to lockers, desks, purses, backpacks, vehicles parked on school property, cellular phones or other electronic communication devices.

#### *Students and Their Personal Effects*

School authorities may search a student, the student's property, or District property under the student's control, when there is reasonable suspicion that the search will produce evidence the student has violated or is violating either the law, Board policy, administrative regulation or the District's student conduct rules. Reasonable suspicion shall be based on the specific and objective facts that the search will produce evidence related to the alleged violation.

Immediately following a search, a written report shall be made by the school authority who conducted the search. The report shall be submitted to the Principal and forwarded to the Superintendent. The parent of the student shall be notified of the search as soon as possible.

#### *Vehicles Parked on School Property*

Parking on District property is a privilege for all students. Students may not use, transport, carry, or possess alcohol, illegal drugs, drug paraphernalia or any weapons in their vehicles on school property. District staff may search vehicles parked on school property with the consent of the student or parent when staff has reasonable suspicion to believe the vehicle contains, alcohol, illegal drugs, drug paraphernalia, or weapons. If the student or parent refuses consent to the search, the student will lose the privilege of parking on school property. In the event a sweep by a trained dog alerts to the presence of alcohol, drugs, drug paraphernalia, or weapons in a vehicle, the District will contact law enforcement to conduct a search of the interior of the student's vehicle. Notice provisions for students will be contained in the student handbook annually, and students shall annually consent to these procedures if they choose to park on District property.

In addition, by exercising the privilege of parking in the school parking lots, the student acknowledges that the student does not have any expectation of privacy in the odors emanating from the student's vehicle which may alert a human or a canine to the presence of alcohol, illegal drugs, drug paraphernalia or weapons.

#### *School Property*

School property, including, but not limited to, desks and lockers, is owned and controlled by the District and may be searched by school authorities at any time. School authorities are authorized to conduct area-wide, general administrative inspections of school property without notice to or consent of the student and without reasonable suspicion. Contractors using trained dogs may be employed by the district to assist in this process.

*Seizure of Property*

If a search produces evidence that the student has violated or is violating either the law or the District's policies or rules, such evidence may be seized and impounded by school authorities, and disciplinary action may be taken. When appropriate, such evidence may be transferred to law enforcement authorities

Legal References: *T.L.O. v. New Jersey*, 105 S.Ct. 733 (1985)

Cross References:

Policy History:

Adopted on: 5.8.2012

Revised on: 9.12.2017

## STUDENTS

Access to and Release of a Student During School Hours

The Board recognizes its responsibility for the proper care of students during school hours. Non-school personnel shall not have access to students during the instructional day except as permitted by this policy.

*Law Enforcement and Social Service Agencies*

All contact between the school and the police department or social service workers on matters involving students shall be made through the administrative office. The District encourages police and social service workers to talk to a student away from the school. Law enforcement should only be allowed to conduct an interview in the school if they can show special circumstances exist or if the interview is at the request of a school official. Law enforcement must comply with all legal requirements regarding notification of parents and consent prior to interviewing students. In the event the student's parent cannot be present, a school official shall observe the meeting. Social service workers may be permitted to interview students at school pursuant to Montana law. In the event the social worker declines to notify the parent, a school official may observe the meeting.

If the police have a warrant or probable cause for the student's arrest, they must be permitted to arrest the student; however, whenever possible, the arrest should be conducted in the principal's office out of view of other students. A social worker may take custody of a student upon presentation to the District of a court order granting the social worker such power, or under the provisions of § 41-3-301, MCA.

*Parents and Other Adults*

A student may be released to a custodial parent during the instructional day. When in doubt as to custodial rights, the District will rely on the most recent information available in the student's records. The District will not release a student to a non-custodial parent without contacting the custodial parent. Prior written permission from the custodial parent is required before releasing a student into the custody of a previously unauthorized adult, unless an emergency situation justifies a waiver.

Legal References:                      § 41-3-202, MCA Action on reporting  
   § 41-3-301, MCA Emergency protective service

Cross References:

Policy History:  
Adopted on:                              5.8.2012  
Revised on:



## STUDENTS

Student Discipline

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

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

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

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

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

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

- Using, possessing, distributing, purchasing, or selling tobacco products, vapor products, or alternative nicotine products (tobacco includes, but is not limited to, cigarettes, cigars, snuff, smoking tobacco, smokeless tobacco, or any other tobacco or nicotine innovation);
- Using, possessing, distributing, purchasing, or selling alcoholic beverages including powdered alcohol or any other alcohol innovation.
- Using, possessing, distributing, purchasing, or selling drug paraphernalia, illegal drugs, controlled substances, or any substance which is represented to be or looks like a narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, medical marijuana, alcoholic beverage, stimulant, depressant, or intoxicant of any kind, including such substances that contain chemicals which produce the same effect of illegal substances

including but not limited to Spice and K2. Students who may be under the influence of such substances will not be permitted to attend school functions and will be treated as though they had drugs in their possession.

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

### *Gun Free Schools*

The Board will follow federal law for any student who uses, possesses, controls, or transfers a firearm on school property. The Board hereby authorizes the Superintendent to modify the disciplinary action on a case-by-case basis, including eliminating the requirement for expulsion.

The administrator may immediately suspend a student if, prior to a hearing, there is cause to believe the student brought a firearm to school or possessed a firearm at school. In the case of a firearm violation the student may be expelled if the trustees find that the student knowingly brought a firearm to school or possessed a firearm at school.

### *Possession of a Weapon in a School Building*

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

Legal References:

§ 16-11-302, MCA

Definitions

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

#### Cross References:

#### Policy History:

Adopted on: 3.26.2013

Revised on: 8.15.2017, 2.8.2022

## STUDENTS

Student Due Process Rights*Out-of-School Suspension*

Before an out-of-school suspension, the student shall be provided oral or written notice of the charges. If the student denies the charges, the student shall be given an explanation of the evidence and an opportunity to present his or her version. Prior notice and a hearing as stated above is not required and the student can be immediately suspended out-of-school when the student's presence poses a continuing danger to persons or property or an ongoing threat of disruption to the educational process. In such cases, the necessary notice and hearing shall follow as soon as practicable.

Any out-of-school suspension shall be reported as soon as possible to the student's parents. A written notice of the suspension shall contain a statement of the reasons for the out-of-school suspension and a notice to the parents of their right to review the out-of-school suspension. Upon request of the parents, the Superintendent shall convene a meeting to review the out-of-school suspension. At the meeting, the student's parents may appear and discuss the out-of-school suspension with the Superintendent. The Superintendent shall decide whether the out-of-school suspension is appropriate. The decision of the Superintendent is final and may not be appealed to the Board.

The term of an out-of-school suspension may vary depending upon the circumstances. A student may be suspended out-of-school for an initial term not to exceed ten (10) school days. Upon a finding by an administrator, after an informal hearing with the student, that the immediate return to school would be detrimental to the health, welfare or safety of others, or would be disruptive of the educational process, a student may be suspended out-of-school for an additional term not to exceed ten (10) school days.

Students with rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act may be suspended in the same manner as students without those rights, although the District must follow all procedural requirements of those Acts when suspending students with disabilities out-of-school.

*Expulsion*

Expulsion is any removal of a student for more than twenty (20) school days without the provision of educational services. Only the Board may expel a student from school. After the administration has investigated the alleged misconduct, and made the decision to recommend an expulsion of the student to the Board, a Board Meeting shall be scheduled and the administration shall send a written notice to the student and the parent outlining the following:

- the intent to recommend an expulsion;
- the specific charges against the student;

### 3055 Continued

- what rule or regulation was broken;
- the nature of the evidence supporting the charges;
- the date, time and place where the Board Meeting will be held;
- a copy of the procedure that will be followed by the Board;
- a reminder of the rights the student and parents have, including the right to counsel, the right to cross examine witnesses, and the right to present witnesses.

The hearing may be rescheduled by the parent by submitting a request showing good cause to the Superintendent at least 3 school days prior to the scheduled date of the hearing. The Superintendent shall determine if the request shows good cause.

Students with rights under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act may be expelled under certain circumstances, and the District must follow all procedural requirements of those Acts, including holding a manifestation determination meeting, prior to moving forward with an expulsion.

Legal References:                   § 20-4-302, MCA Discipline and punishment of pupils  
  § 20-4-402, MCA Duties of district superintendent  
  § 20-5-201, MCA Duties of pupils – sanctions  
  § 20-5-202, MCA Suspension and expulsion  
  20 USC 1415(k) IDEA  
  10.55.701, ARM Board of Trustees

Cross References:

Policy History:  
Adopted on:                       3.26.2013  
Revised on:

## STUDENTS

Misconduct by Students with Disabilities*Students with Disabilities Covered by Section 504*

A student with a disability under Section 504 shall not be removed from school for more than ten consecutive school days unless the District first determines that the misbehavior is not a manifestation of the student's disability. That determination may be made by the same group of people who make placement decisions. At a minimum, the group shall include persons knowledgeable about the student and the meaning of the evaluation data. The group must have available to it evaluation data that is recent enough to afford an understanding of the student's current behavior.

If it is determined that the misconduct is not caused by the student's disability, the student may be excluded from school in the same manner as similarly situated nondisabled students. If it is determined that the misconduct is caused by the student's disability, the District must determine whether the student's current educational placement is appropriate. See *34 CFR 104.35; 17 IDELR 609; 16 IDELR 491*

The District may take disciplinary action pertaining to the use or possession of illegal drugs or alcohol against any student with a disability who is currently engaging in the illegal use of drugs or in the use of alcohol to the same extent that the District would take disciplinary action against nondisabled students. The due process procedures afforded under Section 504 do not apply to such disciplinary action. See *29 U.S.C. 705(20)(C)(iv)*

*Students with Disabilities Covered by IDEA*

Except as set forth below, the placement of a student with a disability who receives special education services may be made only by a duly constituted IEP team. Any disciplinary action regarding the student shall be determined in accordance with federal law and regulations.

Continuation of Service - The District is not required to provide services to a student during periods of removal if the student has been removed from his or her current placement for 10 school days or less in that school year, if services are not provided to a student without disabilities who has been similarly removed. See *34 CFR 300.530(b)*.

Subsequent Removals - After a student has been removed from his or her current placement for more than 10 school days in the same school year, during any subsequent days of removal, the District shall provide the services necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals in the student's IEP. This requirement applies if the subsequent removal is not a change in placement or the behavior is determined not to be a manifestation of the student's disability. If the removal is not a change in placement,

### 3060 Continued

school personnel, in consultation with the student's special education teacher, determine the extent to which these services are necessary. If the student is removed because of behavior that is determined not to be a manifestation of the student's disability, the student's IEP team determines the extent to which these services are necessary. See *20 U.S.C. 1412(a)(1), 1413(a)(1); 34 CFR 300.530 (b)-(d)*.

Procedural Safeguards - Not later than the date on which the decision to take the disciplinary action is made, the District shall notify the student's parents of the decision and of all procedural safeguards *20 U.S.C. 1415(k)(1)*.

Removals of 10 Days or Less - To the extent removal would apply to students without disabilities; school personnel may remove a student with a disability who violates a code of student conduct from the current placement to an appropriate interim alternative educational setting, another setting, or suspension for not more than ten school days.

School personnel may order additional removals of not more than ten consecutive school days in the same school year for separate incidents of misconduct, so long as those removals do not constitute a change in placement. See *20 U.S.C. 1415(k)(1)(B); 34 CFR 300.530(b)*.

Removals of More than 10 Days – Change in Placement - Any disciplinary action that would constitute a change in placement may be taken only after the student's IEP team conducts a manifestation determination review. A change of placement occurs if a student is:

- Removed from the student's current educational placement for more than ten consecutive school days; or
- Subjected to a series of removals that constitute a pattern because they cumulate to more than ten school days in a school year, and because of factors such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.

See *34 CFR 300.530*. School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student who violates a code of student conduct. See *20 U.S.C. 1415(k)(1)(A)*.

Manifestation Determination - Except as set forth below at *WEAPONS/DRUG OFFENSES*, within 10 school days of any decision to change the placement of a student because of a violation of a code of student conduct, the District, parents, and relevant members of the IEP committee shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents to determine whether the conduct in question was:

## 3060 Continued

- Caused by, or had a direct and substantial relationship to, the student's disability; or
- The direct result of the District's failure to implement the IEP.

If the District, the parent, and relevant members of the IEP team determine that either of the above is applicable, the conduct shall be determined to be a manifestation of the student's disability. See *20 U.S.C. 1415(k)(1)(E)*; *34 CFR 300.530(e)*. If the determination is that the student's behavior was not a manifestation of the student's disability, the disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner and for the same duration in which they would be applied to students without disabilities, except that the District shall still provide services, although they may be provided in an interim alternative educational setting. *20 U.S.C. 1412(a)(1)*, *1415(k)(1)(C)*; *34 CFR 300.530(c)*, *(d)*.

**Behavioral Intervention Plan** - If the District, the parents, and relevant members of the IEP team determine that the conduct was a manifestation of the student's disability, the team shall conduct a functional behavioral assessment (FBA) and implement a behavioral intervention plan (BIP) if the District had not conducted an FBA before the manifestation determination and before the behavior that resulted in the change in placement. If a BIP has already been developed, the team shall review the BIP and modify it, as necessary, to address the behavior. Except as provided at *WEAPONS /DRUG OFFENSES*, the team shall return the student to the placement from which the student was removed, unless the parent and the District agree to a change in placement as part of the modification of the BIP. See *20 U.S.C. 1415(k)(1)(F)*; *34 CFR 300.530(f)*. If a student with a BIP is subsequently removed and that removal is not a change in placement, the team shall review the BIP and its implementation to determine if modifications are necessary. If one or more members of the team believe that modifications are needed, the team shall meet to modify the plan and its implementation, to the extent the team determines necessary. *CFR 300.530(f)*.

### Interim Alternative Educational Settings

#### *WEAPONS/DRUG OFFENSES*

School personnel may remove a student to an interim alternative educational setting, for not more than 45 school days, without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:

1. Carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a state or a school district; or
2. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of a state or a school district;



## 3060 Continued

3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the state or the District.

See:

*20 U.S.C. 1415(k)(1)(G); 34 CFR 300.530(g).* . In this policy, "**weapon**" means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, but does not include a pocket knife with a blade of less than two and a half inches in length.

*20 U.S.C. 1415(k)(7)(C); 18 U.S.C. 930(g)(2); 34 CFR 300.530(i).* "**Controlled substance**" means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812[c]).

"**Illegal drug**" means a controlled substance, but does not include a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any authority under the Controlled Substance Act or any other provision of federal law. *20 U.S.C. 1415(k)(7)(A), (B); 34 CFR 300.530(i).* .

"**Serious bodily injury**" means bodily injury that involves:

1. A substantial risk of death;
2. Extreme physical pain;
3. Protracted and obvious disfigurement; or
4. Protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

### *Alternative Settings*

The IEP team shall determine the interim alternative education setting. *20 U.S.C. 1415(k)(2).* The setting shall be selected so as to enable the student to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the student's current IEP, that will enable the student to meet the goals set out in that IEP. The setting shall also include services and modifications designed to address the behavior that caused the student to be placed in the alternative setting so that the behavior does not recur. *20 U.S.C. 1415(k)(3); 34 CFR 300.52.*

### *Proposed Change After Interim Placement*

If school personnel propose to change the student's placement after expiration of the interim alternative placement, during the pendency of any proceeding to challenge the proposed placement, the student shall remain in the current placement (the student's

### 3060 Continued

placement before the interim alternative educational setting), unless the District requests an expedited hearing. *20 U.S.C. 1415(k)(7)(B); 34 CFR 300.526(b)*. If school personnel maintain that it is dangerous for a student to be in the current placement (placement before removal to the interim alternative educational setting) during the pendency of the due process proceedings, the District may request an expedited hearing. *20 U.S.C. 1415(k)(7)(C); 34 CFR 300.526(c); 19 TAC 89.1191*.

Legal References:                      Stated throughout policy

Cross References:

Policy History:

Adopted on:                              3.10.2015

Revised on:

**STUDENTS**

Participation in Inter-Scholastic Athletics

Students participating in interscholastic athletics must be covered by insurance. The District will not assume any cost of medical or other services due to injuries.

Students who participate in any athletic program must have a signed "Parents' Consent Form", must pass a physical examination administered by a physician, a physician assistant (PA), or a nurse practitioner (NP) and must sign the Chemical Use form.

Legal References:

Cross References:

Policy History:

Adopted On:

Revised On: 9.10.2002

STUDENTS

Obligation of Students Participating in School Sponsored Activities

Students participating in school sponsored activities assume a responsibility to fellow students, the district, and the community to be law-abiding citizens.

The administration shall place limits, up to and including restricting a student from participating in school sponsored activities or being awarded school honors, if a student is found by school officials to have violated Board Policy or committed an act prohibited by state or federal law.

An appeal process will be available to all students under the District's "Uniform Complaint Policy."

Legal References:

Cross References:

Policy History:

Adopted On: 2.12.1995

Revised On: 9.10.2002, 1.9.2007

**STUDENTS****Academic Eligibility for Activities Policy**

The Board of Trustees recognizes the value and contributions of high school activities. The Trustees further recognize that individual academic growth is the primary mission of the school program. The Academic Eligibility for Activities Policy reaffirms that primary academic mission.

High school activity participants must have a 2.0 or better grade point average (GPA) for the previous nine weeks grading period or have met the criteria of the conditional academic eligibility plan and must further satisfy all applicable Montana High School Association eligibility rules. At the conclusion of the second or fourth grading period, the higher of the semester grade or quarter grade will be used to determine eligibility.

All students who transfer from another accredited high school will have their initial eligibility determined by current Montana High School Association policy. On the first day of the next nine-week grading period, eligibility for activities shall be determined according to the Helena School District No. 1 Academic Eligibility for Activities Policy.

School officials shall implement programs and procedures that encourage and assist students in maintaining optimum grades.

Appeals processes for eligibility will be available for all students. At a minimum the appeals procedure will include an examination of relevant academic and personal student information, a hearing with the student and school officials, and a timely final decision.

Legal References:

Cross References:

Policy History:

Adopted On:

Revised On: 12.11.1990, 9.10.2002

## STUDENTS

Administration of Medication

Students should not take medication during school hours or during school-related activities unless it is necessary for a student's health and well-being. When a student's licensed health care provider and parents believe that it is necessary for the student to take a medication during school hours, the health care provider and parent must request that the school dispense the medication to the student and otherwise follow the District's procedures on dispensing medication.

The Board will permit administration of medication to students in schools. A school nurse may administer medication to any student in the school or may delegate this task pursuant to Montana law.

Parents must notify the school if their student will be self-medicating with emergency medication.

Emergency Administration of Medication

A school nurse or designee may administer emergency medication to any student in need thereof on school grounds, in a school building, or at a school function, according to a standing order of a primary medical advisor or a student's licensed health care provider.

In the absence of a school nurse, an administrator or designated staff member exempt from the nurse license requirement under § 37-8-103(1) (c), MCA, who has completed training in administration of medication, may give emergency medication to students.

The District will maintain in each school a limited supply of auto-injectable epinephrine prescribed by a licensed health care provider and filled by a licensed pharmacy. In addition antihistamines will be maintained. Both items will be housed in each school at all times. A school nurse or other authorized personnel will administer emergency medication to any student or nonstudent as needed. The District shall develop the protocol and provide training as required by law.

The District will obtain naloxone through the Montana Department of Health and Human Services to be housed securely in all District schools. The District shall develop protocols for administering naloxone and will provide training as required by law.

In the case of an anaphylactic reaction or risk of such reaction, a school nurse or delegate may administer emergency oral or injectable medication to any student in need thereof on school grounds, in a school building, or at a school function.

A building administrator, school nurse, or designee will document the administration of any emergency medication in the student's record.

Self-Administration and Possession of Asthma, Severe Allergy, or Anaphylaxis Medication

Students with asthma, severe allergies or anaphylaxis may possess and self-administer emergency medication; epinephrine auto-injector, oral antihistamine, or asthma inhaler during

the school day, during field trips, during school-sponsored events, or while on a school bus as prescribed by a licensed health care provider.

If provided by the parent, a guardian or an individual who has executed a caretaker relative educational authorization affidavit, and in accordance with documents provided by the student's health care provider, medication for asthma, severe allergy, or anaphylaxis medication may be kept by the student and backup medication may be kept at a student's school in a predetermined location or locations to which the student has access in the event of an asthma, severe allergy, or anaphylaxis emergency.

Parents must notify the school if their student will be possessing and self-administering using an epinephrine auto-injector, oral antihistamine or an asthma inhaler.

#### Administration of Glucagon

A school employee who voluntarily agrees and is selected by a parent or guardian or a school nurse may administer glucagon to the student with diabetes in an emergency situation. Written proof of the designation to the school employee and written acceptance of the designation by the school employee must be filed with the District. The glucagon must be provided by the parent or guardian.

The school employee must be trained in recognizing hypoglycemia and the proper method of administering glucagon. Training must be provided by a health care professional. Written documentation of the training received by the school employee must be filed with the District. School employees must voluntarily agree to the parent or nurse delegation.

#### Storage and Disposal of Medication

Unused, discontinued, or obsolete medication will be returned to the parent or guardian upon notice to that parent or guardian. Access to all stored medications is limited to those individuals authorized to administer medications or assist in the self-administration of medications. Each building shall maintain a list of those persons currently authorized by delegation from a licensed nurse to administer medications.

Legal References:	§ 20-5-412, MCA	Administration of Glucagon
	§ 20-5-413, MCA	Limits on Liability
	§ 20-5-420, MCA	Self-administration of asthma medication
	§ 20-5-421, MCA	Emergency Use of Epinephrine in School Setting
	§20-5-426, MCA	Emergency use of opioid antagonist in school setting -- limit on liability
	§ 27-1-714, MCA	Limits on Liability for Emergency Care Rendered at Scene of Accident or Emergency
	§ 37-8-103, MCA	Exemptions ~ Limitations on Authority Conferred
	§40-6-502, MCA	Caretaker Relative Medical Authorization Affidavit ~ Use ~ Immunity ~ Format
	§ 37-8-103, MCA	Exemptions – Limitations on Authority
	24.159.1601 et al. ARM	Delegation and Assignment

24.159.1604 et al. ARM	Tasks Which May be Routinely Assigned to Unlicensed Person in Any Setting When a Nurse-Patient Relationship Exists
24.159.1616 et al. ARM	Nursing Tasks Related to Medications That May Be Delegated
24.159.1625 et al. ARM	General Nursing Functions and Tasks That May Not be Delegated

Cross References:

Policy History:

Adopted on:	9.9.2014
Revised on:	5.12.2015, 5.10.2022, 10.11.2022



**STUDENTS****Student Charges, Fines and Fees**

A student may be charged a fee for:

1. the actual cost of breakage or damage to an item;
2. consumable supplies;
3. maintenance and repair of equipment utilized in the classes and/or courses offered for graduation credit including but not limited to career and technical education and fine arts classes; or
4. field trips or facility rentals associated with classroom or school activities either within or out of the district boundaries.

