



**Superintendent**  
Rex Weltz  
406-324-2000

**Business Manager**  
Janelle Mickelson  
406-324-2007

**BOARD OF TRUSTEES  
POLICY COMMITTEE MEETING**  
Lincoln Center - 1325 Poplar Street  
January 2, 2024  
Noon – 1:00 p.m.

**I. INTRODUCTIONS**

**II. REVIEW OF AGENDA**

**III. GENERAL PUBLIC COMMENT**

This is the time for comment on public matters that are not on the agenda. Public matters do not include any pending legal matters, private personnel issues or private student issues. Please do not attempt to address such issues at this time or you will be ruled out of order. The Board cannot enter into a discussion during General Public Comment.

**IV. REVIEW DECEMBER 5, 2023, BOARD POLICY MEETING MINUTES**

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

- A. 2100 Recognition of Native American Cultural Heritage
- B. 2103 Religion and Religious Activities
- C. 4015 Conduct on School Property
- D. 4030 Cooperative Programs with Other Districts and Public Agencies
- E. 4040 School, Student, Parent, Family and Community Engagement in Education

**NOTE: This policy has been revised and expanded since the last Policy and Board reading to more comprehensively address all aspects of HB 676 and SB 518. Additionally several more citations and cross references have been added.**

Revised to reflect House Bill 676 and Senate Bill 518 regarding parental rights and parent and family engagement. It also reflects the changes made in Chapter 10.55 of the Montana Administrative Rules regarding family engagement. Cross references to other policies have also been added to address the notification requirements of House Bill 676 and Senate Bill 518.

**House Bill 676 revises MCA § 40-6-701** to define the fundamental rights of parents. Such rights are now enumerated to include: (1) directing the education of a child including choosing a public, home, or private school and “the right to make reasonable choices with public schools for the education of the child; (2) access and review written and electronic education records controlled by or in the possession of a school; (3) consent before an audio or video recording is made of the child except where it is part of the security or surveillance of buildings/grounds/transportation of the student or an ID card; (4) be notified if the school suspects abuse or neglect or a crime against the child unless the parent is the one perpetrating such conduct; (5) opt the child out of personal analysis, evaluation, survey, or data collected for inclusion into the statewide data system except data necessary and essential for the student’s education record; (6) excuse the child from school attendance for religious purposes;

(7) participate in PTAs and school organizations; and (8) be notified if and provide consent before their child is supposed to sleep in the same room as a transgender student on a school trip (if the parent does not consent, the child can still attend and must be provided with different sleeping quarters). The law also defines an “education record” as “attendance records, test scores of school-administered tests and statewide assessments, grades, school- sponsored or extracurricular activity or club participation, email accounts, online or virtual accounts or data, disciplinary records, counseling records, psychological records, applications for admission, health and immunization information including any medical records maintained by a health clinic or medical facility operated or controlled by the school district or located on the district property, teacher and counselor evaluations, and reports of behavioral patterns.” Changes are made to the policy to recognize the fundamental rights; however, such rights are recognized only to the extent consistent with the law. While the bill defines education records, the rights regarding education records must be consistent with FERPA. Although the law defines what “education records” are considered, this does not create an obligation to maintain such records if none exist. If the record is maintained and exists, it would be part of the student’s education records. Moreover, it is unclear what analysis/evaluation/survey/data collection would be done that would not be required for the student’s education record. Student surveys are already governed by the Pupil Protection Rights Act (PPRA).

**Senate Bill 518** also addresses parent rights. It creates additional obligations for school districts to inform parents regarding certain matters including parental participation, information about how to participate in governance, how they may learn the “course of study”, withdrawing their child from instruction or presentations/assemblies/lectures/educational events that “offend the parent’s beliefs or practices,” and information about the clubs and extracurricular activities offered by the school as well as the right to withdraw the child and give permission for the child to participate. There is also a provision requiring parental consent before a child uses a pronoun that does not align with the child’s sex at birth; such provision, however, is in conflict with federal law. It also provides that if parental consent is provided, an individual may not be compelled to use such pronouns. Some changes related to the information about clubs and activities and consent for such as well as the notice of parent rights are included in the handbook. The law also requires annual notice about a district’s educational opportunities; a template for this notice will be provided with the annual notices.

- F. 5020 **Tobacco Products, Marijuana, Drug and Alcohol- Free Workplace**
- G. 7060 **District Safety**

## VI. PRESENTATION OF POLICIES FOR FIRST READING

- A. 3010 **School Admissions: Entrance, Placement and Transfer**  
Revised to reflect changes in the definition of “exceptional circumstances” under House Bill 946 for students under 5 and over 19. Districts who currently are operating an early kindergarten should also include the criteria for students to be admitted for such program – the board must approve each student admitted for such program.

*NOTE* that such programs will change pursuant to House Bill 352 starting July 1, 2024, and changes will be made to this policy after next school year to reflect this change. The language also reflects the requirement from House Bill 396 that a district enroll a home school or nonpublic school student part-time at the request of the parent.

- B. 5000 **Equal Employment Opportunity and Nondiscrimination**  
Revised to incorporate a cross reference to Policy 5015 - Bullying/Harassment/Intimidation Prevention Reporting which addresses retaliation.

- C. **5040**      **Personnel Records**  
Legal references were updated to reflect the transfer of evaluation language from an existing rule to a new rule in the accreditation standards in Chapter 10.55 of the Montana Administrative Rules.
- D. **5065**      **Evaluation of Non-Administrative Staff**  
General update to align with updated model language. Revised to reflect a new rule adopted in the accreditation standards in Chapter 10.55 of the Montana Administrative Rules regarding the evaluation of certified employees.
- E. **6020**      **District Organization: Building Administrators & Districts Administrators**  
Legal references were updated to reflect the transfer of evaluation language from an existing rule to a new rule in the accreditation standards in Chapter 10.55 of the Montana Administrative Rules. Updated language regarding access to the evaluation tool.
- F. **8225**      **Tobacco and Marijuana Free Schools**  
Revised to reflect House Bill 128 which prohibits the use of marijuana products (as well as tobacco products) on district / school property.

**VII. SUPERINTENDENT OR BOARD COMMENTS**

**VIII. ADJOURNMENT**

**NEXT MEETING:**  
**February 6, 2024**  
**Noon – 1:00 p.m.**



*The Helena Public Schools educate, engage, and empower each student to maximize his or her individual potential with the knowledge, skills and character essential to being a responsible citizen and life-long learner.*

## Board of Trustees Policy Committee Meeting

Tuesday, December 5<sup>th</sup>, 2023

12:00 p.m.

Lincoln Center

1325 Poplar St., Helena, MT 59601

And via

TEAMS

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## MINUTES

### *Attendees*

#### *Committee:*

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

#### *Others:*

Rex Weltz, Superintendent  
Barb Ridgway, Chief of Staff  
Janelle Mickelson, Business Manager  
Bea Kaleva, District Legal Counsel  
Josh McKay, Assistant Superintendent  
Gary Myers, Director of Technology  
Lona Carter, Student Health  
Jane Shawn, HEA President  
Keri Mizell, Human Resources Director  
Karen Ogden, Communications Officer  
Joslyn Davidson, Curriculum Director  
Candice Delvaux, Executive Assistant

**I. CALL TO ORDER**

The meeting was called to order at 12:05 p.m. by the Committee Chair, Janet Armstrong.

**II. REVIEW OF AGENDA**

No changes were requested to the agenda.

**III. GENERAL PUBLIC COMMENT**

There was no general public comment.

**IV. REVIEW OF THE 11.07.2023 POLICY COMMITTEE MINUTES**

The committee reviewed and approved the 11.07.2023 Policy Committee meeting minutes.

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

A. Policy 1650: Public Charter Schools

The committee reviewed and discussed Policy 1650: Public Charter Schools. This is a new policy regarding board obligations relating to the creation of public charter schools under House Bill 549. This law permits a school board of trustees to submit an application for the creation of a public charter school. Similarly, the law allows for individuals located within the district to request that the board create a charter school. The local board may decline the request but an independent group can submit an application directly to the Montana Board of Public Education in such event for the creation of the public charter school. Public charter schools may be created to serve a particular population of students and may be limited in the programs offered. The governing board of the public charter school may be the existing board of trustees or may be established through a separate board that is publicly elected after initial creation. This policy went before the full board for information and the Policy Committee determined that Policy 1650: Public Charter Schools would go before the full board of trustees for action.

B. Policy 2423: Personalized Learning

The committee reviewed and discussed Policy 2423: Personalized Learning. This is a new policy regarding personalized learning. This policy is required under the changes to 10.55.701 adopted as part of the changes to Chapter 10.55 of the Montana Administrative Rules regarding accreditation. This policy went before the full board for information and the Policy Committee determined that Policy 2423: Personalized Learning would go before the full board of trustees for action.