If a student is to be charged a fee, both the student and parent shall be notified regarding the amount of the fee or charge, or the nature of the damage, how restitution may be paid, and how an appeal may be instituted. The District may charge reasonable copy costs associated with student requests for post secondary applications and other discretionary activities.

A student may be charged reasonable tuition for activities not offered for graduation credit or for repeat courses offered for credit. These include adult education courses, drivers' education, athletics, intramural sports, student extracurricular activities, and under three-mile transportation charges

All District-sponsored student programs that are offered outside of the regular school day are required to prepare an annual pricing plan and must generate revenue at least equal to the cost of the program unless the Board agrees to supplement the program with other funds.

District students who apply and are approved for either free or reduced lunches may request a waiver of applicable tuition/fees. A current school lunch application must be on file with the appropriate school in order for this waiver to be granted. Absent extenuating circumstances, only one waiver will be granted per student for drivers' education.

Unless otherwise required by law, all student charges, fines, and fees collected under any part of this section shall be deposited with the District Business Office.

Legal References:

Cross References:

Policy History:

Adopted On: 12.09.2003

Revised On:

**STUDENTS**Maintenance of Student Records

School student records are confidential, and information from them will not be released other than as provided by law. State and federal laws grant students and parents certain rights, including the right to inspect, copy, and challenge school records.

*Content of Records and Maintenance*

The District maintains two (2) sets of school records for each student: a permanent record and a cumulative record.

The permanent record will include:

- Basic identifying information including date of birth
- Academic work completed (transcripts)
- Level of achievement (e.g. grades, standardized achievement tests, grade level completed)
- Immunization records
- Attendance record
- Record of any disciplinary action taken against the student, which is educationally related
- The statewide student identifier assigned by the Office of Public Instruction

The cumulative record may include, but is not limited to:

- Intelligence and aptitude scores
- Psychological reports
- Participation in extracurricular activities
- Honors and awards
- Teacher anecdotal records
- Verified reports or information from non-educational persons
- Verified information of clear relevance to the student's education
- Information pertaining to release of this record
- Disciplinary information

Information in the permanent record will indicate authorship and date and will be maintained in a secure location in perpetuity for every student who enrolled in the District. Cumulative records will be maintained for eight (8) years after the student graduates or permanently leaves the District. Cumulative records which may be of continued assistance to a student with disabilities, who graduates or permanently withdraws from the District, may, after five (5) years, be transferred to the parents or to the student if the student has succeeded to the rights of the parents.

The building principal will be responsible for maintenance, retention, or destruction of a student's permanent or cumulative records, in accordance with 20-1-212, MCA and District procedure established by the Superintendent.

#### *Access to Student Records*

The District will not release, disclose, or grant access to information found in any student record except under the conditions set forth in this document. The parents of a student under 18 years of age will be entitled to inspect and copy information in the child's school records. Such requests will be made in writing and directed to the Principal. Access to the records will be granted as provided by law. Where the parents are divorced or separated, both will be permitted to inspect and copy the student's school records, unless the school is made aware of a court order indicating otherwise. When the student reaches 18 years of age, graduates from high school, marries, or enters military service, all rights and privileges accorded to the parent become exclusively those of the student, except as provided below.

Access will not be granted to the parent or the student to confidential letters and recommendations concerning admission to a post-secondary educational institution, applications for employment, or receipt of an honor or award, if the student has waived his or her right of access after being advised of his or her right to obtain the names of all persons making such confidential letters or statements.

Other individuals or entities may access student records as follows:

- The District may grant access to or release information from student records to employees or officials of the District, including contractors or consultants to whom the District has outsourced institutional services or functions, or the Montana State Board of Education, provided a current, legitimate educational interest is shown, without parental consent or notification. Access in such cases will be limited to the satisfaction of that need.
- The District may grant access to or release information from student records without parental consent or notification where it is necessary in connection with the audit, evaluation, compliance, or enforcement of federal legal requirements to state and local educational authorities, entities or individuals designated by a state or local educational authority, or an agency headed by the Secretary of the United States Department of Education, the Attorney General of the United States, or Comptroller General of the United States.
- The District may grant access to or release information from student records without parental consent or notification to any person, for the purpose of research, statistical reporting, or planning, provided that no student or parent can be identified from the information released, and the person to whom the information is released signs an affidavit agreeing to comply with all applicable statutes and rules pertaining to school student records.

- The District will grant access to or release information from a student's records pursuant to a court order in an action where a parent is not a party without parental consent, provided that the parent will be given prompt written notice of the order, its terms, the nature and substance of the information proposed to be released, and an opportunity to inspect and copy such records and to challenge their contents. The District will comply with an ex parte order requiring it to permit the U.S. Attorney General or designee to have access to a student's school records without notice to or consent of the student's parent. When a parent is a party to a court proceeding involving child abuse and neglect or dependency matters, parental consent or notification is not required to release information from a student's record upon receipt of an order requiring disclosure in such case.
- The District may grant access to or release information from any student record, without parental consent or notification, to a caseworker or other representative of a child welfare agency when that agency is legally responsible for the care and protection of the student. The caseworker or other child welfare agency representative shall present documentation evidencing legal responsibility for a student.
- The District will grant access to or release information from any student record, as specifically required by federal or state statute. The parent will be given prompt written notice of its intended action, the nature and substance of the information proposed to be released, and an opportunity to inspect and copy such records and to challenge their contents.
- The District will grant access to or release information from student records to any person possessing a written, dated consent, signed by the parent or eligible student, with particularity as to whom the records may be released, the information or record to be released, and reason for the release. One copy of the consent form will be kept in the records, and 1 copy will be mailed to the parent or eligible student. The parent will be given prompt written notice of its intended action, the nature and substance of the information proposed to be released, and an opportunity to inspect and copy such records and to challenge their contents.
- The District may release student records to the Superintendent or an official with similar responsibilities in a school in which the student has enrolled or intends to enroll, upon written request from such official. The parent will be given prompt written notice of its intended action, the nature and substance of the information proposed to be released, and an opportunity to inspect and copy such records and to challenge their contents.
- The District may release student records or information in connection with an emergency, without parental consent, if the knowledge of such information is necessary to protect the health or safety of the student or other persons. The Superintendent or Principal will make this decision, taking into consideration the

nature of the emergency, the seriousness of the threat to the health and safety of the student or other persons, the need for such records to meet the emergency, and whether the persons to whom such records are released are in a position to deal with the emergency. The District will notify the parents or eligible student, as soon as possible, of the information released, date of the release, the person, agency, or organization to whom the release was made, and the purpose of the release.

- The District may disclose, without parental consent, student records or information to the youth court and law enforcement authorities or a child interdisciplinary team or school safety team involved in the proceedings, pertaining to that student's violations of the Montana Youth Court Act or criminal laws by the student prior to the adjudication of that student.
- The District may release student records or information, without parental consent or notification, to the U.S. Secretary of Agriculture or authorized Food and Nutrition Service representative, including contractors, for the purposes of monitoring, evaluations, and performance with regard to funding received for federal school lunch programs. The authorized representative or contract is not permitted to disclose personal identification of students and their parents aside from reporting results in an aggregate form. Any personally identifiable data will be destroyed once it is no longer necessary for program monitoring, evaluations, and performance measurements.

The District charges a nominal fee for copying information in the student's records. No parent or student will be precluded from copying information because of financial hardship. A record of all releases of information from student records will be kept and maintained as part of such records. This record will be maintained for the life of the student record and will be accessible only to the parent or eligible student, records custodian, or other person.

#### *Directory Information*

The District may release certain directory information regarding students, except that parents may prohibit such a release. Directory information will be limited to:

- Student's name
- Address
- Telephone listing
- Electronic mail address
- Photograph
- Date of birth
- Dates of attendance
- Grade level
- Participation in officially recognized activities and sports

- Weight and height of members of athletic teams
- Honors and awards received

The notification to parents and students concerning school records will inform them of their right to object to the release of directory information.

*Military Recruiters/Colleges*

Pursuant to federal law, the District is required to release the names, addresses, and telephone numbers of all high school students to military recruiters and institutions of higher education upon request. The notification to parents and students concerning school records will inform them of their right to object to the release of this information.

*Student Record Challenges*

Parents and eligible students may challenge the accuracy, relevancy, or propriety of the records, except (1) grades, and (2) references to expulsions or out-of-school suspensions, if the challenge is made when the student's school records are being forwarded to another school. They have the right to request a hearing before the Board and, if necessary, to insert a written statement of reasonable length describing their position on disputed information. The school will include the statement in any release of the information in dispute.

Legal References:     20 U.S.C. § 1232g Family Educational Rights and Privacy Act,  
                              § 20-1-212, MCA Destruction of Records by School Officer  
                              § 20-1-213, MCA Transfer of School Records  
                              § 20-5-201, MCA Duties and sanctions  
                              § 40-4-225, MCA Access to records by parent  
                              § 41-5-215, MCA Youth Court and Department Records  
                              10.55.909, ARM Student Records  
                              10.16.3560, ARM Special Education Records  
                              20 USC 6301 No Child Left Behind Act

Cross References:

Policy History:

Adopted on:            10.8.2013

Revised on:

**STUDENTS****Transfer of Student Records**

The District will forward by mail or by electronic means a certified copy of a permanent or cumulative file of any student and a file of special education records of any student to a local educational agency or accredited school in which a student seeks to or intends to enroll within five (5) working days after receipt of a written or electronic request. The files to be forwarded must include education records in a permanent file, and may contain the education records in the cumulative file.

When the District cannot transfer records within five (5) days, it will notify a requestor, in writing or electronically, and will provide reasons why the District is unable to comply with a five (5) day time period. The District also will include in that notice the date by which requested records will be transferred. The District will not refuse to transfer records because a student owes fines or fees.

Legal References:                   § 20-1-213, MCA Transfer of school records

Cross References:

Policy History:

Adopted on:                         3.20.2012

Revised on:

**STUDENTS**Receipt of Confidential Records

Pursuant to Montana law, the District may receive case records of the Department of Public Health and Human Services and its local affiliate, the county welfare department, the county attorney, and the court concerning actions taken and all records concerning reports of child abuse and neglect. The District will keep these records confidential as required by law and will not include them in a student's permanent file.

The Board authorizes the Principal, Superintendent and Counselor to receive information with respect to a District student who is a client of the Department of Public Health and Human Services. When the District receives such information, the Superintendent will prevent unauthorized dissemination of that information.

Legal References:                   § 41-3-205, MCA Confidentiality – disclosure exceptions Cross

References:

Policy History:

Adopted on:                       3.20.2012

Revised on:



STUDENTS

**Use of Video Monitoring Cameras Policy**

The Board recognizes the need to provide a safe learning environment for students and staff. Therefore, the Board authorizes the use of video cameras on District property to assist in ensuring the health, welfare, and safety of all staff, students, and visitors to District property and to safeguard District buildings, grounds, and equipment.

Video cameras will also be used to assist in ensuring that behavior on school property is consistent with the established safety and conduct rules, policies and procedures. If unacceptable behavior is observed and/or reported, timely and appropriate corrective action will occur.

The Superintendent or designee is responsible for the implementation of safety and security measures at each building and the proper use of video monitoring systems. Cameras will be utilized to monitor activity in common areas such as hallways and parking lots. Only employees authorized by the Superintendent may use and/or monitor the video surveillance system.

No staff member may use video surveillance in a classroom without permission of the parent.

To protect the privacy rights of staff, students, and visitors all state and federal statutes will be followed.

Signs shall be posted at various locations to inform students, staff and the public that video monitoring cameras are in use. The video monitoring of school buildings and grounds will not include audio recordings unless specific notice is given as required by law.

Cross References:

Legal Reference:	§45-8-213, MCA	Privacy in Communications
	§ 40-6-701, MCA	Interference with fundamental rights of parents restricted ( <i>revised by House Bill 676</i> )

Policy History:

Adopted on:	9.11.2012
Revised on:	10.10.2023

**STUDENTS****Publications and Distribution or Posting of Materials***School-Sponsored Publications*

School-sponsored publications and productions are part of the curriculum and are not a public forum for general student use. Material appearing in such publications whether print or electronic should reflect all areas of student interest, including topics about which there may be controversy and dissent.

Controversial issues may be presented provided they are treated in depth and/or represent a variety of viewpoints. Such materials may not be libelous, obscene, invade the privacy of others, or conflict with the basic educational mission of the school. Materials which are socially inappropriate or inappropriate due to the maturity level of the students, or are materially disruptive to the educational process will not be tolerated. School-sponsored publications may not advertise tobacco, tobacco innovations, liquor, illicit drugs or drug paraphernalia. The author's name will accompany personal opinions and editorial statements.

All student media shall comply with the ethics and rules of responsible journalism. School authorities may edit or delete material which they determine is inconsistent with the District's educational mission.

*Non-School Sponsored Publications*

Distribution in school of written material that is obscene, libelous, invades the privacy of others, will cause substantial disruption of the proper and orderly operation and discipline of the school or school activities, or advocates conduct otherwise inconsistent with shared values of a civilized social order is prohibited. Distribution in school includes distribution on school property or at school-related activities. Students who distribute such material or who write or publish such material for distribution engage in gross disobedience and misconduct and will be disciplined in accordance with Board policy.

*Distribution and Posting of Materials*

To facilitate the distribution of materials with information about student activities, each school building may maintain a centrally located bulletin board for the posting of materials, and/or maintain a table available to groups for placing approved materials.

School-sponsored groups are permitted to distribute materials directly to students. Outside groups, including governmental agencies, parent and student organizations not sponsored by the school, and community organizations, may be permitted to display their materials on a centrally located bulletin board and/or table available for the displaying of materials.

Materials from non-school sponsored groups to be distributed directly to students must be submitted to the Assistant Superintendent's Office for prior approval. The District may require that the group submit

the materials within a reasonable time period prior to the distribution or display to ensure the material is appropriate.

The District has the discretion to require that materials from outside groups contain the following disclaimer: *“These materials are neither sponsored nor endorsed by the District, the Superintendent, or this school.”*

Legal Reference:      § 20-5-201, MCA      Duties and Sanctions

Cross References:

Policy History:

Adopted on:            6.14.2016

Revised on:

## Student Use of Buildings – Equal Access

- The meeting is voluntary and student initiated;
- There is no sponsorship of the meeting by the school, the government, or its agents or employees;
- The meeting must occur during non-instructional time on regular school days;
- Employees or agents of the school or government are present only in a non-participatory capacity;
- The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school; and
- Non-school persons may not direct, conduct, control, or regularly attend activities.

Legal Reference: 20 U.S.C. 4071 Equal Access Act §20-5-203, MCA Secret  
Organization prohibited

Policy History:  
Adopted on: 3.20.2012  
Revised on:

## STUDENTS

Concussion Management

The Board recognizes that concussions and head injuries are common injuries suffered by youth athletes participating in organized youth athletic activities and that the risks of catastrophic injuries or death are significant when a concussion or brain injury is not properly evaluated or managed. The Board recognizes the importance of taking measures to ensure the safety of youth athletes participating in organized youth athletic activities with regard to concussions and head injuries.

A concussion is an injury to the brain arising from blunt trauma, an acceleration force, or a deceleration force, which may involve certain observed or self-reported conditions attributable to the injury, including but not limited to transient confusion, disorientation, impaired consciousness, dysfunction of memory, loss of consciousness or signs of other neurological or neuropsychological dysfunction. Organized youth athletic activities are athletic activities sponsored by a school or the District in which the participants are engaged in an athletic game or competition against another team, club or entity, in practice, tryouts, training exercises, or sports camps, or in preparation for an athletic game or competition. For purposes of this policy, the term “organized youth activities” does not include activities which take place during the regular school day.

The District will develop and utilize procedures to inform and educate athletic trainers, coaches, officials, youth athletes, and parents and guardians of the nature and risk of braining injuries, including the effects continuing to play after a concussion that are consistent with guidelines provided by the U.S. Department of Health and Human Services, Centers of Disease Control and Prevention, and the Montana High School Association (MHSA).

Annually, the District will provide each youth athlete and the youth’s parent/guardian with a copy of the Student-Athlete & Parent/Legal Guardian Concussion Statement issued by MHSA. Prior to practicing or participating in any organized youth athletic activities during each school year, the youth athlete and the youth’s parent or guardian must review and sign the Student-Athlete & Parent/Legal Guardian Concussion Statement.

The District shall ensure that all coaches, athletic trainers, officials, including volunteers, will have access to and will complete training regarding concussions and head injuries at least once each school year.

An athletic trainer, coach, or official shall remove a youth athlete from participation in any organized youth athletic activities at the time the youth athlete exhibits signs, symptoms, or behaviors consistent with a concussion. Once removed, the youth athlete may not return to the organized youth athletic activity until the youth athlete no longer exhibits signs, symptoms, or behaviors consistent with a concussion and has received an evaluation and written clearance from a licensed health care professional as defined by the Montana High

School Association that the youth athlete has been evaluated and is capable of safely resuming participation.

Legal References:     Senate Bill 112             Dylan Steigers Protection of Youth Athletes Act

Cross References:

Policy History:

Adopted on:     3.4.2014

Revised on:

## STUDENTS

Foreign Exchange Students

It is the policy of the Board to recognize the benefits from foreign exchange students in the District. The Board does not, however, sponsor foreign exchange programs. The District does not provide financial contributions to the student. The Board assumes no responsibility or control over items such as travel, living accommodations, funding, insurance, etc., which remain the responsibility of the sponsor and/or student.

J-1 visa holders (students sponsored by an approved foreign exchange organization) are eligible to attend secondary schools. Any sponsoring organization must have a local representative, be a nonprofit organization, and be approved by the Council on Standards for International Education Travel. The J-1 Exchange Visitor Program is a non-immigrant visa category designed to promote mutual understanding between the people of the United States and the people of other countries through bona fide educational and cultural exchange.

F-1 visa holders (individual foreign students sponsored by relatives or friends) may attend the District for a period not to exceed 12 months and in accordance with federal requirements. The F-1 academic student program is a non-immigrant visa category intended for use by nonresident aliens whose primary purpose for visiting the United States is to study full-time at an approved institution. The student or family shall be assessed and shall reimburse the District for the full, unsubsidized cost of education for the period of attendance. It is the parent and/or host parents responsibility to secure the proper paperwork required for any F-1 student visa holder wishing to enroll in the Helena Public Schools.

The number of foreign exchange students attending each high school at one time shall not exceed seven (7) unless approved by the Superintendent.

Legal Reference: 20 U.S.C. 221, et seq.

## Policy History:

Adopted on: 9.9.2014

Revised on: 11.14.2017

**STUDENTS****Tobacco Free Schools**

The Board of Trustees of the Helena Public Schools is committed to providing a clean, healthy and safe school environment for students, employees and the general public. Use of tobacco or tobacco innovations in any form is considered detrimental to the health of non-users as well as users of tobacco or tobacco innovations. The use of tobacco or tobacco innovations is inconsistent with the Helena Schools health education policy.

Helena Public Schools are “tobacco free.” The use of tobacco or tobacco innovations is prohibited from all school buildings, grounds and school sponsored events 24 hours a day, 365 days per year. This includes all days when school is not in session and all events and other activities not associated with, or sponsored by, the school.

Possession or use of tobacco or tobacco innovation products by students on district property, in district vehicles and at school-sponsored events (whether on or off district property) is prohibited at all times.

The use of tobacco or tobacco innovation products by all school and contract employees and all visitors on district property, in district vehicles and at school-sponsored events (whether on or off district property) is prohibited at all times. This includes non-school hours and all events sponsored by the school or others.

Advertising of tobacco or tobacco innovation products is prohibited in school buildings, on school property, at school functions and in all school publications. Any visual representation of tobacco or tobacco innovation products including logos, signage, or product names is not allowed. This includes clothing that advertises tobacco or tobacco innovation products.

**Legal References:****Policy History:**

Adopted: 3.13.2001  
Revised: 2.13.2001, 6.12.2001, 9.9.2014



**STUDENTS****Part-Time Attendance Policy**

Students in grades K-12 residing within the Helena School District and currently fulfilling their primary education requirement outside the Helena schools (through home school and/or private school education) are eligible to enroll and participate in classes on a part-time basis. Part-time students must declare part-time status upon registering. Part-time students must enroll in year-long courses prior to the opening of school and semester courses at least one week prior to the start of the semester.

Handicapped students residing within the district who are attending private or home schools will be accepted in accordance with state and federal statutes and regulations.

Legal References:

Cross References:

Policy History:

Adopted On: 7.11.2000

Revised On: 8.14.2001, 9.10.2002, 2.14.2006

**STUDENTS****Communicable Diseases**

***Note:** For purposes of this policy, the term “communicable disease” refers to the diseases identified in 37.114.203, ARM, Reportable Diseases, with the exception of common colds and flu.*

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

Although the District is required to provide educational services to all school-age children who reside within its boundaries, it may deny attendance at school to any child diagnosed as having a communicable disease that could make a child’s attendance harmful to the welfare of other students. The District also may deny attendance to a child with suppressed immunity in order to protect the welfare of that child when others in a school have an infectious disease, which, although not normally life threatening, could be life threatening to a child with suppressed immunity.

The District shall provide soap and disposable towels or other hand-drying devices shall be available at all handwashing sinks. Common-use cloth towels are prohibited.

The Board recognizes that communicable diseases that may afflict students ranging from common childhood diseases, acute and short-term in nature, to chronic, life-threatening diseases such as human immunodeficiency virus (HIV) infection. The District shall rely on advice of school nurses and the public health and medical communities in assessing the risk of transmission of various communicable diseases to determine how best to protect the health of both students and staff.

The District shall manage common communicable diseases in accordance with DPHHS guidelines and communicable diseases control rules. If a student develops symptoms of any reportable communicable or infectious illness as defined while at school, the responsible school officials shall do the following:

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

Students who express feelings of illness at school may be referred to a school nurse or other responsible

designated on a student's emergency medical authorization form has been notified. The District may temporarily exclude from onsite school attendance a student who exhibits symptoms of a communicable disease that is readily transmitted in a school setting. Offsite instruction will be provided during the period of absence in accordance with Board Policy and Administrative Procedure. The District reserves the right to require a statement from a student's primary care provider authorizing a student's return to onsite instruction.