- C. Policy 3005: Bullying, Intimidation, Harassment & Hazing Prevention & Reporting Policy  
The committee reviewed and discussed Policy 3005: Bullying, Intimidation, Harassment & Hazing Prevention & Reporting Policy. Legal references were revised to reflect House Bill 450 which permits a student to use physical force as self-defense or the defense of another when under physical attack as well as House Bill 361. While districts cannot adopt policies under House Bill 361 disciplining students for “deadnaming” or misgendering another student, it does not prohibit such discipline if the conduct constitutes bullying as that term is defined by Montana law and existing district policy. This policy went before the full board for information and the Policy Committee determined that Policy 3005: Bullying, Intimidation, Harassment & Hazing Prevention & Reporting Policy would go before the full board of trustees for action.
- D. Policy 3120: Compulsory Attendance  
The committee reviewed and discussed Policy 3120: Compulsory Attendance. This policy has been revised to reflect changes in language regarding compulsory enrollment under House Bill 676 and Senate Bill 518. Senate Bill 518 permits a parent to withdraw a student from instruction or presentations/assemblies/lectures/educational events that “offend the parent’s beliefs or practices,” which is now a basis for excusal from compulsory attendance. This policy went before the full board for information and the Policy Committee determined that Policy 3120: Compulsory Attendance would go before the full board of trustees for action.
- E. Policy 3155: Part-time Attendance  
The committee reviewed and discussed Policy 3155: Part-time Attendance. This policy has been revised to reflect House Bill 396 which at the request of the parent requires the part-time enrollment of a nonpublic or homeschool student who is a resident of the district and meets the age requirements. This policy went before the full board for information and the Policy Committee determined that Policy 3155: Part-time Attendance would go before the full board of trustees for action.
- F. Policy 4330: Community Use of Facilities  
The committee reviewed and discussed Policy 4330: Community Use of Facilities. This policy was revised to reflect the prohibition on “sexually oriented performances” on public property (which includes school districts and district property leased to third parties) adopted in House Bill 359. That bill also prohibits “sexually oriented performances” in libraries receiving federal funding as well as in schools or libraries during regular operating hours or at school-sanctioned extracurricular activities. This policy went before the full board for information and the Policy Committee determined that Policy 4330: Community Use of Facilities would go before the full board of trustees for action.

G. Policy 7014: Subscription Based Information Technology Arrangements (SBITAs) Capitalization Threshold

The committee reviewed and discussed Policy 7014: Subscription Based Information Technology Arrangements (SBITAs) Capitalization Threshold. This is a new policy that establishes a lease liability threshold of \$150,000 for subscription-based software. District auditors required the adoption of this policy. This policy went before the full board for information and the Policy Committee determined that Policy 7014: Subscription Based Information Technology Arrangements (SBITAs) Capitalization Threshold would go before the full board of trustees for action.

H. Policy 7035: Fraud and Fraud Prevention

The committee reviewed and discussed Policy 7035: Fraud and Fraud Prevention. The National Association of School Business Officials recommends that Districts have a fraud policy. Additionally, federal funding sources (e.g., ESSER) ask if the Board has adopted a policy on fraud. This policy went before the full board for information and the Policy Committee determined that Policy 7035: Fraud and Fraud Prevention would go before the full board of trustees for action.

## VI. PRESENTATION OF POLICIES FOR FIRST READING

A. Policy 2100: Recognition of Native American Cultural Heritage

The committee reviewed and discussed Policy 2100: Recognition of Native American Cultural Heritage. This policy has been revised to reflect the requirement under House Bill 338 requiring the use of a certified staff member to provide instruction in American Indian studies if the District receives a Indian Education for All payment. Legal references were also updated to add citation to administrative rules incorporating education related to Native Americans. The Policy Committee determined that Policy 2100: Recognition of Native American Cultural Heritage would go before the full board of trustees for information.

B. Policy 2103: Religion and Religious Activities

The committee reviewed and discussed Policy 2103: Religion and Religious Activities. Revisions were made to this policy to recognize the holding of the U.S. Supreme Court's decision in Kennedy v. Bremerton School District, 142 S.Ct. 2407 (2022). That was the case regarding the football coach praying after games. The Court's decision to permit such prayer was largely based on the school district's practice of allowing coaches after games to engage in personal activities despite the fact that they were still on duty, such as checking cell phones and talking to family. Revisions were also made to reflect House Bill 745 which clarified that students may choose to read the Bible or other religious materials during free reading time or if a course/classroom permits a student to self-select materials. Legal references were updated to reflect these laws. The Policy Committee suggested that lines 60 through 65 be removed from the policy. The Policy Committee determined that Policy 2103: Religion and Religious Activities would go before the full board of trustees for information with the recommended changes.

C. Policy 4015: Conduct on School Property

The committee reviewed and discussed Policy 4015: Conduct on School Property. This policy has been revised to reflect House Bill 128 which prohibits the use of marijuana products (as well as tobacco products) on district/school property. The Policy Committee determined that Policy 4015: Conduct on School Property would go before the full board of trustees for information.