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

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

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

### *Healthy Hand Hygiene Behavior*

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

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

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

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

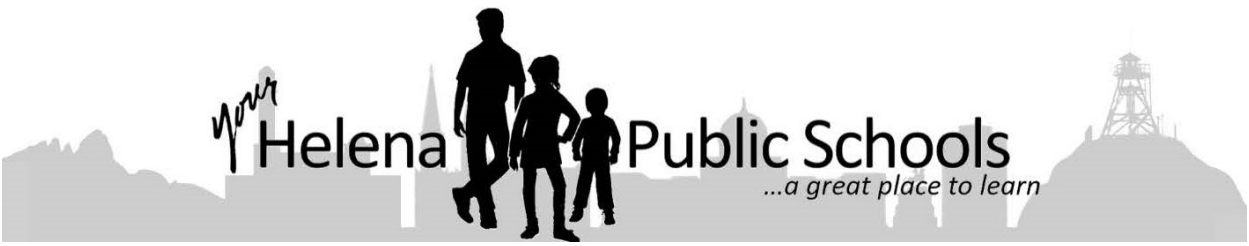
Legal Reference:	37.114.101, et seq., ARM 37.111.825, ARM	Communicable Disease Control Health Supervision and Maintenance
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Policy History:

Adopted on: 2.8.2022

Reviewed on:

Revised on:



**Series 4000:**

**School/  
Community  
Relations**

**COMMUNITY RELATIONS****Public Relations**

The District will maintain an interchange of information with the public to enable the Board and staff to assess the needs of the schools and the community. The District will provide a means for members of the public to obtain information about District activities and to provide the public with a reasonable opportunity to participate in the decisions of the Board.

The Superintendent will establish and maintain a communication program within the school district and with the public. This program will include, but not be limited to, providing for news releases at appropriate times, inviting/requesting media coverage of District programs and events, maintaining regular direct communications between schools and the citizens they serve, assisting staff and the Board in improving their skills and understanding in communicating with the public.

The Board will enhance the value of public awareness of and participation in education issues by participating in training and informational meetings in regards to the public's right to know and right of participation. The District may solicit community opinion through parent organizations, parent-teacher conferences, open houses, and other events or activities, which may bring staff and citizens together.

To assist in the public's involvement, the District will solicit community opinion to ensure that the ideas, interests and concerns are considered in the decision-making processes. Community opinions may come from a variety of sources, including, but not limited to: (a) parent organizations, parent-teacher conferences, open houses; (b) advocacy, non-profit, parent or community-based organizations; (c) business, civic and non-governmental organizations; (d) other educational organizations; (e) any established school related communication committees, and (f) other events or activities which may bring the members of the Board or staff and the public together.

Legal Reference:       Art. II, Sec. 8, Montana Constitution - Right of participation  
                              Art. II, Sec. 9, Montana Constitution - Right to know

Cross References:

Policy History:

Adopted on:           6.10.2014

Revised on:

## SCHOOL/COMMUNITY RELATIONS

School Support Associations

The Board recognizes that parent, teacher, and student organizations are an invaluable resource to District schools. The Board supports their formation and vitality and encourages their suggestions and assistance. Membership in these organizations will be open and unrestricted.

Booster clubs and/or special interest organizations may be formed to support and strengthen specific activities conducted within the District. All such groups must receive the approval of the Superintendent in order to be recognized as a booster organization. Staff participation, cooperation, and support are encouraged in such recognized organizations.

*Fund Raising by School Support Organizations*

Fund-raising by school support groups is considered a usual and desirable part of the function of such groups. Specific fund-raising activities must be approved in advance by the Principal or program coordinator. The Principal or program coordinator must be consulted before any expenditure of such funds. All funds raised by school adjunct groups are to be used for direct or indirect support of school programs. Equipment purchased by support groups and donated to the schools becomes the property of the District and may be used or disposed of in accordance with District policy and state law.

Legal References:                   § 20-6-601, MCA Power to accept gifts  
  § 20-6-602, MCA Trustee's power over property

Cross References:               7080 District, School, Student Group Fundraising

Policy History:  
Adopted on:                   12.09.2014  
Revised on:                  2.09.2021  
Reviewed on:

## SCHOOL/COMMUNITY RELATIONS

Conduct on School Property

In addition to prohibitions stated in other District policies, no person on school property shall:

- Injure or threaten to injure another person;
- Damage another's property or that of the District;
- Violate any provision of the criminal law of the state of Montana or town or county ordinance;
- Smoke or otherwise use a tobacco product, vapor product or alternative nicotine product (tobacco includes, but is not limited to, cigarettes, cigars, snuff, smoking tobacco, smokeless tobacco, or any other tobacco or nicotine innovation);
- Consume, possess, or distribute alcoholic beverages including powdered alcohol or any alcohol innovations, illegal drugs, including medical marijuana, or possess dangerous weapons at any time;
- Impede, delay, or otherwise interfere with the orderly conduct of the District's educational program or any other activity occurring on school property;
- Use vulgar or obscene language or gestures;
- Disregard the directives of school officials or security personnel;
- Enter upon any portion of school premises at any time for purposes other than those which are lawful and authorized by the Board; or
- Violate other District rules and regulations.

"School property" means within school buildings, in vehicles used for school purposes, or on owned or leased school grounds. These regulations are in effect year round, and during all District extra or co-curricular activities. District administrators will take appropriate action as circumstances warrant, up to and including recommending that the individual violating this policy be denied access to District property. If a recommendation is made to the Board to deny access to District property to an individual, that individual will be notified of date, time and place of the meeting of the Board as well as of the specific allegations to be presented to the Board.

## Legal References:

§ 16-11-302, MCA	Definitions
§ 20-1-206, MCA	Disturbance of school
§ 20-1-220, MCA	Use of tobacco products in public school building or on public school property prohibited
§ 45-8-361, MCA	Possession of a weapon in a school building
§§ 50-46-301 et seq., MCA	Montana Marijuana Act
20 USC §§ 7101 et seq.	Safe and Drug Free Schools & Communities Act

## Cross References:

Policy History:

Adopted on: 12.9.2014  
Revised on: 9.10.2019



**SCHOOL/COMMUNITY RELATIONS**

**Visitors to the Schools**

The District encourages visits to all District buildings by Board members, parents, citizens, and taxpayers at the discretion of building administration.

All visitors shall check-in at the school's main office for purposes of safety, security, and assistance.

If a conference with a teacher is desired the District requests that an appointment be made in advance. Conferences with teachers need to be scheduled outside school hours or during the teacher's preparation period.

Legal References: § 20-1-206, MCA Disturbance of school

Cross References:

Policy History:

Adopted on: 12.9.2014

Revised on: 2.09.2021

Reviewed on:

## SCHOOL/COMMUNITY RELATIONS

Accommodating Individuals with Disabilities

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

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

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

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

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

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

## Cross References:

Policy History:

Adopted on:            3.10.2015  
Revised on:            2.2.2022  
Reviewed on:           2.2.2021

**SCHOOL/COMMUNITY RELATIONS**Cooperative Programs with Other Districts and Public Agencies

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

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

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

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

Legal Reference:                   § 7-11-101, et seq., MCA Interlocal Cooperation Act  
  § 20-3-363 Multidistrict agreements  
  § 20-7-451 through 456, MCA Authorization to create full service  
  education cooperatives  
  § 20-7-801, et seq., MCA Public recreation

Policy History:

Adopted on:                       11.11.2014

Approved on:

**Helena Public Schools**

**School / Community Relations**

**4035F**

**Service Animals**

Please provide the following information about the service animal.

1. Parent/Staff and/or emergency contact information:
  - a. Contact Name: \_\_\_\_\_
  - b. Contact Residential Address: \_\_\_\_\_
  - c. City, State, Zip: \_\_\_\_\_
2. Type of service animal (dog\* or miniature horse\*\*): \_\_\_\_\_  
\_\_\_\_\_
3. Is the service animal required because of a non-apparent disability? \_\_\_\_ Yes \_\_\_\_ No
4. What work or task(s) has the service animal been trained to perform? Please describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. Has the student/staff member requesting use of the animal been trained as the animal's handler? \_\_\_\_ Yes \_\_\_\_ No
6. Is the student/staff able to independently care for the service animal's needs (i.e., bathroom, feeding, cleaning up messes, hygiene, etc.) \_\_\_\_ Yes \_\_\_\_ No
7. If the student/staff is not trained as the animal's handler, who will act as the trained handler for the service animal during the school/work day?  
\_\_\_\_\_

\*If the service animal is a dog, please list breed, age, and weight).

\*\* If the service animal is a miniature horse, please state the type, size, and weight of the horse

## SCHOOL/COMMUNITY RELATIONS

## Service Animals

The District will comply with all state and federal laws, regulations, and rules regarding the use of service animals by a staff member, student, or community member when the service animal is required because the individual has a disability, and the service animal is individually trained to do work or perform tasks for the benefit of that individual.

A service animal is any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this policy. The work or tasks performed by a service animal must be directly related to the individual's disability. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition. The District may permit the use of a miniature horse by an individual with a disability under circumstances established by the Superintendent.

The Superintendent will establish procedures regarding the use of service animals by individuals with disabilities.

Legal References: 42 U.S.C. § 12111 et seq. Americans with Disabilities Act  
28 C.F.R. §§ 35.104, 35.136 Nondiscrimination on the Basis of  
Disability in State and Local Government Services

Cross References: 2040 Special Education and Accommodations  
2050 Section 504 Procedural Safeguard  
4025 Accommodating Individuals with Disabilities  
5000 Equal Employment Opportunity

Policy History:  
Adopted on: 3.20.2012  
Revised on:  
Reviewed on: 2.2.2021

**SCHOOL/COMMUNITY RELATIONS**Facility / Therapy Dogs Policy

The Helena Public Schools supports the use of therapy dogs by teachers, students or other qualified personnel (“handler/owner”) for the benefit of students and subject to the conditions of policy and administrative procedures.

*Therapy Dog*

A “therapy dog” is a dog that has been individually trained, evaluated, and certified (e.g. minimum AKC Canine Good Citizen certification or equivalent) to work with its handler/owner to provide emotional support, well-being, comfort, or companionship to school district students or other groups. A therapy dog must be well behaved, be under the control of its handler/owner, and have a temperament that is suitable for interaction with students and others in a public school.

A handler/owner is an individual school district staff member or volunteer who owns a therapy dog and who has accompanied and participated in the certification process with the therapy dog.

Therapy dogs are **not** “emotional support animals” or “service animals”. A ‘service animal’ is a term used in the Americans with Disabilities Act. An emotional support animal provides comfort to a specific individual.

Therapy dogs are the personal property of the individual owner/handler, teacher, student or employee and are not owned by the school district. The owner/handler shall assume full responsibility for the therapy dog including but not limited to; providing proof of current certification as a therapy dog, proof of up-to-date vaccinations and general good health from a certified veterinary clinic, and proof of liability insurance. The handler/owner is responsible for maintaining the care and behavior of the dog and insuring suitability for interacting with students and others in the school while the therapy dog is on school district property.

Legal References:

Cross References:

Policy History:

Adopted on: 11.14.2017

Revised on:

## SCHOOL / COMMUNITY RELATIONS

Facility / Therapy Dogs Administrative Procedure

Facility / therapy dogs must be trained, evaluated, and certified to provide support in the educational setting. The minimum certification allowed is the AKC Good Citizen certification. These highly trained dogs model good behavior, tolerance, and acceptance. All Certified Facility / Therapy Dog Teams in the Helena School District work to support and positively influence student achievement.

Facility / Therapy dogs are trained and tested to provide specific physical or therapeutic functions under the direction and control of a qualified handler who works with the dog as a team. A facility / therapy dog has been temperament tested by an organization qualified to do temperament testing. Facility / therapy dogs are not family pets that have been certified as pet therapy animals.

Facility / therapy dogs are owned by a professional educator in the Helena School District who wishes to use a facility / therapy dog to augment his/her educational program. Any educator wishing to bring a facility / therapy dog to school must submit a written request form to the building administrator. The request must be renewed each school year or whenever a different facility / therapy dog will be used. Such approval may be rescinded at any time at the sole discretion of the building administrator. When the request is approved, a plan for the facility / therapy dog's visits shall be developed with the Principal or the Principal's designee.

Facility / therapy dogs may be used in the school setting on a scheduled basis when the following documentation is in place:

**1. Administrative Approval**

- a. The use of the animal must be approved by the building administrator in which the Facility / Therapy Dog's handler works. The administrator will consider any extenuating circumstances including but not limited to; student and staff allergies, breed / type of animal, etc. when determining whether or not to allow the use of a therapy dog in the school building.
- b. A letter stating approval including the schedule should be written and kept on file in the building. A copy should be sent to the appropriate assistant superintendent.
- c. The following must also be kept on file in the school building:
  - i. Proof of current certification as a facility / therapy dog
  - ii. Proof of up-to-date vaccinations
  - iii. General good health form provided by a certified veterinarian
  - iv. Proof of liability insurance (minimum \$1 million liability coverage)

**2. Health Records and Hygiene/Animal Care**

- a. The owner/handler must provide a record of annual vaccinations received by the dog and signed by a veterinarian; these health records should be kept on file in the school building.

- i. The dog should receive a bordatella vaccination annually; rabies vaccinations and five-way parvo/distemper (DHPP) shall be updated every three years. Please note: dogs less than one year of age or receiving their rabies and parvo vaccinations for the first time shall receive a follow-up vaccine in one year, with vaccinations every three years thereafter.
  - ii. The dog should be given a comprehensive wormer or fecal check for worms annually.
  - iii. The dog should be checked for external parasite control.
  - iv. All owners will give preventive parasite (fleas and ticks) control and heartworm medication year-round per the dog's veterinarian.
  - v. Annual tests for heartworm are recommended. Please note: Frontline Plus is recommended – this is due to its non-toxic nature, which is important in a school environment.
  - vi. The dog should be groomed and bathed regularly. For dogs in a working environment, monthly to bi-monthly baths are recommended as is daily brushing. (Good judgment should be used based on the dog's hair, skin, and dander concerns.) The owner/handler must also ensure proper health care through regular (several times weekly) brushing of the dog's teeth, regular nail trimming as needed, and weekly cleaning/checks of the dog's ears.
  - vii. The must be housebroken.
3. **Records.** Records of advanced obedience, agility, or other training may be kept updated and on file in the school building.
4. **Control.** A facility / therapy dog must be under the control of the educator through the use of a leash or other tether unless the use of a leash or other tether would interfere with the therapy dog's safe, effective performance of its work or tasks. However, the facility / therapy dog must be under the owner's control at all times.
5. **Identification.** The facility / therapy dog must have appropriate identification identifying it as a facility / therapy dog. The educator shall bring only registered facility / therapy dogs onto school district property and may bring only one such dog at a time.
6. **No Disruption.** The facility / therapy dog must not disrupt the educational process by barking, seeking attention, or any other behavior.
7. **Supervision and Care of Facility / Therapy dogs.** The educator is solely responsible for the supervision and care of the facility / therapy dog, including any feeding, exercising, and clean up while the animal is in a school building or on school property. **All dog waste must be immediately cleaned up and not left on school property.** The school district is not responsible for providing any care, supervision, or assistance for a facility / therapy dog.



**8. Exclusion or Removal from School.** A facility / therapy dog may be excluded from school property and buildings if a school administrator determines that:

- A handler does not have control of the facility / therapy dog;
- The facility / therapy dog is not housebroken;
- The facility / therapy dog presents a direct and immediate threat to others in the school; or
- The animal's presence otherwise interferes with the educational process.

The educator shall be required to remove the facility / therapy dog from school premises immediately upon such a determination.

**9. Damages to School Property and Injuries.** The educator who owns the facility / therapy dog is solely responsible and liable for any damage to school property or injury to personnel, students, or others caused by the facility / therapy dog.

**10. Multiple Facility / Therapy Dogs on Site.** The handler shall confirm whether or not there will be any other facility / therapy dog (s) on site prior to scheduling any visit with a facility / therapy dog and shall take steps with appropriate staff to ensure that the dogs do not engage inappropriately while on school property. When multiple facility / therapy dog dogs are engaged in a planned activity on school district property, the handlers shall ensure that the dogs have an opportunity to greet each other prior to entering the school building. Once inside the building, the handlers shall ensure that the dogs are each on a four-foot leash, given work space at least eight feet from each other and are given no opportunity for contact or socialization with each other while working.

**11. Exclusion or Removal from School District Property.** A facility / therapy dog may be excluded from school district property if a school administrator determines that: (1) The handler does not have control of the facility / therapy dog; (2) The facility / therapy dog is not housebroken; (3) The facility / therapy dog presents a direct and immediate threat to others in the school; or (4) The facility / therapy dog/s presence otherwise interferes with the educational program. The handler shall immediately remove his/her facility / therapy dog from school property when instructed to do so by a school administrator.

Review of facility / therapy dog Administrative Procedures will be reviewed annually and are subject to revision throughout the school year.

The privilege to bring the dog into the school setting may be terminated should the handler or dog behave in a way deemed unprofessional, unhealthy or unsafe.

**SCHOOL/COMMUNITY RELATIONS****School, Student, Parent, Family and Community Engagement in Education**

The District's Board of Trustees recognizes the importance of engaging families in the education of children. The Superintendent and staff shall undertake activities designed to:

- (1) encourage families to actively participate in the life of their children's schools;
- (2) ensure families feel welcomed, valued, and connected to one another, school staff, and to what students are learning and doing in class;
- (3) encourage families and school staff to engage in regular, two-way meaningful communication about student learning;
- (4) ensure continuous collaboration between families and school staff to support student learning and healthy development both at home and at school and have regular opportunities to strengthen their knowledge and skills to do so effectively;
- (5) empower families to be advocates for their own and other children to ensure that students are treated equitably and have access to learning opportunities that will support their success;
- (6) allow families and school staff to partner in decisions that affect children and families and together inform, influence, and create policies, practices, and programs; and
- (7) encourage students, families and school staff to connect and collaborate with members of the community to expand learning opportunities, community services, and civic participation.

To the extent feasible and appropriate, the District will attempt to coordinate and integrate parent and family engagement strategies with other relevant federal, state, and local laws and programs, including but not limited to Title I programs.

Cross Reference: Board Policy 2035 Federal Funding and Title I

Legal References: § 10.55.701, ARM Board of Trustees

**Policy History:**

Adopted On: 04.04.2006

Revised On: 01.14.2020

Reviewed On: 02.02.2021

**SCHOOL / COMMUNITY RELATIONS****School Resource Officer Program**

The Helena Public School District believes that positive relationships and a supportive school culture are critical in maintaining safety and security in all schools. The district has a partnership with local law enforcement that enables school resource officers (SROs) to assist in supporting a safe learning environment in district schools.

The goal of the School Resource Officer program is to improve school/law enforcement collaboration, perceptions and relations between students, staff and law enforcement. School Resource Officers perform all functions and duties expected of a sworn law enforcement officer while school administrators, in partnership with parents, have exclusive authority over school discipline issues.

The Superintendent will develop a Memorandum of Agreement (MOA) outlining roles, responsibilities and procedures for the SRO program. In partnership with law enforcement representatives, the SRO Memorandum of Agreement will be reviewed annually to determine the effectiveness of existing policies and procedures and to determine necessary revisions. The Superintendent will share the results of the review with the Board of Trustees.

Legal Reference:

Cross References:

**Policy History:**

Adopted on: 3.12.2019

Revised on:

**SCHOOL / COMMUNITY RELATIONS**Community Use of School Facilities

School facilities are available to the community for educational, civic, cultural, and other uses consistent with the public interest, when such use will not interfere with the school program or school-sponsored activities. The District requires that the use of school facilities for school purposes has precedence over all other uses. Persons using school facilities must always abide by the District conduct rules.

The Superintendent will develop procedures to manage community use of school facilities. Use of school facilities requires the Superintendent or designee's approval and is subject to the adopted procedures.

Organizations or individuals wishing to use school facilities must complete a *Rental of School Facilities Use Request* form in advance of the event, pay any fees and associated costs, and provide proof of insurance if applicable.

District administration will approve and schedule the use of school facilities. A master calendar will be maintained to avoid conflicts during the school year.

When the request is approved by District administration a contract will be created and sent to the originator. The completed and signed contract must be returned to the Business Office before access to the requested facility is granted.

Cross Reference;

Legal Reference:       § 20-7-805, MCA Recreational use of school facilities secondary Lamb's Chapel v. Center Moriches Union Free School Dist., 113 S.Ct. 2141

Policy History:

Adopted on:

Revised on:

11.27.2018, 2.09.2021

Reviewed on:

**COMMUNITY RELATIONS****Rental and Use of School Facilities Administrative Procedure**

The Board of Trustees wishes to make District facilities available to responsible community organizations, associations, and individuals for appropriate civic, cultural, welfare, educational or recreational activities that do not interfere with the delivery of education and the best interests of the District. The Board is committed to ensuring fair and equitable access to all District facilities.

The Board of Trustees recognizes the investment that the community has made in District buildings and facilities and wishes for such buildings and facilities to be temporarily used under such provisions and control as the District may see necessary to impose. To the greatest extent possible, citizens of the community use District facilities, as long as the educational programs of the District are not hindered.

District facilities are not available for rent during District closed calendar days (See specific Official District Calendar for specific dates.). This includes all District observed holidays.

The administration shall be charged with the responsibility of coordinating and authorizing use of all grounds and facilities by groups other than those directly connected with the ~~School~~ District. The administration has developed the rules, regulations, and procedures for the use of facilities.

***Priority for Use of District Facilities***

The priority for the use of District facilities is as follows and is in priority order:

1. District Activities
2. Nonprofit youth activities
3. Other nonprofit and profit activities

In rare instances a scheduled non-District event or activity may be rescheduled due to an unforeseen conflict with a District event. The District will make every effort to provide as much advance notice as possible to the Facility Use Contract holder.

***Submitting Requests***

All facility use requests must be initiated through the Helena Public Schools facilities rental website. Requests must be submitted at least ten (10) business days prior to the activity start date. Requests will be approved by the building principal and forwarded to the Maintenance Department for approval. The District Business Office will be responsible for developing all contracts which will outline all requirements and associated fees for the use of school-owned facilities.

The certificate of insurance listing Helena School District #1 as an additional insured and the IRS determination letter should be attached to the Facility Use Request when submitted online.

The maximum length of a facility rental request is 90 calendar days. After 90 calendar days a request for a facility may be resubmitted if the facility is available. A separate facility request form must be submitted for each facility.

Any questions regarding facility rental charges or the tier designation that a group has received may be directed to the District Facilities Coordinator at 406.324.2021.

### ***Rental Fees and Other Associated Costs and Charges***

The District Business Services Administrator will periodically review and revise as necessary rental fees and other associated costs based on the District's actual costs and other related factors.

The District Business Office will collect deposits if applicable and invoice the user of school facilities on the basis of the fee schedule. There is a two-hour minimum charge for Tier 3 and Tier 4.

A Session/Day Minimum Charge refers to 6 (six) hours of use. Athletic equipment is not available for rental. PE equipment may be available at the discretion of the building principal. Generally, teacher classrooms are not available but can be approved at the discretion of the building principal. Requests for school classrooms should be discussed with the building principal first.

School spaces available for rent include gyms, common areas, and libraries. Auditoriums are also available for rent and may require additional fees including but not limited to; stage lighting and technician fees. Exceptions may be made by the building principal and/or the Transportation Manager.

**ACTIVITIES SURCHARGE** - All contracts include an annual \$30.00 surcharge per activity to help fund student activities and sports. This funding will supplement the Activities Department and will be used to purchase supplies and equipment for all students and activities including sports, debate, music, speech, cheerleading, dance, and other student activities. This fee cannot be waived or voided.