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

The committee reviewed and discussed Policy 4030: Cooperative Programs with Other Districts and Public Agencies. This policy has been revised to incorporate language from House Bill 214 which permits districts to enter into multidistrict agreements for a district to provide “culturally rooted instruction aligned to a learning environment for English language learners or an Indian language immersion program.” The Policy Committee determined that Policy 4030: Cooperative Programs with Other Districts and Public Agencies would go before the full board of trustees for information.

E. Policy 4040: School, Student, Parent, Family and Community Engagement in Education

The committee reviewed and discussed Policy 4040: School, Student, Parent, Family and Community Engagement in Education. This policy has been revised to reflect a new rule adopted in the accreditation standards in Chapter 10.55 of the Montana Administrative Rules that incorporates family engagement goals. The language in the policy is updated to reflect the change made to the language previously in the accreditation rules. The Policy Committee recommended that the words *and supports* be added after the word *recognizes* on line four. The Policy Committee determined that Policy 4040: School, Student, Parent, Family and Community Engagement in Education would go before the full board of trustees for information with the recommended change included.

F. Policy 5020: Tobacco Products, Marijuana, Drug and Alcohol-Free Workplace

The committee reviewed and discussed Policy 5020: Tobacco Products, Marijuana, Drug and Alcohol-Free Workplace. This policy has been revised to reflect House Bill 128 which prohibits the use of marijuana products (as well as tobacco products) on district/school property. The Policy Committee determined that Policy 5020: Tobacco Products, Marijuana, Drug and Alcohol-Free Workplace would go before the full board of trustees for information.

G. Policy 7060: District Safety

The committee reviewed and discussed Policy 7060: District Safety. This policy has been revised to reflect Senate Bill 213 and the requirement that safety/emergency plans be reviewed annually as well as incorporate threat assessment practices to include the adoption of protocols to be used for student threats towards others or property and identification of the threat assessment team as well as a requirement that the team meet at least monthly. The Policy Committee recommended that lines 38 and 39 be removed from



the policy as similar information is stated earlier in the policy. The Policy Committee also recommended that the word *school* on line 24 be changed to *district*. The Policy Committee determined that Policy 7060: District Safety would go before the full board of trustees for information with the recommended changes.

**VII. SUPERINTENDENT OR BOARD COMMENTS**

There were no further comments.

**VIII. ADJOURNMENT**

Committee Chair, Janet Armstrong, adjourned the meeting at 12:48 p.m.

2  
3 **STUDENT INSTRUCTION**

4  
5 Recognition of Native American Cultural Heritage

6  
7 The District recognizes the distinct and unique cultural heritage of Native Americans and is committed  
8 in the District’s educational goals to the preservation of such heritage.

9  
10 In furtherance of the District’s educational goals, the District is committed to:

- 11
- 12 • Working cooperatively with Montana Tribes in close proximity to the District, when providing  
13 instruction, when implementing educational goals or adopting rules relating to education of  
14 students in the District;
- 15
- 16 • Periodically reviewing its curriculum to ensure the inclusion of cultural heritage of Native  
17 Americans, which will include but not necessarily be limited to:
  - 18
  - 19 • Considering methods by which to provide books and materials reflecting authentic  
20 historical and contemporary portrayals of Native Americans;
  - 21
  - 22 • Taking into account individual and cultural diversity and differences among students;
  - 23
- 24 • Providing necessary training for school personnel, with the objective of gaining an understanding  
25 and awareness of Native American culture, which will assist the District’s staff in its relations  
26 with Native American students and parents.
- 27

28 The Board requires certified staff to satisfy the requirements for instruction in American Indian studies  
29 when required by Montana law.

30  
31

32 Legal Reference:	<a href="#">Art. X, Sec. 1(2), Montana Constitution</a>
	<a href="#">§§ 20-1-501, et seq., MCA Indian Education for All (revised by House Bill</a>
	<a href="#">338)</a>
	<a href="#">10.55.603 ARM Curriculum and Assessment</a>
	<a href="#">10.55.701 ARM Board of Trustees</a>
	<a href="#">10.55.803 ARM Learner Access</a>
	<a href="#">10.55.901 ARM Basic Education Program: Elementary</a>
	<a href="#">10.55.902 ARM Basic Education Program: Junior High, 7<sup>th</sup> and 8<sup>th</sup></a>
	<a href="#">Grade Program, or Middle School</a>
	<a href="#">10.55.904 ARM Basic Education Program Offerings: High School</a>

42  
43 Policy History:

44 Adopted on: 3.9.2004

45 Reviewed on:

46 Revised on:

2  
3 **STUDENT INSTRUCTION**

4  
5 Recognition of Religious Beliefs and Customs

6  
7 ~~The District's curriculum may include the study of religions as ancillary to studies of human~~  
8 ~~history and development and of various national, cultural, and ethnic groups. The study of~~  
9 ~~religions shall give neither preferential nor derogatory treatment to any single religious belief or~~  
10 ~~to religion in general. The study of religions shall be treated as an academic subject with no~~  
11 ~~emphasis on the advancement or practice of religion.~~

12  
13 Religion and Religious Activities

14  
15 In keeping with the United States and Montana Constitutions and judicial decisions, the District  
16 may not support any religion or endorse religious activity. At the same time, the District may  
17 not prohibit private religious expression by students.

18  
19 Student Prayer and Discussion

20  
21 Students may pray individually or in groups and may discuss their religious views with other  
22 students, as long as they are not disruptive or coercive. The right to engage in voluntary prayer  
23 does not include the right to have a captive audience listen or to harass other students. Students  
24 may pray silently in the classroom, except when they are expected to be involved in classroom  
25 instruction or activities.

26  
27 Staff Members

28  
29 Staff members may not encourage, discourage, persuade, dissuade, sponsor, participate in, or  
30 discriminate against a religious activity or an activity because of its religious content while in the  
31 course of performing official duties of that staff member's position(s) with the District.

32  
33 Assemblies, Extracurricular and Athletic Events

34  
35 District officials may not invite or permit members of the clergy, staff members, or outsiders to  
36 give prayers at school-sponsored assemblies and extracurricular or athletic events. District  
37 officials also may not organize or agree to student requests for prayer at assemblies and other  
38 school-sponsored events. Furthermore, prayer may not be broadcast over the school public  
39 address system, even if the prayer is nonsectarian, non-proselytizing, and initiated by students.

40  
41 Student Religious Expression and Assignments

42  
43 Students may express their individual religious beliefs in reports, tests, homework, and projects.  
44 Staff members should judge their work by ordinary academic standards, including substance,  
45 relevance, appearance, composition, and grammar. Student religious expression should neither

46 be favored nor penalized. A student may read the Bible or other religious material during free  
47 reading time or when self-selected and consistent with a classroom or course requirements.

### 48 Graduation Ceremonies

49  
50  
51 In order to assure the appropriateness and dignity of the occasion, the District sponsors and pays  
52 for graduation ceremonies and retains ultimate control over their structure and content.

53  
54 District officials may not invite or permit members of the clergy to give prayers at graduation.  
55 Furthermore, District officials may not organize or agree to requests for prayer by other persons  
56 at graduation, including requests from students. The District may not prefer the beliefs of some  
57 students over the beliefs of others, coerce dissenters or nonbelievers, or communicate any  
58 endorsement of religion.

59  
60 ~~Students and their families may organize baccalaureate services, at which attendance must be~~  
61 ~~entirely voluntary. Organizers of baccalaureate services may rent and have access to school~~  
62 ~~facilities on the same basis as other private groups and may not receive preferential treatment.~~  
63 ~~The District may not be identified as sponsoring or endorsing baccalaureate services. District~~  
64 ~~funds, including paid staff time, may not be used directly or indirectly to support or subsidize~~  
65 ~~religion.~~

### 66 Religion in the Curriculum

67  
68  
69 Staff members may teach students about religion in history, art, music, literature, and other  
70 subjects in which religious influence has been and continues to be felt. However, staff members  
71 may not teach religion or advocate religious doctrine or practice. The prohibition against  
72 teaching religion extends to curricular decisions which promote religion or religious beliefs.

73  
74 School programs, performances, and celebrations must serve an educational purpose. The  
75 inclusion of religious music, symbols, art, or writings is permitted, if the religious content has a  
76 historical or independent educational purpose which contributes to the objectives of the approved  
77 curriculum. School programs, performances, and celebrations cannot promote, encourage,  
78 discourage, persuade, dissuade, or discriminate against a religion or religious activity and cannot  
79 be oriented to religion or a religious holiday.

### 80 Student Religious Clubs

81  
82  
83 Students may organize clubs to discuss or promote religion, subject to the same constitutionally  
84 acceptable restrictions the District imposes on other student-organized clubs.

### 85 Distribution of Religious Literature

86  
87  
88 Students may distribute religious literature to their classmates, subject to the same  
89 constitutionally acceptable restrictions the District imposes on distribution of other non-school  
90 literature. Outsiders may not distribute religious or other literature to students on school  
91 property, consistent with and pursuant to the District policy on solicitations.