### ***Custodial and Technology Fees***

Tiers 2-5 may be subject to custodial and/or technology fees which will be determined when contracts are being prepared or an activity is being scheduled. These additional fees may also be assessed if more than one location is required for an event or an event involves more than 100 participants.

The use of school equipment such as computers, TVs, media equipment, sound systems, scoreboards, auditorium stage props, stage lighting, etc., shall only be permitted if included in the *Rental of School Facilities Request* form and upon evidence by the applicant that such equipment is operated only by competent and trained personnel or someone hired from the District.

### ***Liability Insurance***

The District requires groups to supply documented proof of liability insurance coverage with the District as a named insured in the amount of \$1,000,000 combined single limit per occurrence / \$1,000,000 annual aggregate for Tiers Two, Three, Four and Five.

### ***Custodial Staff***

A custodian or other authorized staff member who is not participating in the activity may be required to be on the premises when any group is using the school buildings. The cost of the custodian will be included in the final contract if applicable.

### ***Keyless Entry***

For some locations the District may issue a contract holder a keyless entry fob which is programmed to allow access to the building for the times agreed to in the rental contract. If a fob is misplaced or lost during the rental period please notify the Facilities Office at 406.324.2021 as soon as possible so the fob can be deactivated. This will prevent unauthorized access occurring under the contract renters name. Within five business days of the conclusion of the rental the fob must be returned to the District Facilities Office at 1201 Boulder Avenue. A \$10.00 fee will be charged for unreturned or lost fobs.

### ***Rental Tiers***

<b><u>Tier One:</u></b> <b>Activity Scheduler for District Events and Activities</b>	<b><u>Tier Two:</u></b> <b>Non-Profit with NO Fees or fees LESS than \$200.00 per participant (e.g. Fee types: Participation fee, Participant Registration fee, Membership fee, and/or Participant Donation Request)</b>	<b><u>Tier Three:</u></b> <b>Non-Profit with Fees greater than \$200.00 per participant (e.g. Participation Fee, Participant Registration fee, Membership fees, and/or Participant Donation Request Charged)</b>	<b><u>Tier Four:</u></b> <b>For Profit Events</b>	<b><u>Tier Five:</u></b> <b>Reciprocal Agreements – Must have an MOU or contract on file with the Business Office</b>
No Insurance Required	Liability Insurance Required	Liability Insurance Required	Liability Insurance Required	Liability Insurance Required
No Mandatory Activity Fee	Mandatory \$30. Annual Activity Fee Required for each group or team	Mandatory \$30. Annual Activity Fee Required for each group or team	Mandatory \$30. Annual Activity Fee Required	Mandatory \$30. Annual Activity Fee Required
No Rental Fee	No Rental Fee	65% of Rental Fees Charged	100% of Rental Fees Charged	Fees may be negotiated if applicable
Example: Student Clubs, Activities and Athletic events, P.T.O. & HEF meetings & events	Example: Community Clubs, activities, sports teams, & events	Example: Kiwanis Community Clubs, activities, sports teams, & events	Example: Sports Camps, private service providers, etc.	Example: Varies

***NOTE:*** Tiers 2-5 may incur custodial fees for activities or events occurring when there is no custodian on site (e.g. weekends).

### ***Supervision and Maintenance of Rented Facilities***

Sponsoring organizations and groups using facilities shall provide enough competent help and/or special supervision. The amount of adequate supervision shall be agreed upon at the time the contract is issued. Groups are expected to leave facilities in the condition in which they found them. Should the District find the facility in an unacceptable condition as a result of the rental, the individual or group who signed the rental contract may be assessed a charge. Additionally, the individual or group may also be denied access to District facilities in the future.

No functional alteration of the premises or functional changes in the use of such premises shall be made without specific written consent of the District.

School property must be protected from damage and mistreatment and ordinary precautions for cleanliness maintained. Groups shall be responsible for the condition in which they leave the school facilities. In cases where school property has been damaged or abused beyond normal wear, the same shall be paid for by the organization involved.

Groups that have been excluded from other community facilities because of damage will not be allowed to rent District facilities.

### ***Compliance with Applicable Laws, Regulations and Policies***

District facilities will only be rented to groups or organizations that agree to comply in all respects with all applicable laws, statutes, regulations, ordinances, and policies. In particular, that neither it nor its employees or agents will refuse, withhold, or deny any of its services, goods, facilities, advantages, or privileges because of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin, and that it will not publish, circulate, issue, display, post, or mail a written or printed communication, notice or advertisement which states or implies that any of the services, goods, facilities, advantages, or privileges offered by it while in District facilities will be refused, withheld, or denied because of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin.

### ***Alcohol, Drugs, Tobacco and Tobacco Innovations***

Alcoholic beverages including alcohol innovations, tobacco / tobacco innovations, and illegal narcotics (including medical and recreational marijuana) shall **not** be permitted in school facilities or on school property at any time.

### ***Property Damage or Loss***

All contract holders using school facilities shall hold the District and its agents free and without harm from any loss, damage or liability of expense that may arise during, or be caused in any way, by such use or occupancy of school facilities. In the event that property loss or damage is incurred during such use or occupancy, the amount of damage shall be decided by the Superintendent and the individual or group who signed the rental contract will be billed for said loss or damage.

The use of the District's playing fields must be appropriate and compatible with each playing field and its surrounding area, and appropriate rental rate schedules may apply. The use of playing fields must not result in construction, damage or undue wear or pose a hazard to children



or others. Activities which endanger others or cause damage to fields and lawns are prohibited. Should damage to fields or lawns occur, the Superintendent shall make a reasonable effort to obtain restitution for any damage from the group or organization that signed the rental contract.

### ***Reserved Rights***

Helena Public Schools (HPS) reserves the right to deny requests for facility use based on past performance/compliance issues or a determination of organizational mission that is incongruent with that of the Helena Public Schools. Additionally, HPS reserves the right to perform routine risk analyses on facility use requests on a case-by-case basis and assess appropriate fees or deposits on new or unique requests.

The Board of Trustees authorizes the Superintendent to make final decisions on use of school facilities by any group or individual.

#### **Procedure History:**

Adopted on:	11.27.2018
Revised on:	2.09.2021
Reviewed on:	



**Series 5000:**

**Personnel**

**PERSONNEL****Equal Employment Opportunity and Non-Discrimination**

As required by federal law, including but not limited to the Civil Rights Act of 1964, Title IX, and Section 504 and the Americans with Disabilities Act and their regulations The District will provide equal employment opportunities and will not discriminate in its educational programs or activities, including in the area of employment, with respect to all persons, regardless of their race, color, religion, creed, national origin, sex, age, gender, sexual orientation, gender identity and expression, ancestry, marital status, military status, citizenship status, culture, social origin or condition, use of lawful products while not at work, political affiliation or a mental, physical or sensory handicap, or by any other distinguishing characteristic if otherwise able to perform essential functions of a job with reasonable accommodations, and other legally protected categories

The District shall not retaliate against any employee for complaining about not receiving equal employment opportunities or other unlawful discriminatory practices, participating in a proceeding regarding the denial of equal employment opportunities, or otherwise opposing discrimination.

The District will make reasonable accommodation for an individual with a disability known to the District, if the individual is otherwise qualified for the position, unless the accommodation would impose undue hardship on the District. Covid-19 vaccine status will not be used as a basis to deny or allow equal opportunity to employment.

Persons who believe they have not received equal employment opportunities or have been retaliated against should report their claims to the building principal or department supervisor. Inquiries regarding sex discrimination or sexual harassment may also be directed to the District's Title IX Coordinator, the Assistant Secretary for the U.S. Department of Education, or both. Claims of sexual harassment will be handled through the District's Title IX Sexual Harassment Grievance Procedures. Claims of disability discrimination will be handled through the District's Section 504 and ADA Grievance Procedure. All other claims will be handled through the Uniform Complaint Procedure.

No employee or applicant will be discriminated against because he or she initiated a complaint, was a witness, supplied information or otherwise participated in an investigation or proceeding involving an alleged violation of this policy or State or federal laws. The District reserves the right to take action against any individual who knowingly makes false accusations or knowingly provides false information.

Retaliation against an employee who has filed a discrimination complaint, testified or participated in any manner in a discrimination investigation or proceeding is prohibited.

Cross Reference: 1085 Uniform Complaint Procedure

Title IX Sexual Harassment Grievance Procedure  
Section 504 and ADA Grievance Procedure

Legal Reference: 29 U.S.C. §§ 621, *et seq.* Age Discrimination in Employment Act  
42 U.S.C. §§ 12111, *et seq.* Americans with Disabilities Act, Title I  
29 U.S.C. § 206(d) Equal Pay Act  
8 U.S.C. §§ 1324(a), *et seq.* Immigration Reform and Control Act  
29 U.S.C. §§ 791, *et seq.* Rehabilitation Act of 1973  
20 U.S.C. §§ 1681, *et seq.*; Title IX of the Education Amendments  
34 C.F.R. Part 106 Nondiscrimination on the Basis of Sex in Education,  
Montana Constitution, Art. X, § 1 - Educational goals and duties

§ 49-2-101, *et seq.* MCA Human Rights Act  
§ 49-2-301, MCA Retaliation Prohibited  
§ 49-1-102, MCA Freedom from discrimination  
§ 49-2-303, MCA Discrimination in employment  
§ 49-3-201, MCA *et seq.* Governmental Code of Fair Practices

§ 49-2-101, <i>et seq.</i> , MCA	Human Rights Act
House Bill 702	Prohibits Discrimination Based on Vaccine Status
§ 50-16-502, MCA	Legislative findings ( <i>Cited by House Bill 702</i> ) <i>Bostock v. Clayton County</i> , 140 S. Ct. 1731 (2020)

Policy History:  
Adopted on: 8.13.2013  
Revised on: 11.10.2020, 11.9.2021

## PERSONNEL

Sexual Harassment

The District shall provide employees an employment environment free of sexual harassment as defined and otherwise prohibited by state and federal law including Title IX and its implementing regulations, in the educational programs and activities it offers, including the area of employment, volunteering and their party contractors.

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity; or
- (3) "Sexual assault" as defined in 20 U.S.C. § 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. § 12291(a)(10), "domestic violence" as defined in 34 U.S.C. § 12291(a)(8), or "stalking" as defined in 34 U.S.C. § 12291(a)(30).

Reporting

Employees should report claims of sexual harassment to the District's Title IX Coordinator and/or use the District's Title IX Sexual Harassment Grievance Procedures. All formal complaints about behavior that may violate this policy shall be addressed through the District's Title IX Sexual Harassment Grievance Procedures.

Initiating a complaint of sexual harassment shall not adversely affect the complainant's employment, compensation, or work assignments

Legal References:	42 USC § 2000(e) et seq.	Title VII of Civil Rights Act
	20 USC 1681 et seq	Title IX
	34 C.F.R. Part 106	Nondiscrimination on the Basis of Sex in Education
	§ 49-2-101, et seq. MCA	Human Rights Act
	§ 49-1-102, MCA	Freedom from discrimination
	§ 49-3-201, MCA et seq	Governmental Code of Fair Practices

Cross References: Title IX Sexual Harassment Grievance Procedures

Policy History:

Adopted on: 8.13.2020  
Revised on: 11.10.2020

**PERSONNEL****Bullying/Harassment/Intimidation & Hazing Prevention and Reporting**

The Helena Public School District strives to provide a safe and civil working and learning environment. Bullying, harassment, intimidation, between employees or by third parties, are strictly prohibited and shall not be tolerated. This includes bullying, harassment, or intimidation via electronic communication devices (“cyberbullying”).

**Definitions**

The District expressly prohibits any form of harassment, intimidation or bullying including but not limited to the following: any gesture or written, verbal or physical act that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, creed, national origin, gender, sexual orientation, gender identity, age, culture, social origin or condition, marital status, political affiliation or a mental, physical or sensory handicap, or by any other distinguishing characteristic.

“Third parties” include but are not limited to students, coaches, school volunteers, parents, school visitors, service contractors or others engaged in District business, such as School District Trustees, employees of businesses or organizations participating in cooperative work programs with the District, and others not directly subject to District control at inter-district and intra-District athletic competitions or other school events.

1. “Harassment, intimidation, or bullying” means any act that substantially interferes with an individual’s opportunities, work or learning performance, that takes place on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation, or anywhere conduct may reasonably be considered to be a threat or an attempted intimidation of a staff member / third party or an interference with educational function, and that has the effect of:
  - A. Physically harming an individual or damaging an individual’s property;
  - B. Knowingly placing an individual in reasonable fear of physical harm to the individual or damage to the individual’s property; or
  - C. Creating a hostile working environment.
2. “Electronic communication device” means any mode of electronic communication, including, but not limited to, computers, cell phones, PDAs, or the Internet.

**Reporting**

If an employee feels that he or she has been the subject of harassment, intimidation, hazing or bullying or has witnessed or become aware of harassment, intimidation, hazing or bullying in violation of these policies, he or she should immediately report his/her concerns to the building principal or the District Administrator, who has overall responsibility for such investigations. Complaints against the building principal or other supervisors shall be filed with the Superintendent. Complaints against the Superintendent or District Administrator shall be filed with

the Board.

All complaints about behavior that may violate this policy shall be promptly investigated. Upon receipt of the complaint alleging harassment, Human Resources will take appropriate action to prevent the alleged conduct from continuing pending completion of the investigation. All complaints of harassment will be investigated as discreetly and confidentially as possible, but the District cannot promise anonymity to any individual. Employees are required to participate fully in investigations related to harassment, intimidation and bullying. No employee will be retaliated against for making a complaint in good faith or for participating in an investigation regarding a violation of District policy.

The complainant shall be notified of the findings of the investigation and, as appropriate, that remedial action has been taken.

## Responsibilities

The District Administrator shall be responsible for ensuring that notice of this policy is provided to staff and third parties and for the development of administrative regulations, including reporting and investigative procedures, as needed.

All staff have the responsibility to maintain a safe environment. Further, staff have a responsibility to report incidents. Educators and school staff can help prevent harassment, intimidation, hazing or bullying by building strong relationships with students, intervening when signs of bullying are witnessed, or reported and supporting a bullying prevention climate in the school.

## Consequences

Staff whose behavior is found to be in violation of this policy will be subject to discipline up to and including dismissal. Third parties whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the District Administrator or the Board. Individuals may also be referred to law enforcement officials.

## Retaliation and Reprisal

Retaliation is prohibited against any person who reports or is thought to have reported a violation, files a complaint, or otherwise participates in an investigation or inquiry. Such retaliation shall be considered a serious violation of Board policy, whether or not a complaint is substantiated. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

Legal References: 10.55.701(1)(g), ARM Board of Trustees  
10.55.801(1)(d), ARM School Climate

Cross References:

3005 Harassment, Intimidation and Bullying Prevention  
Title IX  
504

Policy History:

Adopted on:

2.12.2019

Revised on:



**PERSONNEL****Tobacco Product, Drug, and Alcohol Free Workplace**

All District workplaces are tobacco product, drug and alcohol product free. All employees are prohibited from:

- Smoking or otherwise using a tobacco product, vapor product, or alternative nicotine product (tobacco includes, but is not limited to; cigarettes, cigars, snuff, smoking tobacco, smokeless tobacco or any other tobacco or nicotine innovation) while on District premises or while performing work for the District;
- Unlawfully manufacturing, dispensing, distributing, possessing, using, or being under the influence of a controlled substance while on District premises or while performing work for the District; and
- Distributing, consuming, using, possessing, or being under the influence of alcohol while on District premises or while performing work for the District.

Nothing herein prohibits an employee from using a smoking cessation product on school property. Upon prior notice and approval by a building administrator, a teacher or other employee may possess a tobacco product, vapor product, or alternative nicotine product in a classroom or otherwise on school property as part of a lecture, demonstration, or educational forum concerning the risks associated with the use of a tobacco product, vapor product, or alternative nicotine product.

For purposes of this policy, a controlled substance is one that is not legally attainable, being used in a manner other than as prescribed, legally obtainable but has not been legally obtained or referenced in federal or state controlled-substance acts. For purposes of this policy, a controlled substance includes medical marijuana. Any employee must notify his or her supervisor of his or her conviction under any criminal drug statute, for a violation occurring on District premises or while performing work for the District, no later than five (5) days after such conviction.

In order to make employees aware of dangers of drug and alcohol abuse, the District will endeavor to:

- Provide each employee with notice of the District drug and alcohol-free workplace policy;
- Enlist the aid of community and state agencies with drug and alcohol informational and rehabilitation programs, to provide information to District employees; and
- Inform employees of available drug and alcohol counseling, rehabilitation, reentry, and any employee-assistance programs.

An employee who violates this policy may be subject to disciplinary action, including termination. Should District employees be engaged in the performance of work under a federal contract or grant, or under a state contract or grant of \$5,000 or more, the Superintendent will notify the appropriate

state or federal agency from which the District receives contract or grant moneys of an employee's conviction, within ten (10) days after receiving notice of the conviction

Legal References:	20 USC 7101	Safe and Drug Free Schools & Community Act
	§ 20-1-220, MCA	Use of tobacco products in public school building or on public school property prohibited
	§ 50-46-101 <i>et al.</i> , MCA	Montana Medical Marijuana Act
	10.57.601a, ARM	Definition of Immoral Conduct

Cross References:

Policy History:

Adopted on: 8.12.2013

Revised on: 9.10.2019

## PERSONNEL

Employment and Assignment

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

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

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

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

*Assignment, Reassignment and Transfer*

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

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

Cross References:

Policy History:

Adopted on: 8.13.2013

Revised on: 6.11.2019

## PERSONNEL

Abused and Neglected Child Reporting

A District employee, third party contractor providing service to students, student teacher or student nurse who has reasonable cause to suspect that a student may be abused, neglected or subject to sex trafficking by anyone regardless of whether the person suspected of causing the abuse, neglect, or trafficking is a parent or other person responsible for the child's welfare, shall report such a case to the Montana Department of Public Health and Human Services or local law enforcement. They shall also notify the Superintendent or principal that a report has been made. An employee, contractor, student teacher or student nurse does not discharge the obligation to personally report by notifying the Superintendent or principal.

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

Any District employee who fails to report a suspected case of abuse, neglect, or sex trafficking to the Department of Public Health and Human Services, or who prevents another person from doing so, is civilly liable for damages proximately caused by such failure or prevention and is guilty of a misdemeanor. All District employees are responsible for reporting regardless of whether or not another employee has made a report. The employee will also be subject to disciplinary action up to and including termination for failure to report.

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.

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

Legal References:	§ 41-3-201, MCA	Reports
	§ 41-3-202, MCA	Action on reporting
	§ 41-3-203, MCA	Immunity from liability
	§ 41-3-205, MCA	Confidentiality – disclosure exceptions
	§ 41-3-207, MCA	Penalty for failure to report
	§ 45-5-501, MCA	Definitions
	§ 45-5-502, MCA	Sexual Assault

§ 20-7-1316, MCA    Child Sex Trafficking Prevention

Cross References:

Policy History:

Adopted on:            8.13.2013

Revised on:           4.11.2023

Reviewed on:

## PERSONNEL

Prohibition on Aiding and Abetting Sexual Abuse

The District prohibits any individual who is a school employee, trustee, officer, contractor, or agent from assisting a current or former school employee, contractor, or agent in obtaining new employment who knows or has probable cause to believe that such person engaged in sexual misconduct regarding a minor or student in violation of law. Assisting a person in obtaining new employment does not include the routine transmission of administrative or personnel files.

This prohibition does not apply if the information giving rise to probable cause:

1. Has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct and any other authorities required by federal, state or local law, including, but not limited to Title IX; and
2. One of the following three circumstances has occurred:
  - a. the matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials there is insufficient information to establish probable cause that the school employee, trustee, officer, contractor, or agent committed or attempted, solicited, or conspired to commit the violation of local, state, and/or federal law involving a minor or student;
  - b. the school employee, trustee, officer, contractor, or agent has been charged with, and acquitted or otherwise exonerated of the alleged misconduct; or
  - c. the case or investigation remains open and there have been no charges filed against or indictment of the school employee, trustee, officer, contractor, or agent more than four years from the date the information was reported to law enforcement.

Legal References: §§ 8038, 8556 Every Student Succeeds Act

Title IX, 20 U.S.C. 1681 *et seq.*

§ 20-4-110, MCA Letter of reprimand, suspension, revocation, and denial of certificate

§45-5-501, MCA *et seq.* Definitions

§41-3-101, MCA *et seq.* Declaration of Policy

Senate Bill 132

## Cross References:

Policy History:

Adopted on: 5.28.2018

Revised on: 9.10.2019

## PERSONNEL

Staff Ethics and Political Activity

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

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

*Political Activity*

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

Employees may not solicit support for or in opposition to any political committee, the nomination or election of any person to public office, or the passage of a ballot issue, while on the job or in or on District property. Employees may not use the District's electronic communication system for political activity, except as permitted by law.

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

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

## Cross References:

Policy History:

Adopted on: 8.13.2013

Revised on: 3.14.2023



**PERSONNEL****Personnel Records**

The District maintains a complete, confidential personnel record for every current and former employee. The employees' personnel records will be maintained in the District's administrative office, under the direct supervision of the Human Resource Office.

Employees will be given access to their personnel records, in accordance with guidelines developed by the Superintendent.

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

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

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

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

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

Legal References:	Public Law 114 - 95 - Every Student Succeeds Act
	29 USC 201, et seq Fair Labor Standards Act
	§ 2-6-101, et al MCA Public Records Generally
	§ 20-1-212, MCA Destruction of Records by School Officer
	24.9.805, ARM Employment Records
	§ 2-6-1001, MCA Definitions
	10.55.701(4), ARM Board of Trustees

Cross References:

**Policy History:**

Adopted on:	10.8.2013
Revised on:	2.14.2023
Reviewed on:	

## PERSONNEL

Family Medical Leave

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

Servicemember Family Leave

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

Eligibility

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

Employees will be required to use appropriate paid leave while on FMLA leave. Workers' compensation absences will be designated FMLA leave.

Medical Certification

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

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

29 C.F.R. Part 825

§§2-18-601, et seq., MCA  
§§49-2-301, et seq., MCA  
Section 585 –  
§ 2-6-101, et al MCA  
24.9.805, ARM

Family and Medical Leave  
Regulations  
Leave Time  
Prohibited Discriminatory Practices  
National Defense Authorization Act  
Public Records Generally  
Employment Records  
for FY 2008, Public 21 Law [110-  
181]

Cross References: Common Law Affidavit  
Affidavit of Domestic Partnership

Policy History:

Adopted on: 6.10.2014

Revised on: 3.14.2023

**PERSONNEL**

Montana VEBA (Voluntary Employee Beneficiary Association) Health Benefit Plan

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

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

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

Policy History

Adopted On: 3.8.2016

Revised On:

**PERSONNEL****Insurance Benefits for Employees**

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

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

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

**Cross References:****Policy History:**

Adopted on: 6.14.2016

Revised on: 3.14.2023

**PERSONNEL**Leave of Absence

The District provides leave to its employees pursuant to Montana law, collective bargaining agreements and individual contracts. Those employees in paid leave status continue to accrue seniority and are eligible for District benefits. Employees in unpaid leave status do not accrue seniority and may not be eligible for benefits through the District.