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Religious Holidays

Staff members may teach objectively about religious holidays and about religious symbols, music, art, literature, and drama which accompany the holidays. They may celebrate the historical aspects of the holidays but may not observe them as religious events.

Legal Reference:                    [\*Kennedy v. Bremerton Sch. Dist.\*, 142 S. Ct. 2407 \(2022\)](#)  
[Art. II, Sec. 5, Montana Constitution - Freedom of religion](#)  
[§ 20-7-112, MCA    Sectarian publications prohibited, religious](#)  
[materials allowed, prayer permitted \(\*revised\*](#)  
[by House Bills 744, 745\)](#)

Policy History:  
Adopted on:                    2.12.2013  
Reviewed on:  
Revised on:

2  
3 SCHOOL/COMMUNITY RELATIONS

4  
5 Conduct on School Property

6  
7 In addition to prohibitions stated in other District policies, no person on school property shall:

- 8
- 9 • Possess, carry or store a weapon at any time;
- 10 • Injure or threaten to injure another person;
- 11 • Damage another’s property or that of the District;
- 12 • Violate any provision of the criminal law of the state of Montana or town or
- 13 county ordinance;
- 14 • Smoke or otherwise use a tobacco product, vapor product or alternative nicotine
- 15 product or marijuana product (tobacco includes, but is not limited to, cigarettes,
- 16 cigars, snuff, smoking tobacco, smokeless tobacco, or any other tobacco or
- 17 nicotine innovation); (marijuana products include but are not limited to edible
- 18 products, ointments, tinctures, marijuana derivatives, marijuana concentrates, and
- 19 marijuana intended for use by smoking or vaping);
- 20 • Consume, possess, or distribute alcoholic beverages including powdered alcohol
- 21 or any alcohol innovations, illegal drugs, including or medical marijuana, ~~or~~
- 22 ~~possess dangerous weapons at any time;~~
- 23 • Impede, delay, or otherwise interfere with the orderly conduct of the District’s
- 24 educational program or any activity occurring on school property;
- 25 • Use vulgar or obscene language or gestures;
- 26 • Disregard the directives of school officials or security personnel;
- 27 • Enter upon any portion of school premises at any time for purposes other than
- 28 those which are lawful and authorized by the Board; or
- 29 • Violate other District rules and regulations.
- 30

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

39  
Legal References:

[§ 16-11-302, MCA](#)

[§ 20-1-206, MCA](#)

[§ 20-1-220, MCA](#)

[Definitions](#)

[Disturbance of school](#)

[Use of tobacco products in public school building](#) or on

§ 45-8-361, MCA

~~§§ 50-46-301 et seq., MCA~~

20 USC §§ 7101 et seq.

public school property prohibited (revised by HB 128)

Possession of a weapon in a school building

~~Montana Marijuana Act~~

Safe and Drug Free Schools & Communities Act

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41 Cross References:

42

43 Policy History:

44 Adopted on: 12.9.2014

45 Revised on: 9.10.2019

46 Reviewed on:

2 **COMMUNITY RELATIONS**

3 Cooperative Programs with Other Districts and Public Agencies

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

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

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

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

19  
20 The District may enter a multidistrict agreement with one or more districts for a district to  
21 provide culturally rooted instruction aligned to a learning environment for English language  
22 learners or an Indian language immersion program to pupils of a district participating in the  
23 multidistrict agreement.

24  
25

Legal Reference:                    [§ 7-11-101, et seq., MCA Interlocal Cooperation Act](#)  
                                              [§ 20-3-363 MCA Multidistrict agreements – fund](#)  
                                              [transfers \(revised HB 214\)](#)  
                                              [§ 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:

26  
27  
28



2 **SCHOOL/COMMUNITY RELATIONS**

3 School, Student, Parent, Family and Community Engagement in Education

4 The Board believes that engaging students, parents, families and the community in the education  
5 process is essential to improved academic success for students. The Board recognizes that a  
6 student's education is a responsibility shared by the District, students, parents, families and other  
7 members of the community during the entire time a student attends school. The Board believes  
8 that the District must create an environment that is conducive to learning and that strong,  
9 comprehensive stakeholder involvement is an important component. Engagement and  
10 involvement in education requires a cooperative effort with roles for the Office of Public  
11 Instruction (OPI), the District, students, parents, families and the community.

12 The District's Board of Trustees recognizes and supports the importance of engaging all  
13 stakeholders in the education of children. The Superintendent and staff shall undertake activities  
14 designed to:

- 15 (1) Encourage families to actively participate in the life of their children's schools;
- 16 (2) Ensure families feel welcomed, valued, and connected to one another, school staff,  
17 and to what students are learning and doing in class;
- 18 (3) Encourage families and school staff to engage in regular, two-way meaningful  
19 communication about student learning;
- 20 (4) Ensure continuous collaboration between families and school staff to support student  
21 learning and healthy development both at home and at school and have regular  
22 opportunities to strengthen their knowledge and skills to do so effectively;
- 23 (5) Empower families to be advocates for their own and other children to ensure that  
24 students are treated equitably and have access to learning opportunities that will support  
25 their success;
- 26 (6) Allow families and school staff to partner in decisions that affect children and  
27 families and together inform, influence, and create policies, practices, and programs;
- 28 (7) Encourage families and school staff to collaborate with members of the community to  
29 connect students, families, and staff to expand learning opportunities, community  
30 services, and civic preparation; and
- 31 (8) Encourage families and school staff collaborate with members of the community to  
32 connect students, families, and staff to post-secondary education opportunities, including  
33 workforce training, apprenticeship opportunities, career pathways, and degree programs,  
34 and encourage students to explore college and career planning tools (including Free  
35 Application for Federal Student Aid completion) and incentives provided by post-  
36 secondary institutions.

37  
38 To the extent feasible and appropriate, the District will attempt to coordinate and integrate parent  
39 and family engagement strategies with other relevant federal, state, and local laws and programs,  
40 including but not limited to Title I programs.

41 The Board in consultation with parents, teachers, administrators, and students supports the  
42 District plan for meeting engagement and involvement goals.

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1. Provide activities that will educate parents/families regarding the intellectual and developmental needs of their children at all age levels. This will include promoting cooperation between the District and other agencies or school/community groups (such as parent-teacher groups, Head Start, etc.) to furnish learning opportunities and disseminate information regarding parenting skills and child/adolescent development.
2. Implement strategies to involve parents/families in the educational process and laws regarding parent/family rights, including:
  - Keeping parents/families informed of opportunities for involvement and encouraging participation in various District programs.
  - Providing access to Board policies, handbooks, Board and committee agendas, District grievance procedure, and contact information for administrators and Trustees on the District website.
  - Providing access to educational resources and the course of study for parents/families to use together with their children.
  - Keeping parents/families informed of the objectives of District educational and activity programs, and their child's participation and progress within these programs.
  - Provide methods to opt out of educational and instruction programs consistent with parent/family rights.
  - Promoting parents/families and teacher cooperation in homework, attendance, and discipline.
  - Providing information about the nature and purpose of student clubs and groups meeting at the school and right of parents to consent to such participation or withdraw their child from a club or group.
  - Providing an explanation of rights regarding student name and pronoun use consistent with the Family Education Rights and Privacy Act.
3. Enable families to participate in the education of their children through a variety of roles. For example, parents/family members should be given opportunities to provide input into District policies and volunteer time within the classrooms and school programs.
4. Provide professional development opportunities for teachers and staff to enhance their understanding of effective parent/family involvement strategies.
5. Perform regular evaluations of parent/family involvement at each school and at the District level.
6. Provide access, upon request, to any instructional material used as part of the educational curriculum.
7. If practical, provide information in a language understandable to parents.
8. Provide annual notification of educational opportunities of the District.

84	Cross Reference:	<a href="#">Policy 2035</a>	<a href="#">Federal Funding and Title I</a>
85		<a href="#">Policy 1085</a>	<a href="#">Uniform Complaint Procedure</a>
86		<a href="#">Policy 2015</a>	<a href="#">Curriculum Development and Assessment</a>
87		<a href="#">Policy 2020</a>	<a href="#">Student and Family Privacy Rights</a>
88		<a href="#">Policy 2025</a>	<a href="#">K-12 School Counseling Program</a>
89		<a href="#">Policy 2040</a>	<a href="#">Special Education and Accommodations</a>
90		<a href="#">Policy 2050</a>	<a href="#">Section 504 of the Rehabilitation Act of</a>
91			<a href="#">1973 (“Section 504”)</a>
92		<a href="#">Policy 2135</a>	<a href="#">K-12 E-Learning Online Policy</a>
93		<a href="#">Policy 2423</a>	<a href="#">Personalized Learning Opportunities</a>
94		<a href="#">Policy 3110</a>	<a href="#">School Admissions: Entrance, Placement,</a>
95			<a href="#">and Transfer</a>
96		<a href="#">Policy 3120</a>	<a href="#">Compulsory Attendance</a>
97		<a href="#">Policy 3025</a>	<a href="#">Discretionary Nonresident Student</a>
98			<a href="#">Attendance Policy</a>
99		<a href="#">Policy 3155</a>	<a href="#">Part-Time Attendance</a>
100		<a href="#">Policy 3080</a>	<a href="#">Maintenance of Student Records</a>
101		<a href="#">Policy 4040</a>	<a href="#">School, Student, Parent, Family and</a>
102			<a href="#">Community Engagement in Education</a>
103			