*Sick Leave*

Certified employees will be granted sick leave according to terms of their collective bargaining agreement. Administrators shall be granted sick leave pursuant to the terms of their individual contracts. Classified employees shall be granted sick leave pursuant to Montana law governing public employees. Unless otherwise stated by contract, “sick leave” means a leave of absence, with pay, for an illness suffered by an employee or his or her immediate family. “Immediate family” means the employee’s spouse, domestic partner, parents, siblings, children and like relations of the spouse or domestic partner. A maximum of ten (10) days of accumulated sick leave may be used per year because of death in the immediate family

If the District has established, either through collective bargaining or through policy, a sick leave fund, employees may contribute any portion of the employee’s accumulated sick leave or accumulated vacation leave to a nonrefundable sick leave fund and become eligible to draw upon the fund pursuant to the rules established for the fund.

*Bereavement Leave*

Employees covered by a collective bargaining agreement will be granted bereavement leave according to the terms of their collective bargaining agreement. Other employees shall be allowed up to five (5) days of bereavement leave for deaths in the immediate family (employee’s spouse, domestic partner, parents, siblings, children, grandparent, grandchild and like relations of the spouse or domestic partner). In the event the employee needs additional bereavement time, an additional leave of up to five (5) days may be awarded at the discretion of their immediate supervisor. One (1) day of bereavement leave may be granted to allow an employee to attend a funeral of a family member who does not meet the criteria of “immediate family”. Any leave categorized as bereavement leave shall be without loss of pay.

*Personal and Emergency Leave*

Certified employees will be granted personal and emergency leave according to the terms of their collective bargaining agreement. Administrators will be granted personal and emergency leave pursuant to the terms of their individual contracts, or at the discretion of the Superintendent. Classified staff may be granted personal and emergency leave

pursuant to the terms and conditions stated in their collective bargaining agreement or current classified staff handbook. Personal and emergency leave is without pay unless otherwise stated in the applicable collective bargaining agreement.

### *Civic Duties Leave*

Employees shall be granted leave (with or without pay) for service on a jury, holding public office, or in response to a subpoena, in accordance with state law. The District will notify employees who were granted paid leave of any reimbursement requirements in the employee handbook.

### *Military Leave*

Employees shall be granted leave for service in the military in accordance with state and federal law. The District will comply with all federal and state regulations regarding the employee's return to service following military leave.

### *Vacation Leave*

Administrators will be granted vacation leave pursuant to the terms of their individual contracts and Montana law. Classified employees will be granted vacation leave pursuant to Montana law. The District, in its sole discretion and/or subject to the terms of the collective bargaining agreement, may provide cash compensation for unused vacation leave in lieu of the accumulation of vacation leave.

Legal References:	§ 2-18-601, MCA	Definitions
	§ 2-18-611, MCA	Annual vacation leave
	§ 2-18-617, MCA	Accumulation of leave -- cash for unused -- transfer
	§ 2-18-618, MCA	Sick Leave
	§ 2-18-619, MCA	Jury duty – service as witness
	§ 2-18-620, MCA	Mandatory leave for employees holding public office – return requirements
	2.21.222, ARM	Calculating Annual Vacation Leave Credits

### Cross References:

#### Policy History:

Adopted on: 9.8.2015

Revised on:



**PERSONNEL**Holidays

Holidays for certified staff are dictated in part by state law and the school calendar. Substitute employees will not receive holiday pay. Part-time employees will receive holiday pay on a prorated basis. The District will observe all school holidays as required by statute.

When an eligible employee is required to work any of the school holidays, another day shall be granted in lieu of such holiday, unless the employee elects to be paid for the holiday in addition to the employee's regular pay for all time worked on the holiday. Holiday pay may not be utilized for overtime pay qualification.

When one of the school holidays falls on Sunday, the following Monday will be a holiday.  
When one of the school holidays falls on Saturday, the preceding Friday will be a holiday.  
When a holiday occurs during a period in which vacation is being taken by an employee, the holiday will not be charged against the employee's annual leave

Legal References:     § 20-1-305, MCA     School holidays

Cross References:

Policy History:

Adopted on: 9.8.2015

Revised on:

**PERSONNEL****Evaluation of Non-Administrative Staff**

Each non-administrative staff member's job performance will be evaluated by the staff member's direct supervisor. The evaluation process includes scheduled annual evaluations using forms applicable to the job classification and description, and day-to-day appraisals. Certified staff members may be evaluated according to the terms stated in the current collective bargaining agreement.

The supervisor will provide a copy of the completed evaluation to the staff member and will provide opportunity to discuss the evaluation. The original should be signed by the staff member and filed in the staff member's personnel file. If the staff member refuses to sign the evaluation, the supervisor should note the refusal and submit the evaluation to the Superintendent.

Legal References:	§ 20-3-324, MCA	Powers and duties
	§ 20-4-402, MCA	Duties of district superintendent
	10.55.701, ARM	Board of Trustees

**Cross References:**

Policy History:	4.8.2014
Adopted on:	
Revised on:	

**PERSONNEL****Termination of Employment***Dismissal and Non-renewal*

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

*Resignation*

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

*Reduction in Force*

The Board has exclusive authority to determine the appropriate number of employees. A reduction in employees may occur as a result of, but not be limited to, changes in the education program, staff realignment, changes in the size or nature of the student population, financial considerations, or other reasons deemed relevant by the Board.

The Board will consider in no particular order all or some of the following criteria in determining order of dismissal when it reduces staff;

- performance evaluations,
- staff needs,
- seniority,
- experience inside and outside the district,
- professional development,
- curricular or industry knowledge,
- endorsements and/or certifications, and / or
- other reasons it deems relevant.

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

### *Payment of Wages Upon Termination*

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

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

Cross References:     Helena Public Schools Employee Handbook  
                           Helena Public Schools Administrators' Handbook

#### Policy History:

Adopted on:                 8.13.2013  
Revised on:                9.12.2023

## PERSONNEL

Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers

School bus and commercial vehicle drivers shall be subject to a drug and alcohol testing program that fulfills the requirements of the federal law. Other persons who drive vehicles designed to transport sixteen (16) or more passengers, including the driver, are likewise subject to the drug and alcohol testing program. Testing procedures and facilities used for the tests shall conform with the requirements of the Code of Federal Regulations, Title 49, §§ 40, et seq.

*Pre-Employment Testing*

Tests shall be conducted before the first time a driver performs any safety-sensitive function for the District. Safety-sensitive functions include all on-duty functions performed from the time a driver begins work or is required to be ready to work, until he/she is relieved from work and all responsibility for performing work. It includes driving; waiting to be dispatched; inspecting and servicing equipment; supervising, performing, or assisting in loading and unloading; repairing or obtaining and waiting for help with a disabled vehicle; performing driver requirements related to accidents; and performing any other work for the District or paid work for any entity.

Exceptions may be made for drivers who have had the alcohol test required by law within the previous six (6) months and participated in the drug testing program required by law within the previous thirty (30) days, provided that the District has been able to make all verifications required by law.

*Post Accident Testing*

Alcohol and controlled substance tests shall be conducted as soon after an accident as practicable on any driver:

- who was performing safety-sensitive functions with respect to the vehicle, if the accident involved loss of human life; or
- who receives a citation under state or local law, for a moving traffic violation arising from the accident.

Drivers shall make themselves readily available for testing, absent the need for immediate medical attention. No such driver shall use alcohol for 8 hours after the accident, or until after he/she undergoes a post-accident alcohol test, whichever occurs first.

If an alcohol test is not administered within 2 hours or if a drug test is not administered within 32 hours, the District shall prepare and maintain records explaining why the test was not conducted. Tests will not be given if not administered within 8 hours after the accident for alcohol or within 32 hours for drugs. Tests conducted by authorized federal, state, or local officials will fulfill post-accident testing requirements, provided they conform to applicable legal requirements and

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

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

#### *Random Tests*

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

#### *Reasonable Suspicion Tests*

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

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

#### *Enforcement*

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

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

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

#### *Return to Duty Tests*

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

#### *Follow Up Tests*

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

#### *Records*

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

#### *Notifications*

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

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

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

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

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

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



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

*Clearinghouse*

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

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

Cross References:

### Policy History:

Adopted on:

Revised on: 2.8.2022

## PERSONNEL

Substitutes and Student Teachers/Interns

Under certain circumstances, individuals other than the District-employed teaching staff may be providing instruction to students in a classroom setting. The Board authorizes the use of substitute teachers as necessary to replace teachers who are temporarily absent. The District shall arrange for the substitute to work for the absent teacher. Under no condition is a teacher to select or arrange for a private substitute. All substitute teachers will be required to undergo fingerprint and background checks prior to being placed in a classroom. The Board establishes a daily rate of pay for substitute teachers. No fringe benefits are given to substitute teachers.

Substitutes for classified positions will be paid by the hour. When a classified employee is called upon to substitute for a teacher, the teacher sub rate shall apply unless the classified rate of pay is higher.

The District shall make an effort to cooperate with accredited institutions of higher learning in the education of student teachers and other professionals in training (such as interns) by providing a reasonable number of classroom and other real life situations each year. The District and the respective training institutions shall enter into mutually satisfactory agreements whereby the rules, regulations and guidelines of the practical experiences shall be established.

The Superintendent shall coordinate all requests from cooperating institutions for placement with building principals so that excessive concentrations of student teachers and interns shall be avoided.

References:	10.55.707, ARM	Teacher and Specialist Licensure
	10.55.716, ARM	Substitutes
	§20-4-101, MCA	System and definitions of teacher and specialist certification – student teacher exception

## Cross References:

## Policy History:

Adopted on: 8.13.2013

Revised on:

## PERSONNEL

Employee Electronic Services

The District provides technology including but not limited to: computers, devices, networks, and Internet access to support the educational mission of the District and to enhance the curriculum and learning opportunities for District students and staff.

Employees are to utilize the District's computers, devices, networks and Internet services for District related purposes and performance of job duties. Incidental personal use of District technology is permitted as long as such use does not interfere with the employee's job duties and performance, with system operations, or other system users. "Incidental personal use" is defined as use by an individual employee for occasional personal communications that does not interfere with district operations or increase costs to the district. Employees are reminded that such personal use must comply with this policy and all other applicable policies, procedures, and rules.

General examples of *unacceptable* uses that are prohibited include, but are not limited to the following:

1. Any use that is illegal or in violation of other policies, including harassing, discriminatory or threatening communications and behavior, violations of copyright laws, etc.;
2. Any use involving materials that are obscene, pornographic, sexually explicit or sexually suggestive;
3. Any inappropriate communications with students or minors;
4. Any use for private financial gain or commercial advertising or solicitation purposes;
5. Any use as a forum for communicating by e-mail or other medium with other school users or outside parties to solicit, proselytize, advocate or communicate the views of an individual or non-school sponsored organization; to solicit membership in or support of any non-school sponsored organization; or to raise funds for any non-school purpose, whether profit or non-profit;
6. Knowingly providing school e-mail addresses to outside parties whose intent is to communicate with school employees, students and/or their families for non-school purposes. Employees who are uncertain as to whether particular activities are acceptable should seek further guidance from their immediate supervisor;
7. Expressing personal views in a way that the recipients would consider them to be the views of the school and/or district.
8. Any use of unauthorized, personal networking hardware; connecting unauthorized devices, for example; printers, wireless access points, network switches or routers, to the district's network;
9. Downloading or loading of software applications without permission;

10. Opening and forwarding any e-mail attachments (executable files) from unknown sources that may contain viruses;
11. Sending or facilitating mass e-mails to school users or outside parties for school or non-school purposes without a supervisor's permission;
12. Any misuse or damage to the District's technology and/or computer equipment; and
13. Misuse of computer passwords or accounts, including providing personal passwords; to others;

The employee is responsible for his/her actions and activities involving district devices, network and Internet services, and for his/her computer files, passwords and accounts. The District retains control, custody and supervision of all computers, devices, networks, and Internet services owned or leased by the District. The District reserves the right to monitor all computer and Internet activity by employees and other system users. Employees have no expectation of privacy in their use of school computers or devices, including all electronic communication, and stored files.

Employees are expected to use appropriate judgment and caution in communications concerning students and staff to ensure that personally identifiable information remains confidential.

Teachers, staff members and volunteers who utilize District computers or other devices for instructional purposes with students have a duty of care to supervise such use. Teachers, staff and volunteers are expected to be familiar with the District's policies and rules concerning student computer and Internet use and to enforce them. When, in the course of their duties, employees/volunteers become aware of student violations, they are expected to stop the activity and inform the building principal or other appropriate administrator.

Employees shall be responsible for any losses, costs or damages incurred by the District related to violations of this policy and/or rules.

The District assumes no responsibility for any unauthorized charges made by employees including but not limited to credit card charges, subscriptions, long distance telephone charges, equipment and line costs, or for any illegal use on its computers or other devices.

Legal References:

Cross References:

Policy History:

Adopted on: 8.11.2015

Revised on:

## PERSONNEL

Breastfeeding in the Workplace

The District supports and encourages breastfeeding and the expression of breastmilk by employees who are breastfeeding when they return to work or school.

Discrimination and harassment of breastfeeding staff members or students in any form is unacceptable and will not be tolerated at the Helena School District. Any incident of harassment of a breastfeeding staff member or student will be addressed in accordance with the District's Uniform Grievance Procedure.

*Time to Express Milk or Breastfeed (Lactation Time)*

Lactation times shall be established for each staff member or student based on their work or school schedule. If possible, the lactation time is to run concurrently with times when the staff member is not responsible for direct student supervision or the student is not in class. If a break time is not provided, the District shall consider each case and make accommodations as possible.

*Space and Equipment for Expressing Milk or Breastfeeding*

The school will provide reasonable accommodations for students and staff on the school campus to express breast milk, breastfeed an infant child, or address other needs related to breastfeeding. Staff members and students shall be provided the use of a clean, comfortable space or "Lactation Area." A restroom shall not serve as the lactation area.

The lactation area will:

- provide the basic necessities of privacy, lighting, and electricity for the pump apparatus.
- be shielded from view and free from intrusion from the public, students, and other staff.
- have access to a place to store expressed breast milk safely.
- be in close proximity to the employee's work area, if possible and
- contain comfortable seating.

Legal References:	§ 39-2-215, MCA	Public employer policy on support of women and breastfeeding – unlawful discrimination
	§ 39-2-216, MCA	Private place for nursing mothers
	§ 39-2-217, MCA	Break time for nursing
	§ 50-19-501, MCA	Nursing mother and infant protection
	37.111.811(1)(g) ARM	Physical Requirements

Cross References:	Policy 1085	Uniform Grievance Procedure
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## Policy History:

Adopted on: 5.12.2015

Revised on: 11.9.2021

**PERSONNEL****Conflicts of Interest**

Employees shall refrain from any activity that can be reasonably seen as creating a conflict of interest with their duties and responsibilities as employees of the District.

The following conduct is specifically prohibited:

- Using public time, facilities, equipment, supplies, personnel, or funds for the employee's private business purposes;
- Engaging in a substantial financial transaction for the employee's private business purposes with a person whom the employee inspects or supervises in the course of official duties;
- Assisting any person for a fee, contingent fee, or other compensation in obtaining a contract, claim, license, or other economic benefit from the District;
- Performing an official act directly and substantially affecting to its economic benefit a business or other undertaking in which the employee either has a substantial financial interest or is engaged as counsel, consultant, representative, or agent;
- Soliciting or accepting employment, or engaging in negotiations or meetings to consider employment, with a person whom the employee regulates in the course of official duties without first giving written notification to the employee's supervisor and Superintendent; or
- Engaging in an intimate relationship with another employee who is in a subordinate position and for whom one employee has supervisory and evaluation responsibility.

Employees who violate this policy will be subject to disciplinary action, up to and including termination from employment.

**Cross Reference:**

Legal Reference:     § 2-2-104, MCA Rules of conduct for public officers, legislators, and public employees  
                              § 2-2-105, MCA Ethical requirements for public officers and public employees  
                              § 2-2-121, MCA Rules of conduct for public officers and public employees

**Policy History:**

Adopted on:           12.10.2013

Revised on:           3.12.2019, 1.14.2020

**PERSONNEL****Criminal Background Investigation**

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

All candidates, 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.

Arrests resolved without conviction shall not be considered unless the charges are pending and prohibit the individual from working as an employee or volunteering.

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

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

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

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

### *Student Teachers*

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 fingerprint-based background check conducted by the appropriate state and/or federal authority.

### *Volunteers*

All volunteers who have unsupervised access to District students on District property or at a District sanctioned event will be required to submit to a comprehensive criminal background check, which will include a fingerprint-based background check. Volunteers will not be able to serve until the District has received and approved the results of the criminal background check.

The District may, at its discretion, conduct a name based background check at the discretion of the Superintendent or designee.

Cross Reference: 5085

Substitutes and Student Teachers

Legal Reference:

42 USC 5119a  
10.55.716, ARM  
10.57.201a, ARM  
§ 44-5-301, MCA  
§ 44-5-302, MCA  
§ 44-5-303, MCA

Background Checks  
Substitute Teachers  
Criminal History Background Check  
Dissemination of public criminal justice  
information Dissemination of criminal history  
record information that is not public criminal  
justice information Dissemination of confidential  
criminal justice information – procedure for  
dissemination through court

Policy History:

Adopted on:

5.14.2019

Revised on:

5.9.2023



## PERSONNEL

### Prevention of Disease Transmission

All District personnel shall be advised of routine procedures to follow in handling body fluids. These procedures, developed in consultation with school nurses and public health and medical personnel, shall provide simple and effective precautions against transmission of diseases to persons exposed to the blood or body fluids of another. The procedures shall follow standard health and safety practices. No distinction shall be made between body fluids from individuals with a known disease or infection and from individuals without symptoms or with an undiagnosed disease.

The District shall provide training on procedures on a regular basis. Appropriate supplies shall be available to all personnel, including those involved in transportation and custodial services.

The District shall provide soap and disposable towels or other hand-drying devices shall be available at all handwashing sinks. Common-use towels are prohibited.

If a staff member develops symptoms of any reportable communicable or infectious illness while at school, the responsible school officials shall do the following:

- (a) isolate the staff member immediately from students or staff
- (b) consult with a school nurse, health care provider, other qualified medical professional, or the local county health authority to determine if the case should be reported.

### *Healthy Hand Hygiene Behavior*

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

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

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

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

### *Confidentiality*

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

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

### Policy History:

Adopted on:	2.8.2022
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Reviewed on:	
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Revised on:	
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**PERSONNEL**Disciplinary Action

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

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

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

Cross Reference:	Policy 5225	Termination from Employment / Non-Renewal of Employment
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	Policy 5040	Personnel Records
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Legal Reference:	§20-3-324, MCA	Powers and duties
	§20-4-204, MCA	Termination of tenure teacher services
	§20-4-207, MCA	Dismissal of teacher under contract
	§39-2-903, MCA	Definitions
	§45-8-361, MCA	Possession or allowing possession of a weapon in school building – exceptions – penalties – seizure and forfeiture or return authorized – definitions

Policy History:

Adopted on: 6.11.2019

Revised on:

**PERSONNEL****Intellectual Property Rights**

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

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

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

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

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

**Items Created Within the Employee's Scope of Responsibilities**

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

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

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

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

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

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

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

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

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

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

#### *District Purchase of Employee Developed Materials*

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

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

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 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

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

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

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

Cross Reference: 5035 Staff Ethics and Political Activity

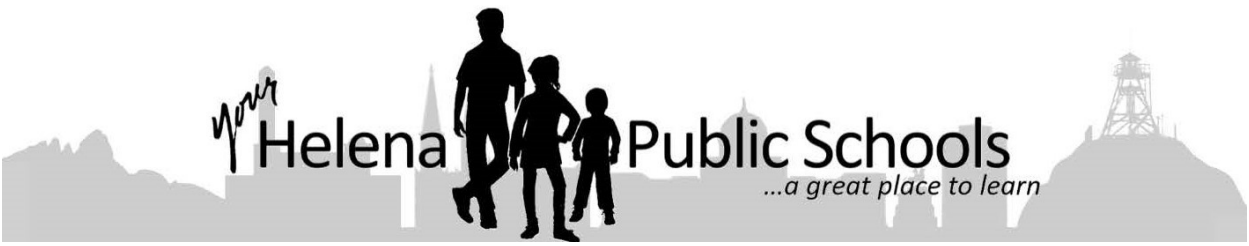
Legal References: §2-2-121, MCA Rules of Conduct for Public Officers and Public

Employees

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

Policy History:

Adopted: 5.9.2023  
Revised:  
Reviewed:



**Series 6000:**

**District  
Organization**

**SCHOOL ADMINISTRATION****District Organization: Superintendent & District Clerk**

The Superintendent shall develop an organizational chart indicating the lines of authority and reporting relationships for school staff. The lines of authority and reporting shall be followed except in unusual circumstances.

Staff should refer matters requiring administrative action to their immediate supervisor. The decision of an administrator may be appealed to an administrative officer higher in the line of authority.

Each employee should be primarily responsible to only one immediate supervisor. In cases where more than one supervisor oversees the duties of an employee, the division of responsibility must be clearly delineated.

If the Superintendent, building principal, or other administrator is temporarily absent, the line of authority and responsibility of that office shall follow a successive plan. The succession plan shall be developed by the Superintendent.

**Goals and Objectives**

The administrative staff's primary functions are to manage the District and to facilitate the implementation of a quality educational program. The administrative staff is responsible for:

1. effectively and efficiently managing the District's programs, budget, and buildings;
2. providing educational leadership;
3. developing and maintaining channels for communication between the school system and community;
4. developing procedures and regulations which implement Board policy; and
5. planning, organizing, implementing, and evaluating educational programs.

**Superintendent**

The Superintendent is the District's chief executive officer and is responsible for the administration and management of the District schools in accordance with Board policies and directives, and State and federal law. The Superintendent is authorized to develop administrative procedures/regulations to implement Board policy and to delegate duties and responsibilities. Delegation of power or duty, however, shall not relieve the Superintendent of responsibility for the action that was delegated.



### *Qualifications and Appointment*

The Superintendent shall have the experience and the skills necessary to work effectively with the Board, District employees, students, and the community. The Superintendent shall have a valid administrative certificate and superintendent's endorsement issued by the State. When the office of the Superintendent becomes vacant, the Board shall determine the appropriate process for filling that vacancy, and shall appoint the individual chosen by the majority of the Board to fill the position.

### *Evaluation*

The Board will evaluate, at least annually, the performance of the Superintendent, using standards and objectives developed by the Superintendent and Board which are consistent with the District's mission and goal statements. A specific time should be designated for a formal evaluation session. The evaluation should include a discussion of professional strengths as well as performance areas needing improvement.

### *Compensation and Benefits*

The Board and the Superintendent shall enter into a contract that conforms to this policy and State law. This contract shall govern the employment relationship between the Board and the Superintendent.

### District Clerk

The Clerk of the Board shall attend all meetings of the Board, unless excused by the Chair, and shall keep an accurate journal of its proceedings. The Clerk shall have custody of the records, books, and documents of the Board. In the absence or inability of the Clerk to attend a Board meeting, the trustees will have one (1) of their members or a District employee act as clerk for the meeting, and said person will supply the Clerk with a certified copy of the proceedings.

The Clerk will keep accurate and detailed accounts of all receipts and disbursements made by the District. The Clerk shall draw and countersign all warrants for expenditures that have been approved by the Board. The Clerk will make the preparations legally required for the notice and conduct of all District elections.

The Clerk shall prepare and submit to the Board a financial report of receipts and disbursements of all school funds on an annual basis unless the Board requests such reports on a more frequent basis. The Clerk shall perform other duties as prescribed by State law or as directed by the Board and the Superintendent.

### *Evaluation*

The Superintendent shall evaluate the Clerk at least once annually. The evaluation shall

be based on the job description and established evaluation criteria. The Clerk shall sign a copy of the evaluation document and shall be provided a copy for his or her records. The Clerk shall have the right to attach a written statement to the evaluation within (15) business days following the evaluation conference.

Legal References:	Mont. Const. Art. X, § 8
	§ 20-3-325, MCA Clerk of the district
	§ 20-3-321, MCA Organization and officers
	10.55.701, ARM Board of Trustees
	§ 20-4-402, MCA Duties of district superintendent
	§ 20-4-401, MCA Appointment and dismissal of district superintendent
	§ 20-3-324, MCA Powers and duties

Cross References:

Policy History:

Adopted on:

3.10.2015

Revised on:

## SCHOOL ADMINISTRATION

District Organization: Building Administrators

Building administrators are the chief administrators of their assigned schools. The primary responsibility of building administrators is the development and improvement of instruction. A majority of the administrator's time shall be spent on curriculum and staff development through formal and informal activities, establishing clear lines of communication regarding school goals, accomplishments, practices, and policies with parents and teachers. Building administrators are responsible for management of their staff, maintenance of the facility and equipment, administration of the educational program, supervision of the students attending the school, management of the school's budget, communication between the school and the community, and reporting criminal offenses. Building administrators will be evaluated on their instructional leadership abilities and their abilities to maintain positive education and learning environments.

*Evaluation*

The Assistant Superintendent shall evaluate each building administrator at least annually. Evaluations shall be based on the job description, accomplishment of annual goals and performance objectives, and established evaluative criteria. The building administrator shall sign a copy of the evaluation document and shall be given a copy of the document for his or her records. The building administrator shall also have the right to attach a written statement to the evaluation within 15 business days following the conference.

District Organization: District Administrators

As authorized by the Superintendent, administrators shall have full responsibility for the day-to-day administration of the area to which they are assigned. Administrative personnel are governed by the policies of the District and are responsible for implementing the administrative procedures that relate to their assigned responsibilities.

Each Administrator's duties shall include but not be limited to:

1. planning for the improvement of the program for which he or she is responsible;
  2. evaluating that program regularly;
  3. recommending to the Superintendent budgetary, program, staff and other changes that will enhance the program;
  4. advising the Superintendent of the impact of proposed policies or other administrative action on the program for which the administrator is responsible;
  5. evaluating the performance of staff as assigned;
  6. assisting his or her subordinates to improve performance;
  7. promoting effective working relationships with students, staff and patrons of the District;
- and

8. maintaining a progressive community/staff relations program within his or her building or assigned area.

### *Evaluation*

The Superintendent shall establish procedures for the conduct of evaluations of administrative personnel. Each school year, the Superintendent shall inform each administrator of the criteria to be used for evaluation purposes, including the adopted goals of the District. Evaluation criteria shall include but not be limited to performance statements which address leadership; administration and management; school finances; professional development; professional interaction with students, staff and community; District building programs; and staff supervision.

Each administrator shall be evaluated annually so as to provide guidance and direction to the administrator in terms of job performance. The evaluation shall be based on his or her job description, accomplishment of annual goals and performance objectives, and established evaluative criteria.

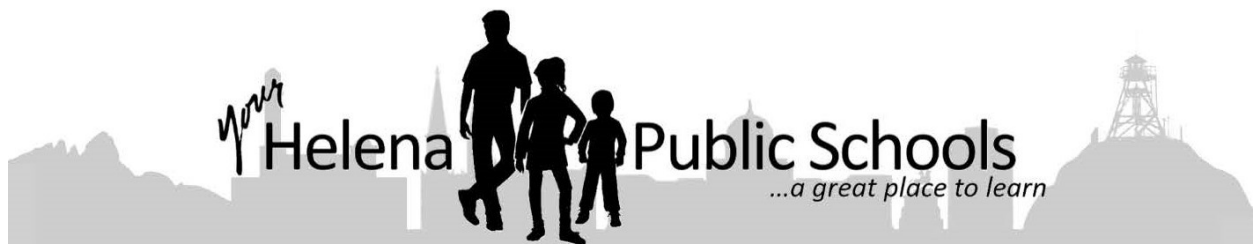
Administrative personnel subject to the supervision and evaluation process shall sign a copy of her or her evaluation document and be provided a copy for his or her records. The administrator shall have the right to attach a written statement to the evaluation within fifteen (15) business days following the evaluation conference.

Legal References:	MCA § 20-4-403	Powers and duties of principal
	ARM 10.55.701	Board of Trustees
	ARM 10.55.705	Administrative Personnel: Assignment of School Administrators / Principals

Cross References:

### Policy History:

Adopted on:	3.10.2015
Revised on:	



**Series 7000:**

**Operational  
Services**

## OPERATIONAL SERVICES

Fiscal and Business Management

The Superintendent is responsible for the District's fiscal and business management. To that end, the Superintendent, in conjunction with the Clerk, shall prepare a budget that supports immediate and long-range goals and established priorities within all areas i.e., instructional, non-instructional, and administrative programs. This budget shall be presented to the Board prior to the date required by state law.

*Budget Year, Adoption and Amendments*

The District's fiscal year is from July 1 until June 30. Prior to presentation of the proposed budget for adoption, the Superintendent and the Clerk shall prepare recommendations for the Board's consideration, with supporting documentation when necessary. This budget shall represent the culmination of an ongoing process of planning for the fiscal support needed for the District's educational programs. Upon adoption by the Board, the budget shall be forwarded to the County Superintendent as provided by law.

The Board may transfer money among funds as provided by law. In addition, the Board, by resolution, may determine that a budget amendment is necessary and shall proceed to amend the budget pursuant to law.

*Budget Implementation*

The Superintendent shall implement the District's budget and provide the Board with a monthly financial report. The amount budgeted as the expenditure in each fund is the maximum amount that may be expended for that category, except when a transfer of funds is authorized by the Board. All purchasing shall be handled pursuant to Board policy and any administrative regulations.

Legal References:	§ 20-9-115, MCA	Notice of final budget meeting
	§ 20-9-131, MCA	Final budget meeting
	§ 20-9-133, MCA	Adoption and expenditure limitations of final budget
	§ 20-9-162, MCA	Authorization for budget amendment adoption
	§ 20-9-163, MCA	Resolution for budget amendment

## Cross References:

Policy History:

Adopted on: 4.14.2015

Revised on:

**OPERATIONAL SERVICES**Revenue and Investments

The Superintendent is responsible for making all claims for property tax revenue, state aid, special state funds for specific programs, federal funds, and categorical grants when such grants may assist in improving the educational program. The County Treasurer is the depository and custodian of all District funds except as provided by law and by agreement between the County Treasurer and the Board.

*Investments*

The Board shall either direct the County Superintendent to invest its funds or establish an independent investment account as provided by law. In addition, the Board may choose to participate in an investment pool as provided by law. All decisions regarding the investment of District funds shall be made by the Board, after receiving financial information from the Superintendent and public input.

*Gifts and Endowments*

The Board may accept gifts, endowments, legacies, and devises subject to the lawful conditions imposed by the donor. Except where otherwise specified by the donor, the Board may deposit the gift, legacy, devise, or proceeds in any budgeted or nonbudgeted fund and may thereafter transfer any portion of the gift, legacy, devise, or proceeds to any other fund at the Board's discretion. The Board may transfer any previously donated funds deposited into an endowment fund along with any accumulated interest to any other budgeted or nonbudgeted fund and may spend such funds at the discretion of the Board unless restricted by the donor. In the event the donor has specified or imposed any conditions for the gift, legacy, or devise, the Board shall deposit the gift, legacy, devise, or proceeds into an endowment fund. Neither the Board nor the Superintendent will approve any gifts that are inappropriate.

*Advertising as Revenue*

The Board may choose to enhance its revenue through a variety of District approved marketing activities, including but not limited to advertising, corporate sponsorship, signage, etc. These opportunities are subject to certain restrictions as defined by the Superintendent on a case by case basis. All sponsorship contracts will allow the District to terminate the contract at least on an annual basis if it is determined that it will have an adverse impact on implementation of curriculum or the educational experience of students.

Legal References:     § 20-6-702, MCA     Funding for K-12 school districts

§ 20-9-235, MCA	Authorization for school district investment account
§ 20-9-212, MCA	Duties of county treasurer
§ 20-9-604, MCA	Gifts, legacies, devises and administration of endowment fund
10.10.306, ARM	Bank Accounts or Other Repositories
10.10.611, ARM	Establishment of Investment Accounts
10.10.625, ARM	Investment Pools

Cross References:

Policy History:

Adopted on:	10.8.2019
Revised on:	



## OPERATIONAL SERVICES

Accounting Standards

The Board intends that District accounting practices follow state and federal laws and regulations, generally accepted accounting principles (GAAP), and other accounting principles adopted by the Governmental Accounting Standards Board. The District shall follow a uniform financial accounting system required by the Office of Public Instruction in coordination with the National Center for Education Statistics of the United States of the Department of Education.

The Board of Trustees will review the financial activity and operations of the district based on the Comprehensive Annual Financial Report and other financial reports in order to monitor the balances and future actions as deemed necessary at that time.

## Legal References:

Governmental Accounting Standards Board Statements

## Cross References:

## Policy History:

Adopted on:

4.14.2015

Revised on:

### Lease Capitalization Threshold

Based on the above guidelines, the district has determined a lease liability threshold of \$150,000. This capitalization threshold applies to all leases with a maximum possible term of more than one year. Equipment leases of similar type will be aggregated together when evaluating if they meet the district threshold. If no explicit rate is stated in an existing lease agreement, the borrowing rate of the Montana Board of Investments as of June 30, 2022, will be used to calculate the lease liability. For future lease agreements with no stated explicit rate, the borrowing rate of the Montana Board of Investments at the time of execution will be used to calculate the lease liability.

Adopted on: 1.10.2023  
Revised on:

## OPERATIONAL SERVICES

Purchasing

The Superintendent is authorized to direct expenditures and purchases within limits of the annual budget for the school year. The Board must approve capital outlay items, when the aggregate total of a requisition exceeds \$80,000, except the Superintendent shall have the authority to make capital outlay purchases without prior approval when necessary to protect the interests of the District or the health and safety of staff or students. The Clerk will establish requisition and purchase order procedures to control and maintain proper accounting of expenditure of funds.

Staff who obligate the District without proper authorization may be held personally responsible for payment of such obligations. The Board adopts all applicable provisions of the Montana Procurement Act.

*Bids and Contracts*

Whenever the cost of any supplies, equipment, or work shall exceed \$80,000, the District will call for formal bids by issuing public notice as specified by law. Specifications will be prepared and made available to all vendors interested in submitting a bid. The contract shall be awarded to the lowest responsible bidder, except that the trustees may reject any or all bids. The Board, in making a determination as to which vendor is the lowest responsible bidder, will take into consideration not only the amount of each bid, but will also consider the skill, ability, and integrity of a vendor to do faithful, conscientious work and to promptly fulfill the contract according to its letter and spirit. Bidding requirements do not apply to a registered professional engineer, surveyor, real estate appraiser, or registered architect; a physician, dentist, pharmacist, or other medical, dental, or health care provider; an attorney; a consulting actuary; a private investigator licensed by any jurisdiction; a claims adjuster; or an accountant licensed under Title 37, Chapter 50. The Superintendent will establish bidding and contract-awarding procedures.

*Cooperative Purchasing*

The District may enter into cooperative purchasing contracts with one or more districts for procurement of supplies or services. Such services and supplies may be purchased without complying with the above stated bidding requirements if the cooperative purchasing group has a publicly available master list of items available with pricing included and provides an opportunity at least twice yearly for any vendor to compete, based on lowest responsible bidder standard, for inclusion of the vendor's supplies and services on the cooperative purchasing group's master list.

Legal References:     § 18-1-101 et seq., MCA     Public Contracts

§ 20-9-204, MCA

Conflicts of interest, letting contracts  
and calling for bids

Cross References:

Policy History:

Adopted on:

4.8.2014

Revised on:

**OPERATIONAL SERVICES****Procurement of Supplies, Materials, Equipment and Services Using Federal Funds**

Procurement of all supplies, materials, equipment, and services paid for from federal funds or District matching funds shall be made in accordance with all applicable federal, state, and local statutes and/or regulations, the terms and conditions of the federal grant, Board policy, and administrative procedures. Procurement of any supplies, materials, equipment or services not using federal funds shall be subject to Board Policy 7010 and state law.

The Superintendent shall maintain a procurement and contract administration system in accordance with the requirements for the administration and management of Federal grants and Federally-funded programs. The District shall maintain a contract administration system that requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Except as otherwise noted, procurement transactions shall conform to the provisions of the District's general purchasing policy.

The District shall take affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

All District employees, officers, and agents who have purchasing authority shall abide by the standards of conduct covering conflicts of interest and governing the actions of its employees, officers, and agents engaged in the selection, award, and administration of contracts.

The District will avoid acquisition of unnecessary or duplicative items and shall give consideration to mechanisms to obtain a more economical purchase (i.e., consolidating or breaking out procurements where permitted under state law). Where appropriate, the District shall conduct an analysis of lease versus purchase alternatives and any other appropriate options to determine the most economical approach.

To foster greater economy and efficiency, the District may engage in cooperative purchasing where appropriate for procurement or use of common or shared goods and services.

**Competition**

All procurement transactions paid for from federal funds or District matching funds shall be conducted in a manner that encourages full and open competition and that is in good administrative practice and sound business judgment. To promote these purposes, the District shall exclude any contractor that has developed or drafted specifications, requirements, statements of work, or invitations for bids or requests for proposals from competition for such procurements.

Further, the District does not use statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals under this policy, unless (1) an

applicable federal statute expressly mandates or encourages a geographic preference; or (2) the District is contracting for architectural and engineering services, in which case geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

To the extent that the District uses a pre-qualified list of persons, firms, or products to acquire goods and services that are subject to this policy, the pre-qualified list shall include a sufficient number of qualified sources as to ensure maximum open and free competition. The District allows vendors to apply for consideration to be placed on the list at any time and they must re-qualify every twenty-four (24) months in accordance with administrative procedures established by the Superintendent.

### **Solicitation Language**

The District shall require that all solicitations made pursuant to this policy incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product, or service to be procured and, when necessary, shall set forth those minimum essential characteristics and standards to which it shall conform if it is to satisfy its intended use. Detailed product specifications will be avoided if at all possible.

When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which shall be met by offers shall be clearly stated; and identify all requirements which the offerors shall fulfill and all other factors to be used in evaluating bids or proposals.

The Board shall not approve any expenditure for an unauthorized purchase or contract.

### **Procurement Methods**

The District shall utilize the following methods of procurement:

#### *Micro-Purchases*

Purchases of supplies, materials, services, or equipment using federal funds less than \$10,000 shall be "Micro-Purchases." The District is not required to use a formal bidding process for Micro-Purchases, but it shall ensure that purchases are reasonable and equitably distributed among all qualified sources. The District shall maintain all procurement documentation to ensure the cost is less than \$10,000 for a Micro-Purchase.

#### *Small Purchases*

Purchases of supplies, materials, services, or equipment using federal funds between \$10,000 and \$80,000 shall be considered "Small Purchases." The District is not required to use a formal bidding process for Small Purchases, but it shall use a competitive process to ensure fairness. For any Small Purchase, the District shall obtain at least two or more price

quotes. The District shall maintain all procurement documentation to ensure the cost is less than \$80,000 but more than \$10,000 for a Small Purchase.

#### *Sealed Bids*

Sealed bids shall be used when the procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price. Sealed, competitive bids shall be obtained when the purchase of, and contract for supplies, materials, or equipment (including construction projects) which exceeds \$80,000 and would utilize federal funds or District matching funds.

1. Bids shall be solicited in accordance with the provisions of state law and board policy. Bids shall be solicited from an adequate number of qualified suppliers, providing sufficient response time prior to the date set for the opening of bids. The invitation to bid shall be publicly advertised.
2. The invitation for bids will include product/contract specifications and pertinent attachments and shall define the items and/or services required in order for the bidder to properly respond.
3. All bids will be opened at the time and place prescribed in the invitation for bids; bids will be opened publicly.
4. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder.
5. The Board reserves the right to reject any or all bids for sound documented reason.

#### *Competitive Proposals*

Procurement by competitive proposal, normally conducted with more than one source submitting an offer, is generally used when conditions are not appropriate for the use of sealed bids.

If this method is used, the following requirements apply:

1. Requests for proposals shall be publicized and identify all evaluation factors and their relative importance. Any response to the publicized requests for proposals shall be considered to the maximum extent practical.
2. Proposals shall be solicited from an adequate number of sources.
3. The District shall use its written method for conducting technical evaluations of the proposals received and for selecting recipients.
4. Contracts shall be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered. Price may not be considered where procuring architectural/engineering services; compensation is subject to negotiation of a fair and reasonable fee after selection.

#### *Noncompetitive Proposals*

The District may only solicit a proposal from a sole source when one or more of the following circumstances apply:

1. The item is available only from a single source;

2. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
3. The federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the District; or
4. After solicitation of a number of sources, competition is determined to be inadequate.

### **Contract/Price Analysis**

The District shall perform a cost or price analysis in connection with every procurement action in excess of \$80,000, including contract modifications. A cost analysis generally means evaluating the separate cost elements that make up the total price, while a price analysis means evaluating the total price, without looking at the individual cost elements.

The method and degree of analysis is dependent on the facts surrounding the particular procurement situation; however, the District shall come to an independent estimate prior to receiving bids or proposals.

### **Time and Materials Contracts**

The District uses a time and materials type contract only (1) after a determination that no other contract is suitable; and (2) if the contract includes a ceiling price that the contractor exceeds at its own risk. A time and materials type contract is a contract whose cost to the District is the sum of the actual costs of materials, and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

### **Suspension and Debarment**

The District will award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement. All purchasing decisions shall be made in the best interests of the District and shall seek to obtain the maximum value for each dollar expended. When making a purchasing decision, the District shall consider such factors as (1) contractor integrity; (2) compliance with public policy; (3) record of past performance; and (4) financial and technical resources.

The Superintendent shall have the authority to suspend or debar a person/corporation, for cause, from consideration or award of further contracts.

The District shall not subcontract with or award subgrants to any person or company who is debarred or suspended. For contracts over \$25,000, the District shall confirm that the vendor is not debarred or suspended by verifying such status.

### **Maintenance of Procurement Records**

The District maintains records sufficient to detail the history of all procurements. These records include, but are not limited to the following: rationale for the method of procurement, selection



of contract type, contractor selection, or rejection, and the basis for the contract price (including a cost or price analysis).

Legal References:	§ 18-1-101 et seq., MCA	Public Contracts
	§ 20-9-204, MCA	Conflicts of interest, letting contracts and calling for bids
	2 C.F.R. Part 180	
	2 C.F.R. 200.317	
	2 C.F.R. 200.318	
	2 C.F.R. 200.319	
	2 C.F.R. 200.320	
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	2 C.F.R. 200.322	
	2 C.F.R. 200.323	
	2 C.F.R. 200.324	
	2 C.F.R. 200.325	
	2 C.F.R. 200.326	
	48 C.F.R. chapter 1	

Cross References:	Policy 5105	Conflicts of Interest
	Policy 7010	Purchasing

Policy History:

Adopted on: 12.10.2019

Revised on:

**OPERATIONAL SERVICES****Tuition Policy**

It is recognized that residents of the Helena School District No.1 pay property taxes in support of the education of the students attending the schools. In order to establish financing of the non-resident student's education, the Helena School District shall charge tuition in accordance with the tuition provisions of Sections: 20-5-320, 20-5-321, 20-5-323, 20-5-324, M.C.A.

A non-resident student is a student residing outside of the applicable Helena School District. A non-resident elementary student resides outside of the Elementary District. A non-resident high school student resides outside of the High School District. For the purposes of this policy, a student's residence shall be determined in accordance with Section 1-1-215, M.C.A. However, notwithstanding Section 1-1-215, M.C.A. the district shall consider students to be resident students of the district in the following circumstances;

1. A student is a resident of the District if either parent or legal guardian is a resident of the Helena School District.
2. When a student's family moves its residence from the District during the second semester of the school term, the student shall be considered a resident for the remainder of such school term.

When a non-resident student wishes to attend school in the District, a written tuition agreement must be executed by the parent/guardian and the Helena School District before the student is enrolled. Tuition paid by the parent/guardian must be paid to the Helena School District prior to enrollment. Tuition paid through a mandatory agreement with another school district shall be budgeted and paid according to the provisions of state law 20-9-324, M.C.A.

The tuition rate established between the Helena School District and individual parents/guardians must be reduced by the amount that the parent or guardian of the child paid in district property taxes during the immediately preceding school fiscal year for the benefit and support of the district in which the child will attend school.

The Board of Trustees shall annually determine a tuition rate and establish the provisions and terms of any inter-local agreement. Any student who is admitted to Helena School District No. 1 under the provisions of this policy shall attend the school assigned by the District.

Legal Reference:     20-5-320, M.C.A.  
                              20-5-321, M.C.A.  
                              20-5-323, M.C.A.  
                              20-5-324, M.C.A.  
                              1-1-215, M.C.A.

Policy History:  
Adopted On:  
Revised On:           7.10.2001, 9.10.2002

## OPERATIONAL SERVICES

Travel Allowances and Personal Reimbursements

The District will reimburse employees and trustees for travel expenses while traveling outside the District and engaged in official District business. District employees who are not exempted by another policy will be reimbursed according to the current State levels pursuant to Montana law. All travel expenses must be reported on the established travel expense and voucher forms and approved by the employee's supervisor and the Clerk. The District business office is responsible for development of procedures and forms to be used in connection with travel expense claims and reimbursements.

While it is recommended that all purchases of goods or services be made within established purchasing procedures, there may be an occasional need for an employee to make a purchase for the benefit of the District from personal funds. In that event, an employee will be reimbursed for a personal purchase under the following criteria:

- It is clearly demonstrated that the purchase is of benefit to the District;
- The purchase was made with the prior approval of an authorized administrator;
- The item purchased was not available from District resources; and
- The claim for personal reimbursement is properly accounted for and documented with an invoice or receipt.

The District business office is responsible for development of procedures and forms to be used in connection with personal reimbursement for goods and services.

Legal References:	§ 2-18-501, MCA	Meals, lodging, and transportation of persons in state service
	§ 2-18-502, MCA	Computation of meal allowance
	§ 2-18-503, MCA	Mileage allowance

## Cross References:

## Policy History:

Adopted on: 2.11.2014

Revised on:

OPERATIONAL SERVICES

Extra and Co-Curricular Funds

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

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

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

Cross References:

Policy History:

Adopted on: 3.8.2022

Revised on:

## OPERATIONAL SERVICES

Accounting and Audits

The Board of Trustees directs that the Business Office prepare official financial reports and budgets in accordance with statutory provisions and/or generally accepted accounting standards. Reports required for local, state, and federal agencies; monthly financial reports; and annual reports will be prepared and presented to the Board for approval.

The Board directs that an annual audits be conducted in accordance with Montana law and generally accepted auditing standards.

Legal References:	§ 20-9-203, MCA	Examination of district accounting records
	§ 20-9-103, MCA	School budget form
	§ 20-9-213, MCA	Duties of trustees

Cross Reference:

Policy History:

Adopted on: 4.14.2015

Revised on:

## OPERATIONAL SERVICES

Liability, Property, and Workers' Compensation Insurance Management

The Superintendent shall recommend an insurance program that provides the broadest and most complete coverage available at the most economical cost, consistent with sound insurance principles.

The insurance program shall include:

- Liability coverage to insure against any loss or liability of the District; Board members; employees; and volunteer personnel, by reason of civil rights damage claims and suits; statutory, contractual and constitutional rights damage claims and suits, and death and bodily injury and property damage claims and suits, including defense costs, when damages are sought for negligent or wrongful acts allegedly committed during the scope of employment or under the direction of the Board.
- Comprehensive property insurance covering a broad range of causes of loss involving building and personal property;
- Workers' Compensation to protect the individual employees against financial loss in case of a work-related injury, certain types of diseases, or death incurred in an employment-related situation.

Legal Reference:	§ 2-9-211, MCA	Political subdivision insurance
	§ 20-10-109, MCA	Liability insurance for school bus

Cross Reference:

Policy History:

Adopted on: 2.11.2014

Revised on:

## OPERATIONAL SERVICES

Food Services

The District will provide school meals which meet or exceed nutritional standards required by state and federal school lunch programs. The Superintendent will establish rules for the sale of foods during the school day. The District will not permit the sale of food of minimal nutritional value during breakfast and lunch periods. The principal may authorize any food sales of an occasional nature.

The Board may authorize a portion of federal funds received in lieu of taxes to be used to provide free meals for pupils receiving federal assistance. Because of the potential liability of the District, the food services program will not accept donations of food without approval of the Board. Should the Board approve a food donation; the Superintendent will establish inspection and handling procedures for the food and determine that provisions of all state and local laws have been met before selling the food as part of school meals.

*Free and Reduced Meal Prices*

The District will provide free and reduced-price meals to students, according to the terms of the National School Lunch Program and the laws, rules, and regulations of the state. The District will inform parents of the eligibility standards for free or reduced-price meals. Identity of students receiving free or reduced-price meals will be confidential. The Superintendent shall be responsible for determining eligibility. Students in the foster care system and other students as provided by the Child Nutrition Act shall be categorically eligible for free meals. A parent has the right to appeal to a designated hearing official any decision with respect to his or her application for free or reduced-price food services.

Legal References:	P.L. 108-265	Child Nutrition and WIC Reauthorization Act of 2004
	§ 20-10-204, MCA	Duties of trustees
	§ 20-10-205, MCA	Allocation of federal funds to school food services fund for federally connected, indigent pupils

Cross Reference:

Policy History:

Adopted on: 1.14.2014

Revised on:

**OPERATIONAL SERVICES****Meal Charges**

The District recognizes that students may forget or lose lunch money or may have an unpaid meal account balance. The District endeavors to treat all students with dignity regarding unpaid meal charges; however, unpaid meal charges create a significant financial burden for the District. To ensure that students do not go hungry but also minimize the financial burden, the District shall charge meals and collect on meal account charges in all schools consistent with this policy.

Students who are eligible to receive free meals do not have a meal account and, therefore, are not subject to this policy. Free lunch status students may pre-pay for or purchase a la carte items with cash or check.

Parents may restrict their child's ability to charge by sending the school written notice either stating their child cannot charge or limiting the amount their child can charge. However, they will need to send a lunch with their child.

***K-12 Students***

Students will pay for meals at the full rate as established by the District in accordance with federal law. Eligible students will pay a reduced rate as established by the District in accordance with federal law. Meals must be **pre-paid**. Students will be permitted to charge a maximum of \$30.00 once his or her meal account reaches zero. Once a student has charged the maximum number of meals, the student will no longer be permitted to charge and parents will initially be contacted directly by phone or in person by the building principal. The school will offer the student an emergency (regular) meal at the standard rate.

***Adults Employees***

Employees are permitted to charge meals or a la carte items up to a maximum of \$25.00. Employees will be notified if the \$25.00 maximum is exceeded and will be restricted from further charging until the outstanding debt is paid.

**Payment of Meal Account**

Each school shall maintain records regarding student meal balances. The District will send out notices to parents/guardians informing them of low or negative meal account balances. Parents/guardians may also check a student meal account balance online at [mymealtime.com](http://mymealtime.com).



Parents/guardians must submit payment for meal accounts with a credit card or debit card at mymealtime.com OR pay in person with a check or cash at their student's school. Payment must be submitted 30 days from date of notice of deficit balance. If the District has not received payment within 30 days the payment is considered overdue and is a delinquent debt.

The District will use various means as permitted by state and federal law to collect meal account balances which are delinquent debts, including payment plans as determined appropriate.

Legal References:     2 C.F.R. § 200.426  
                              7 C.F.R. Part 210  
                              7 C.F.R. § 245.5

Cross References:     Board Policy 5030  
                              Board Policy 7050

Policy History:

Adopted on:            5.9.2017  
Revised on:            8.14.2018

## OPERATIONAL SERVICES

Procurement of School Food

The District will abide by the following requirements for any procurement related to its food services:

*Purchases Greater than \$80,000*

Except as permitted below, whenever the cost of food service supplies, products, or equipment exceed \$80,000, the District will call for formal bids by issuing public notice as required by law. Specifications will be prepared and made available to all vendors interested in submitting a bid. The contract shall be awarded to the lowest responsible bidder, except that the trustees may reject any or all bids. The Board, in making a determination as to which vendor is the lowest responsible bidder, will take into consideration not only the amount of each bid, but will also consider the skill, ability, and integrity of a vendor to do faithful, conscientious work and to promptly fulfill the contract according to its letter and spirit.

The District may enter into cooperative purchasing contracts with one or more districts for procurement of food supplies or services. Such services and supplies may be purchased without complying with the above stated bidding requirements if the cooperative purchasing group has a publicly available master list of items available with pricing included and provides an opportunity at least twice yearly for any vendor to compete, based on lowest responsible bidder standard, for inclusion of the vendor's supplies and services on the cooperative purchasing group's master list.

*Purchases Less than \$80,000 but Greater than \$3,500*

Purchases of food service supplies, products, or equipment between \$3,500 and \$80,000 shall be considered "Small Purchases." The District is not required to use a formal bidding process for Small Purchases, but it shall use a competitive process to ensure fairness. For any Small Purchase, the District shall obtain at least two or more price quotes. The District shall maintain all procurement documentation to ensure the cost is less than \$80,000 but more than \$3,500 for a Small Purchase.

*Purchases Less than \$3,500*

Purchases of food service supplies, products, or equipment less than \$3,500 shall be "Micro-Purchases." The District is not required to use a formal bidding process for Micro-Purchases, but it shall ensure that purchases are reasonable and equitably distributed among all qualified sources. The District shall maintain all procurement documentation to ensure the cost is less than \$3,500 for a Micro-Purchase.

**Bid Specifications**

The District will not award a contract to a potential vendor who has written any of the bid specifications, the solicitation documents, or any of the contract language.

Identical bid specifications and/or request for proposals will be provided to all potential vendors.

**Geographic Preference**

As part of a Farm to School program, the District has the discretion to apply a geographic preference for procurement of unprocessed locally grown or locally raised domestic products only.

**Buy American**

The District shall procure domestic commodities and products ("Buy American") for the use of its Child Nutrition Program to the maximum extent practicable. The District is permitted to buy foreign goods only when:

- Food preferences can only be met with foreign goods;
- A sufficient quantity and/or quality is not available through domestic commodities or products; or
- The cost of domestic commodities and products is significantly higher.

**Debarment and Suspension**

For any food service purchase in excess of \$25,000, the District shall obtain verification or certification from a vendor that neither it nor any of its principals (e.g., key employees) have been proposed for debarment, debarred, or suspended by a federal agency.

**Standard of Conduct**

District employees engaged in the award and/or administration of food service contracts supported by federal funds are subject to the following code of conduct:

- No employee may participate in the selection, award, or administration of a food service contract supported by federal funds if he or she has a conflict of interest or can reasonably be perceived as having a conflict of interest.
- No employee may solicit any gratuities, favors, or anything else of monetary value from a potential vendor.
- No employee may participate in the selection, award, or administration of a food service contract supported by federal funds when the employee or member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of these individuals has a financial interest in a vendor.
- Employees are expected to demonstrate integrity and honesty.
- Employees who fail to abide by this policy will be subject to disciplinary action up to and including discharge.

### **Bid Protest Procedures**

Any vendor who desires to protest the award of a bid pursuant to this policy shall, within fifteen (15) days after award of the bid, give notice of their protest. The notice shall state in detail the basis of the claimant's bid protest and the resolution requested. The bid protest shall be provided to the Business Manager or designee. The Business Manager or designee shall investigate the claim and issue a written decision within fifteen (15) days after receipt. If the claimant is not satisfied with the decision of the Business Manager or designee, the claimant may appeal the decision to the District's Board of Trustees. The notice of appeal shall be filed with the Board of Trustees within fifteen (15) days after issuance of the decision from which the appeal is taken. The appeal shall state the basis of the appeal and provide to the Board the original bid protest, together with a copy of the decision being appealed from. The specific grounds for the appeal shall be stated in the appeal and shall not include additional claims or information not provided with the original bid protest.

The Board of Trustees at the next regular board meeting following the receipt of the appeal shall either hear the appeal or set a time to consider the appeal. The Board may in its discretion render a decision based upon the information and records before the Board of Trustees or, in the Board's discretion, may request the claimant and a representative of the District to each present information pertaining to the bid protest.

The Board shall issue a written decision within thirty (30) days of the meeting in which it considered the appeal.

Legal References:	2 C.F.R. § 200.318	General Procurement Standards
	7 C.F.R. § 210.21	Procurement
	7 C.F.R. § 220.16	Procurement Standards
	7 C.F.R. § 225.17	Procurement Standards
	MCA § 20-9-204	Conflicts of interest, letting contracts, and calling for bids
Cross References:	Board Policy 5035	Staff Ethics and Political Activity
	Board Policy 5070	Disciplinary Action
	Board Policy 5105	Conflicts of Interest
	Board Policy 7010	Purchasing
	Board Policy 7012	Procurement of Supplies, Materials, Equipment and Services Using Federal Funds

### Policy History:

Adopted on: 2.14.2017  
Revised on: 1.14.2020

OPERATIONAL SERVICES

Operation and Maintenance of District Facilities

The District seeks to maintain and operate its facilities in a safe and healthful condition. The Superintendent shall provide for a program to maintain the facilities of the District. The Board shall provide for educational facilities which are functional and safe for the conduct of the educational and extracurricular activities of students.

Legal References: 10.55.908, ARM School Facilities

Cross References:

Policy History:

Adopted on: 6.14.2016

Revised on:

## OPERATIONAL SERVICES

Use of Automated External Defibrillation

An Automated External Defibrillator (AED) may be available to faculty, staff, and students in case of a sudden cardiac arrest. The District will establish an AED Program in accordance with the standards established by the Montana Department of Public Health and Human Services (Department). The District will comply with all other requirements for AED implementation set forth by the Department.

As part of the AED program, the District will identify and train AED providers. All AED-certified staff must maintain current certification. Use of the AED will be in accordance with § 50-6-505, MCA.

The District retains the discretion to use reasonable care and judgment in determining the location and number of AED units that may be available at building sites.

Legal References:	MCA § 50-6-501, <i>et seq.</i>	Automated External Defibrillator Programs
	37.104.601, ARM, et.al.	Automated External Defibrillators (AED)

Cross References:

**OPERATIONAL SERVICES**

School Safety

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

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

*Safety or Emergency Plans*

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

*School Closure*

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

*Hazardous and Infectious Materials*

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

*Safety Measures*

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

Legal References:	§ 20-1-401, MCA	Disaster drills
	§ 20-1-402, MCA	Number of disaster drills required – time of drills to vary
	§ 20.9.806, et al., MCA	Emergency School Closure
	§§ 39-71-1501, MCA	Montana Safety Culture Act
	§ 50-71-111, et. seq., MCA	Montana Occupational Health and Safety Act

Cross References:

Policy History:

Adopted on: 8.22.2013

Revised on: 8.11.2020, 2.14.2023



**OPERATIONAL SERVICES****Public Health Emergency**

A "public health emergency"(PHE) is an occurrence or imminent threat of an illness or health condition caused by epidemic or pandemic disease, or a novel and infectious agent or a chemical or biological toxin, whose scale, timing, or unpredictability threatens to overwhelm routine capabilities.

A public health emergency poses a substantial risk of significant human fatalities or incidence of permanent or long-term disability. Such illness or health conditions also include, but are not limited to, illnesses or health conditions resulting from a local, state, national or global disaster.

In the event of a declared public health emergency as determined by the Board of Trustees or a public health service the Board authorizes the Superintendent to take appropriate action to protect the health and safety of all students, staff, and visitors to include but not limited to closure of school buildings, implementation of infection control measures, and other appropriate safety actions.

The Superintendent will communicate with parents, citizens, and other stakeholders about the actions to be implemented per this policy.

Legal References:     § 39-71-1501, MCA Montana Safety Culture Act  
                              § 50-71-111, et. seq., MCA Montana Occupational Health and Safety Act  
                              § 20-3-324, MCA Powers and Duties  
                              § 20-9-806, MCA School Closure by Declaration of Emergency  
                              10.55.701(2)(d)(s) Board of Trustees  
                              Article X, Section 8 Montana Constitution

Cross References:     Policy 7060 School Safety

**Policy History:**

Adopted on:           5.10.2022

Revised on:

## Outdoor Air Quality

The Superintendent will develop procedures to be used when deciding whether students will be allowed to participate in outdoor activities when Air Quality Restrictions have reached the Unhealthy for Sensitive Groups or higher categories as indicated on the DEQ guidelines.

Cross References:

Adopted on: 11.9.2021  
Revised on:

## OPERATIONAL SERVICES

Indoor Air Quality

The District will ensure ventilation systems operate properly and increase circulation of outdoor air as much as possible. District ventilation systems will undergo annual checks by the District facility manager or other staff approved by the Superintendent to ensure ventilation systems are operating within manufacturer parameters.

Air filters in the District will have a minimum efficiency reporting value (MERV) of between 8 and 13 as recommended by the National Air Filtration Association and the EPA unless other types of non-MERV rated filters are used.

To the greatest extent possible during times of poor outdoor air quality, the District will change filters to MERV 13 or greater in ventilation systems using MERV (Minimum Efficiency Reporting Value) rated air filters. The District also will clean any electrostatic air filters according to manufacturer specifications.

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

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

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

Cross References:

Policy History:

Adopted on:             2.8.2022

Revised on:

Reviewed on:

## SCHOOL DISTRICT ORGANIZATION

Water Supply and Wastewater

In order to ensure an adequate and potable supply of water for school buildings and properties the District will either:

- a) Connect to a compliant water supply system; or
- b) Use a non-public system whose construction meets the standards published by DPHHS (Department of Public Health and Human Services). This would be in the case where the school is not used by more than 25 people daily at least 60 days out of the calendar year and where a public water supply system is not accessible.
  - When using a non-public system, the District will submit a water sample at least quarterly to a DPHHS licensed laboratory to perform microbiological analysis of the water supplied in order to determine that the water does not exceed the maximum microbiological contaminant levels acceptable to DPHHS.

A water supply system of a type other than described in subsections (a) or (b) may be utilized only if it is designed by a professional engineer and offers equivalent sanitary protection as determined by DPHHS or local health authority. When using a system outlined in this paragraph, the District shall submit a water sample at least quarterly to a laboratory licensed by DPHHS to perform microbiological analysis of the water supplied in order to determine that the water does not exceed the maximum microbiological contaminant levels acceptable to DPHHS, DEQ (Department of Environmental Quality), or local health authority.

The District will replace or repair the water supply system serving it whenever the water supply:

- a) contains microbiological contaminants in excess of the maximum levels acceptable to DPHHS, DEQ, or local health authority.
- b) does not have the capacity to provide adequate water for drinking, cooking, personal hygiene, laundry, and water-carried waste disposal.

If the District cannot make water under pressure available, the drinking water from an approved source shall be stored in a clean and sanitized container having a tight-fitting lid and a suitable faucet apparatus for filling individual cups. In this situation, single service drinking cups shall be provided.

*Flushing and Testing*

The District shall review water systems and features including but not limited to sink faucets, drinking fountains, decorative fountains to ensure they are safe to use after a prolonged facility shutdown. Drinking fountains shall be regularly cleaned and sanitized. The District shall create and implement a flushing program unless it meets the established waiver requirements established by DEQ. Flushing shall be required following any period of time during which the school is inactive.

The District shall maintain a schematic and inventory of fixtures in accordance with DEQ protocols as part of the District's water testing program. The District shall sample all water fountains and sinks

used for food preparation. All other potential human consumption fixtures shall be sampled, unless the District receives approval for a testing plan from DEQ to test a representative sample of potential fixtures in the school in accordance with DEQ protocols. All samples shall be analyzed by a Montana certified lab using EPA (Environmental Protection Agency)-approved standard drinking water methods for the detection and quantification of lead. All test results will be considered public records.

### *Wastewater*

The District shall ensure wastewater is completely and safely disposed of by:

- a) connecting to a compliant public wastewater system; or
- b) if the school is not utilized by more than 25 persons daily at least 60 days out of the calendar year, including staff and students, and a compliant public wastewater system is not available, utilizing a non-public system whose construction and use meet DEQ construction and operation standards.

If the District uses pit privies, the privies shall be operated and maintained in compliance with the standards specified in DEQ Circular-4. If the District uses a wastewater system design of a type other than described in this policy, it shall be designed by a professional engineer and offers equivalent sanitary protection as determined by the DPPHS, DEQ, or local health authority.

Legal References:	37.111.832, ARM	Water Supply System
	ARM Title 17, chapter 38, subchapter 1	
	17.38.207, ARM	Maximum Microbiological Containment Levels
	DEQ Circular FCS 1-2016	
	DEQ Circular 4	
	10.55.701(s), ARM	Board of Trustees
	10.55.701(1), ARM	Board of Trustees
	10.55.701(q), ARM	Board of Trustees

### Cross References:

#### Policy History:

Adopted on: 1.11.2022

Revised on:

Reviewed on:

## OPERATIONAL SERVICES

Contracts with Third Parties Affecting Student Records

The Board may enter into a contract with a third-party provider of digital educational software or services:

- For the digital storage, management, and retrieval of student records (including through cloud-based services); or
- Authorizes a third-party digital software provider to access, store, and use student records in accordance with the provisions of any such resulting contract.

“Student records” include the student record maintained by the District in accordance with the Family Educational Rights and Privacy Act (“FERPA”) and board policy and any information acquired directly from the student through the use of instructional software or applications assigned to the student by a teacher or other District employee.

District personnel may utilize digital educational software or services in accordance with this policy. Personnel are not authorized to use third party digital educational software or services for which the District has not entered into a contract pursuant to this policy.

All contracts entered into by the Board under this policy shall provide for the following at a minimum:

1. All student records are and continue to be the property and under the control of the District;
2. A description of the means by which students may retain possession and control of their own student-generated content if applicable, including the options through which a student may transfer his or her own generated content to a personal account;
3. The third party is prohibited from using any information from a student record for any purpose other than what is specifically authorized by the contract;
4. A description of the procedures through which a parent/guardian or adult student may review personally identifiable information in the student’s record and correct erroneous information;
5. A description of the actions the third party shall take to ensure the security and confidentiality of student records, including the designation and training of responsible individuals;
6. A description of the procedures for notifying the parent/guardian or adult student in the event of an unauthorized disclosure of the student’s records;
7. Certification and a description of how certification will be verified that the third party shall not retain or access the student records upon completion of the terms of the contract;
8. A description of how the District and third party will jointly ensure compliance with FERPA; and
9. The third party is prohibited against using personally identifiable information in student records to engage in targeted advertising.

The District may impose other restrictions, conditions or provisions in any contract subject to this policy. Nothing herein shall, by itself, absolve a third party of liability in the event of an unauthorized disclosure of student records.

Any contract failing to comply with these requirements and remains noncompliant after notice and an opportunity to cure defects shall be void.

Legal References:	20 U.S.C. § 1232g	Family Educational Rights and Privacy Act
	House Bill 745	Montana Pupil Online Personal Information Protection Act

Cross References:	Board Policy 3080
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Policy History:

Adopted on:	12.11.2019
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Revised on:	
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**OPERATIONAL SERVICES****School Related Fundraising and Individual or Outside Organizational Fundraising**

Any school related or outside organization or individual raising funds on school property or on behalf of a school, student activity or organization or individual, must conform to the rules and regulations of the Board/District.

The rules and regulations as outlined below apply to all types of fundraising including online fundraising:

- A written plan for any fundraising activity must be presented to the Superintendent or Superintendent's designee. The activity will be permitted following approval of the plan by the Superintendent or Superintendent's designee.
- Fundraising must take place at such times and place as to not unreasonably interfere with the operation of the school.
- The Helena School District tax identification number may not be used without the express permission of the District Business Office.
- All equipment and materials purchased by community groups and donated to school programs become the property of the Helena School District.
- The Business Office is responsible for financial administration or review of any funds gifted to a school, program or activity.
- Such gifts may be subject to state and federal law.

Any organization or individual using the Helena School District name, property or students to raise funds for non-district related causes must have approval from the Superintendent or Superintendent's designee. The Board / District assumes no responsibility for the finances of outside organizations.

Legal References:

Cross References:

**Policy History:**

Adopted: 2.10.2004

Revised: 4.8.2014, 1.24.2017



**FINANCIAL SERVICES****District, School, Student Group Fundraising****Purpose**

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

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

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

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

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

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

**School Fundraising**

Requests for school fundraising projects must be pre-approved by the school principal or supervisor. This includes online fundraising.

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

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

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

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

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

Fundraising activities should primarily be done outside of school hours.

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

### **Crowdfunding**

If a crowdfunding proposal is approved:

- The individual who initiated the crowdfunding effort shall immediately notify the Superintendent or designee when the request has been posted and how long it will remain active online.
- For any funds raised on a crowdfunding site a check should be requested to be mailed to the school in the name of the school, not to an individual person.
- All gifts, grants, bequests, and contributions must be officially accepted in accordance Policy 7005 (Revenue and Investments).
- All non-monetary items (supplies, equipment, etc.) obtained are the property of the Helena School District and all inventory procedures apply, and, if applicable, will remain in the school where the proposal originator was located at time of the grant award unless a move to another site is approved by the principal or supervisor.
- All monetary donations should be recorded by the business manager/clerk in the Schools Funds accounting system at each school.

## **Student Activity Fundraising**

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

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

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

## **Fundraising from District Staff**

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

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

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

## **Exceptions**

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

*Charitable Giving Campaigns.* Principals may authorize charitable giving campaigns that solicit contributions from students in response to natural disasters or other charitable purposes. It is preferred that such charitable giving campaigns concentrate on non-monetary contributions, such as food, used or new toys and clothing. Contributions being requested should be limited to small monetary values. Prior parent notification is required for any charitable solicitation from students. Participation must be completely voluntary and not tied to any extrinsic reward system.

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

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

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

Cross References: 7005 Revenue and Investments

Policy History:

Adopted on: 5.13.2014

Revised on: 1.10.2017, 6.13.2023

**OPERATIONAL SERVICES**

**Advertising and Sponsorship**

The Board of Trustees is responsible for the oversight of all advertising and sponsorships in District or school publications or located in or on school facilities or property.

Advertising and sponsorship in District or school publications must be pre-approved by the Superintendent or Superintendent's designee. Advertisements appearing in District or school publications must be consistent with District Policies. The inclusion of advertisements and sponsorships in District publications, facilities, or on District property does not constitute approval and/or endorsement of any product, organization or activity.

The District may obtain advertisements or sponsorships through quotes, bids, requests for proposals or other methods allowed by law.

The Superintendent or Superintendent's designee will determine distribution of funds from advertising and sponsorships.

Policy History:

Adopted On: 12.09.2003

Revised On:

## OPERATIONAL SERVICES

### Procurement Card Use

The Board of Trustees permits the use of District procurement cards for actual and necessary expenses incurred in the performance of work-related duties for the District. A list of those individuals that will be issued a District procurement card will be maintained in the business office.

Procurement cards may only be used for legitimate District business expenditures. The use of procurement cards is not intended to circumvent any District policy on purchasing.

Users must take proper care of District procurement cards and take all reasonable precautions against misuse damage, loss, or theft. Any misuse, damage, loss, or theft must immediately be reported to the business office and to the appropriate financial institution. Failure to take proper care of procurement cards or failure to report damage, loss, or theft may subject the employee to financial liability.

Purchases that are unauthorized, illegal, represent a conflict of interest, are personal in nature, or violate the intent of this policy may result in procurement card revocation and discipline of the employee.

Users must submit detailed documentation, including itemized receipts for commodities, services, travel, and/or other actual and necessary expenses which have been incurred in connection with school-related business for which the procurement card has been used.

The Superintendent or designee shall establish regulations governing the issuance and use of procurement cards. Each cardholder shall be apprised of the procedures governing the use of the procurement card, and a copy of this policy and accompanying regulations shall be given to each cardholder.

The Business Office shall monitor the use of each procurement card every month and report any serious problems and/or discrepancies directly to the Superintendent.

Cross Reference:     7010   Purchasing  
                              7020   Travel Allowances and Personal Reimbursement

Legal Reference:     §2-7-503, MCA     Financial reports and audits of local government

Policy History:  
Adopted on:         1.8.2019  
Revised on:

## OPERATIONAL SERVICES

Fund Balances

The Board approves budgets that support the immediate and long-range goals and established priorities within instructional, non-instructional, and administrative programs. The Board requires that, before presentation of a proposed budget for adoption, the Superintendent and the Administrator for Business Operations will prepare, for Board consideration, appropriate documentation supporting recommendations for meeting District needs within the limits of anticipated revenues. Once adopted by the Board, the operating budget shall be administered by the Superintendent or Superintendent's designees.

**PURPOSE**

This Fund Balance Policy establishes the procedures for reporting unrestricted fund balance in the General Fund financial statements. Certain commitments and assignments of fund balance will help ensure that there will be adequate financial resources to protect the District against unforeseen circumstances and events such as revenue shortfalls and unanticipated expenditures. The policy also authorizes and directs the Administrator of Business Operations to prepare financial reports which accurately categorize fund balances as per Governmental Accounting Standards Board (GASB) Statement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions.

**GENERAL POLICY**

Fund balance is essentially the difference between the assets and liabilities reported in a governmental fund. There are five separate components of fund balance, each of which identifies the extent to which the District is bound to honor constraints on the specific purpose for which amounts can be spent.

- Non-spendable fund balance (inherently non-spendable) - examples include inventory and the corpus of an endowment fund
- Restricted fund balance (externally enforceable limitations on use) - by enabling legislation or by grantors, bondholders, or constitutional provisions
- Committed fund balance (self-imposed limitations on use) - essentially the General Fund Reserve Balance and the Elementary Interlocal Fund balance
- Assigned fund balance (limitation resulting from intended use) - by the District or by an official designated by the Board of Trustees
- Unassigned fund balance (residual net resources) - General Fund Budget amount available for any purpose

The first two components listed above are not addressed in this policy due to the nature of their restrictions. This policy is focused on the financial reporting of the Committed Fund Balance, Assigned Fund Balance and Unassigned Fund Balance.

## **PROVISIONS**

### *Committed Fund Balance*

The Board of Trustees, as the District's highest level of decision-making authority, may commit fund balance for specific purposes pursuant to constraints imposed by formal actions taken, such as a majority vote or resolution. These committed amounts cannot be used for any other purpose unless the Board removes or changes the specific use through the same type of formal action taken to establish the commitment. School Board action to commit fund balance needs to occur within the fiscal reporting period, no later than June 30th; however, the amount can be determined subsequent to the release of the financial statements.

## **MINIMUM FUND BALANCE**

The school district will strive to maintain the Committed General Fund Balance to 3%-6% percent of the annual budget.

### *Assigned Fund Balance*

Amounts that are constrained by the District's intent to be used for specific purposes, but are neither restricted nor committed, should be reported as assigned fund balance. This policy hereby delegates the authority to assign amounts to be used for specific purposes to the Superintendent and Administrator for Business Operations for the purpose of reporting these amounts in the annual financial statements.

### *Unassigned Fund Balance*

These are residual positive net resources of the general fund in excess of what can properly be classified in one of the other four categories.

### *Fund Balance Classification*

The District considers restricted fund balances to have been spent first when an expenditure is incurred for purposes for which both restricted and unrestricted fund balance is available. Similarly, when an expenditure is incurred for purposes for which amounts in any of the unrestricted classifications of fund balance could be used, the District considers committed amounts to be reduced first, followed by assigned amounts and then unassigned amounts.

This policy is in place to provide a measure of protection for the District against unforeseen circumstances and to comply with GASB Statement No. 54. No other policy or procedure supersedes the authority and provisions of this policy.

Legal References:	Statement No. 54 of the Governmental Accounting Standards Board
	MCA 20-9-104 General Fund Operating Reserve



Policy History:

Adopted on:

12.12.2017

Revised on:

FINANCIAL MANAGEMENT

Data Governance and Security

It is the policy of Helena School District that data or information in all its forms--written, electronic, or printed--is protected from accidental or intentional unauthorized modification, destruction or disclosure throughout its life cycle. This protection includes an appropriate level of security over the equipment, software, and practices used to process, store, and transmit data or information.

The Superintendent is authorized to establish, implement, and maintain data and information security measures. The policy, standards, processes, and procedures apply to all students and employees of the District, contractual third parties and agents of the District, and volunteers who have access to District data systems or data.

This policy applies to all forms of Helena School District data and information, including but not limited to:

- A. Recorded speech communication in all formats,
- B. Hard copy data printed or written,
- C. Communications sent by post/courier, fax, electronic mail or other forms.
- D. Data stored and/or processed by servers, PC's, laptops, tablets, mobile devices, etc., and
- E. Data stored on any type of internal, external, or removable media or cloud based services.

Cross Reference: 2070 Network Information and Communication System

Policy Legal Reference: 20 U.S.C. § 9134 Children's Internet

Protection Act  
47 C.F.R. 54.520 Children's Internet Protection Act  
Certification  
s

Policy History:

Adopted on: 1.9.2018

Revised on:



**Series 8000:**

**Non-  
Instructional  
Operations**

NON-INSTRUCTIONAL OPERATIONS

Transportation

Helena School District No. 1 may provide school-to-home transportation for eligible students as defined in Section 20-10-101, M.C.A., and for other qualifying students who reside less than three miles and outside of the established walk zone from the school of attendance as established by the district. District provided transportation may be provided by bus or individual transportation contract at the discretion of the District.

At the discretion of the District, students not eligible under Section 20-10-101, M.C.A. may utilize bus transportation when space is available on existing bus routes.

The Superintendent shall provide operational procedures for transportation services; including but not limited to inclement weather, student code of conduct on the bus, student safety, eligibility and related transportation items within the Student-Parent handbook which shall be reviewed and updated annually.

Legal References:

§ 20-10-101 MCA	Definitions
§ 20-10-121 MCA	Duty of trustees to provide transportation – types of transportation – bus riding time limitation
§ 20-10-122 MCA	Discretionary provision of transportation and payment for this transportation
§ 20-10-123 MCA	Provision of transportation for nonpublic school children
10.7.101, et seq., ARM	Pupil transportation

Cross References:

Policy History:

Adopted on: 3.11.2014  
Revised on:

**NON-INSTRUCTIONAL OPERATIONS****School Closure**

Prior to the Board adopting a resolution closing an operating school, the Board shall consider the impact of such school closure on the education community. In evaluating the impact, the Board shall consider at a minimum the following factors:

1. Projected or actual enrollment declines and the likelihood that they will remain permanent.
2. The effect the school closure will have on other facilities and on the district's educational program offering.
3. Potential for alternative use of the facility, including the potential for revenue for sale or lease of property.
4. Financial considerations including operation and maintenance costs, anticipated capital improvements, and the costs of closure and transferring operations elsewhere in relation to other schools in the district.
5. The effect the school closure will have on district staffing, and on the costs of instruction, administration, transportation and other support services.
6. Student safety factors, including travel, school building features, and school grounds, in relation to other schools in the district. Ability of other schools in the affected district to safely accommodate pupils if a school closes.
7. Such other facts as the Board deems necessary and appropriate in light of the circumstances.

During the ninety days before a final decision is made on a school closure, the board shall conduct hearings to receive a testimony from the public.

A separate hearing may be held for each school that is being considered for closure.

Notice of each hearing shall be published once each week for two consecutive weeks in a newspaper of general circulation in the area. The last notice of hearing shall be published not later than seven days immediately before the final hearing.

The School District may close a school for emergency reasons without complying with the public hearing set forth above.

The Board is not required to make specific findings with respect to the criteria.

Comments received from public hearings are for advisory purposes only. The weight to be given any of the criteria is left to the complete and sole discretion of the Board. The final determination of whether a facility shall remain open and what alternative the district shall take shall be made by the Board.

Legal References:

Cross References:

Policy History:

Adopted On: 6.22.1999

Revised On:

**NONINSTRUCTIONAL OPERATIONS****Use of Unmanned Aerial Systems**

Due to potential risks to safety, security and privacy, the District generally prohibits operations of an Unmanned Aerial System (UAS; commonly known as a drone) on or above District property or in connection with a District-sanctioned or affiliated event or activity on or off school property, including commercial, recreational, hobbyist, or other uses.

Exceptions to this policy may be allowed when a drone operating plan is submitted to the Superintendent, who will consider an exception to the policy on a case-by-case basis. The Superintendent will develop procedures to address exception requests and will distribute them as needed.

All drone operation is subject to relevant FAA, state and local laws and regulations, in addition to any rules and requirements imposed by the Superintendent. Each drone operator is responsible for compliance with all such requirements.

The District reserves the right to immediately shut down the operation, and confiscate any drone elements, if a drone creates any type of electronic interference, poses unacceptable risk to individuals or property, or interferes with any District activity. Violation of this policy may be grounds for disciplinary actions up to and including termination, suspension or expulsion from the District, in accordance with District policy, the Staff Handbook, or applicable student handbooks.

Legal Reference:

Cross References:

Administrative Procedures

**Policy History:**

Adopted on:

9.13.2016

Revised on:

5.3.2016 Policy Committee – 1<sup>st</sup> Reading  
6.7.2016 Policy Committee – 2<sup>nd</sup> Reading  
8.2.2016 Policy Committee – 3<sup>rd</sup> Reading  
9.7.2016 Policy Committee – 4<sup>th</sup> Reading

9.13.2016 Full Board – 1<sup>st</sup> Reading



**Series 9000:**

**School  
Facilities**



**SCHOOL FACILITIES**

Facility Goals

The District recognizes the importance of the physical plant in providing an environment conducive to the learning/teaching process. Such an environment must be attractive, comfortable, safe, secure, and healthful.

The District acknowledges its stewardship responsibilities under the law, which requires it to “hold in trust all real and personal property of the district for the benefit of the schools and children of the district.”

Facilities represent a long-term investment, and proper care will extend the useful life of this investment far into the future. The District shall develop and implement program to maintain and upgrade the buildings and grounds of the District.

The District further recognizes the importance of planning in order to anticipate the facilities needs of the future. The District shall review changes in demographics, in health, safety and security factors, and in educational philosophy to keep the District physical plant fully responsive to the District’s education programs.

Legal References:                      § 20-6-602, MCA Trustees’ power over property

Cross References:

Policy History:

Adopted On:                              02.25.2020

Revised On:

**SCHOOL FACILITIES**

Facility Planning

The Board recognizes that planning is essential with respect to District facility needs. Further, the Board requires that facility planning consider the factors set forth below, without limitation to other factors.

- Accommodation of educational needs of all students and consistency with the evolving educational philosophy and instructional goals of the District
- Ability to meet or exceed all regulations and building codes with respect to public security, safety, health, and welfare
- Availability of federal moneys or other outside funding to supplement District financial resources
- Utilization of life-cycle costing (value engineering) in the design of new facilities and the maintenance and operation of existing buildings to achieve optimal costs along with long-term operating efficiencies
- Environmental impact
- Community input
- Historical considerations
- Changing demographics, which shall be reviewed annually by the Board.

Legal References:

Cross References:

Policy History:

Adopted On: 2.25.2020

Revised On:

**SCHOOL FACILITIES****Facilities Master Plan**

A facilities master plan will be developed for the efficient and effective management of current facilities and the determination of future needs. The plan will include, at a minimum, the following and will be reviewed annually by the Board Facilities Committee:

1. a cost analysis of the financial ability of the District to implement its facilities program;
2. a listing of projects as described below to include project cost and funding source for each project:
  - a. completed projects
  - b. current projects
  - c. projected projects
3. an ongoing assessment and inventory of buildings and grounds, including undeveloped property and developed facilities;
4. existing and projected student enrollment figures;
5. an analysis of the number of students and/or staff in each facility and whether a facility is overcrowded or underutilized based on state accreditation standards and state statute;
6. an analysis of the appropriateness of facilities to meet student and/or staff needs including accessibility for those with special needs;
7. consideration regarding the possible sale or other disposition of District property deemed as not being needed in the future;
8. consideration regarding the possible acquisition, construction, or modification of new sites for facilities, including how they may better meet student needs and the educational program of the District.

Legal References:

Cross References:

Policy History:

Adopted On: 5.12.2020

Revised On:

## SCHOOL FACILITIES

Capital Assets

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

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

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

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

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

Property, plant, and equipment are depreciated using the straight-line method over the following estimated useful lives. Salvage valued is not used:

<b>Asset Class</b>	<b>Years</b>	<b>Value</b>
Land Improvements	80	\$25,000
New Buildings	80	\$25,000
Building Improvements	80	\$25,000
Equipment, Machinery, Vehicles	5	\$5,000
Instructional, Computers, Audio Visual Equipment	3	\$5,000
Musical, Athletic, Playground Equipment, Other	10	\$5,000

Legal References: House Bill 192 MT Facilities Finance Modifications

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

Cross References:

Policy History:

Adopted on: 04.14.2015  
Revised on: 08.11.2020, 2.8.2022

**SCHOOL FACILITIES**School Closure

Prior to the Board adopting a resolution closing an operating school, the Board shall consider the impact of such school closure on the education community. In evaluating the impact, the Board shall consider at a minimum the following factors:

1. Projected or actual enrollment declines and the likelihood that they will remain permanent.
2. The effect the school closure will have on other facilities and on the district's educational program offering.
3. Alternative use of the facility, including the potential for revenue for sale or lease of property.
4. Financial considerations including operation and maintenance costs, anticipated capital improvements, and the costs of closure and transferring operations elsewhere in relation to other schools in the district.
5. The effect the school closure will have on district staffing, and on the costs of instruction, administration, transportation and other support services.
6. Student safety factors, including travel, school building features, and school grounds, in relation to other schools in the district. Ability of other schools in the affected district to safely accommodate pupils if a school closes.
7. Such other facts as the Board deems necessary and appropriate in light of the circumstances.

During the ninety days before a final decision is made on a school closure, the board shall conduct hearings to receive a testimony from the public.

A separate hearing may be held for each school that is being considered for closure.

Notice of each hearing shall be published once each week for two consecutive weeks in a newspaper of general circulation in the area. The last notice of hearing shall be published not later than seven days immediately before the final hearing.

The School District may close a school for emergency reasons without complying with the public hearing set forth above.

The Board is not required to make specific findings with respect to the criteria.

Comments received from public hearings are for advisory purposes only. The weight to be given any of the criteria is left to the complete and sole discretion of the Board. The final determination of whether a facility shall remain open and what alternative the district shall take shall be made by the Board.

Legal References:

Cross References:

Policy History:

Adopted On:	6.22.1999
Revised On:	08.11.2020

**SCHOOL FACILITIES****Site Acquisition**

The district shall attempt to acquire building sites substantially in advance of the actual construction of facilities in order to minimize delay in construction projects and to realize financial savings to the district. The trustees shall periodically review its inventory of land in light of growth trends in the district and make such transactions as it determines shall best meet the future needs of the district.

In acquiring a new site, the trustees must first secure the approval of the qualified electors before any contract for the purchase of such a site is entered into, except that trustees may take an option on a site prior to the site approval election. Trustees may acquire property contiguous to a school site in use for school purposes without such vote.

A site approval election is not required when the site was specifically identified in an election at which an additional levy or the issuance of bonds was approved for the purchase of the site.

Legal Reference: 20-6-621 M.C.A. Selection of School Sites, Approval Election

Cross References:

Policy History:

Adopted On: 5.12.2020

Revised On:

**SCHOOL FACILITIES**Educational Specifications

The District seeks to maintain and operate its facilities in a safe and healthful condition. The Board shall provide for educational facilities, which are functional and safe for the conduct of the educational and extracurricular activities of students. The Superintendent shall provide for a program to maintain the facilities of the District.

Facilities shall be designed to accommodate the educational and instructional needs of the District. The professional experience and judgment of staff shall be solicited in developing such educational and extracurricular specifications.

The Board shall provide facilities which are functional and safe for the conduct of the educational and extracurricular activities of students, and which meet federal accessibility standards. School facilities shall be of sufficient size and arrangement to meet all programs' educational goals.

The Superintendent shall see that all construction projects comply with ~~the~~ all statutory requirements.

When the Board considers major remodeling or building a facility, it shall seek facility expertise in all affected program areas as well as comments from faculty, students, and community.

Legal Reference: 10.55.908, ARM School facilities

**Policy History:**

Adopted on: 5.12.2020

Revised on:

**SCHOOL FACILITIES**

District Wide Asbestos Plan

It is the intent of the District that the Asbestos Hazard Emergency Response Act (AHERA) and all of its amendments and changes be complied with by all District employees, vendors, and contractors.

The Superintendent shall appoint a designated person as required in 40 CFR Part 763.80. This person shall be fully cognizant of the AHERA act and specifically shall ensure compliance with all requirements.

Legal Reference: 15 USC § 2641 Congressional findings and purpose

Policy History:

Adopted on: 03.10.2020

Reviewed on:

Revised on:



SCHOOL FACILITIES

Naming School Facilities, Spaces and Programs

*Purpose*

The purpose of this policy is to provide the framework and criteria for the naming of facilities, space(s) and programs within the district.

*General Statement of Policy*

The Board of Trustees shall have sole authority to name or rename district facilities, including but not limited to, buildings, athletic fields, stadiums, fields, tracks, gymnasiums, playgrounds, auditoriums, libraries, media centers, child development centers, multipurpose rooms, cafeterias, lounges, conference rooms and offices. The Helena School District welcomes the opportunity to honor those who have rendered extraordinary service or support to the District. Facilities, spaces and programs may be named for individuals or entities whose accomplishments or generosity has advanced the academic mission of the District.

*Guidelines and Criteria*

- A. In naming a facility after a person, primary consideration should be given to individuals who have given their time and energy in promoting excellence in education in the community. If the proposed honoree is deceased, the naming should not occur sooner than five (5) years following the honoree's death. The Board may make an exception to the above in response to the request of a significant donor or sponsor, provided that the requested name is not that of a current employee of the school district or a public official currently holding an office with influence on the operations of the school district.
- B. Names which might contain or imply prejudice of a racial, religious, ethnic, and/or political philosophy should be avoided.
- C. A proposed honoree who has been employed by the District, or held office in the District, shall have given extraordinary service to the District in a teaching or administrative field with such exceptional distinction that his or her contributions are widely recognized by his or her peers, both in the district and elsewhere. These prospective honorees must have ceased service from the District for one (1) full year prior to the naming.
- D. Recognized contributions and service:
  - 1. Honorees must have made significant, lasting contributions that are consistent with the educational mission of Helena School District to the students, faculty, staff, or school district community.

2. Contributions should be commensurately related to the building, space, or facility proposed for naming.

3. Contributions or service may have been through employment, volunteer service, board service, or through significant gifts or money or property to the School District.

The Superintendent may appoint a committee, which may include representation from staff members, parents, students, and community members. Naming recommendations will be forwarded to the Board for action. The Board will make the final decision.

The Board of Trustees reserves the right to revoke naming designations.

Legal References:

Cross References:

Policy History:

Adopted on: 7.8.2014

Revised on: 7.19.2019, 3.10.2020