104	Legal References:	<a href="#">§ 10.55.701, ARM</a>	<a href="#">Board of Trustees</a>
105		<a href="#">20 U.S.C. § 1401 et seq.</a>	<a href="#">Individuals with Disabilities Education</a>
106			<a href="#">Act</a>
107		<a href="#">29 U.S.C. § 794</a>	<a href="#">Section 504 of the Rehabilitation Act</a>
108		<a href="#">§ 20-3-324, MCA</a>	<a href="#">Powers and Duties</a>
109		<a href="#">§ 20-5-101, MCA</a>	<a href="#">Admittance of child to school</a>
110		<a href="#">§ 20-5-112, MCA</a>	<a href="#">Participation in extracurricular activities</a>
111		<a href="#">§ 20-7-117, MCA</a>	<a href="#">Kindergarten and preschool programs</a>
112		<a href="#">§ 20-7-118, MCA</a>	<a href="#">Remote Instruction</a>
113		<a href="#">§ 20-7-411, MCA</a>	<a href="#">Regular Classes Preferred -- Obligation To</a>
114			<a href="#">Establish Special Education Program</a>
115		<a href="#">§ 20-7-1601, MCA</a>	<a href="#">Forms of personalized learning</a>
116		<a href="#">§ 20-7-1506, MCA</a>	<a href="#">Incentives for creation of advanced</a>
117			<a href="#">opportunity programs</a>
118		<a href="#">§ 20-7-1510, MCA</a>	<a href="#">Credit for participating in work-based</a>
119			<a href="#">learning partnerships</a>
120		<a href="#">§ 20-9-706, MCA</a>	<a href="#">Running start program</a>
121		<a href="#">§ 20-7-1201, MCA et seq.</a>	<a href="#">Montana Digital Academy</a>
122		<del><a href="#">§ 20-5-301, MCA et seq.</a></del>	<del><a href="#">Attendance Outside School District</a></del>
123			<del><a href="#">REPEALED</a></del>
124		<a href="#">§ 20-7-xxx, MCA et seq.</a>	<a href="#">Vocational and Technical Education</a>
125			
126			

127 Policy History:  
128 Adopted On: 04.04.2006  
129 Revised On: 01.14.2020

3  
4 **PERSONNEL**

5  
6 Tobacco Product, **Marijuana**, Alcohol and Drug-Free Workplace

7  
8 All District workplaces are tobacco product, marijuana, drug and alcohol product free. All  
9 employees are prohibited from:

- 10  
11 1. Smoking or otherwise using a tobacco product, vapor product, ~~or~~ alternative  
12 nicotine product (tobacco includes, but is not limited to; cigarettes, cigars, snuff,  
13 smoking tobacco, smokeless tobacco or any other tobacco or nicotine innovation)  
14 (marijuana products include but are not limited to edible products, ointments,  
15 tinctures, marijuana derivatives, marijuana concentrates, and marijuana intended for  
16 for smoking or vaping) while on District premises or while performing work for the  
17 District;  
18 2. Unlawfully manufacturing, dispensing, distributing, possessing, using, or being under  
19 the influence of a controlled substance while on District premises or while  
20 performing work for the District; including employees possessing a “medical  
21 marijuana” card and  
22 3. Distributing, consuming, using, possessing, or being under the influence of alcohol  
23 while on District premises or while performing work for the District.  
24

25 Nothing herein prohibits an employee from using a smoking cessation product on school property.  
26 Upon prior notice and approval by a building administrator, a teacher or other employee may possess  
27 a tobacco product, vapor product, or alternative nicotine product in a classroom or otherwise on  
28 school property as part of a lecture, demonstration, or educational forum concerning the risks  
29 associated with the use of a tobacco product, vapor product, or alternative nicotine product.  
30

31 For purposes of this policy, a controlled substance is one that is not legally attainable, being used in a  
32 manner other than as prescribed, legally obtainable but has not been legally obtained or referenced in  
33 federal or state controlled-substance acts.  
34

35 For purposes of this policy, a controlled substance includes medical marijuana.  
36

37 As a condition of employment, each employee will:

- 38  
39 1. Abide by the terms of the District policy respecting a drug and alcohol free workplace;  
40 and  
41 2. ~~Any employee must notify~~ Notify his or her ~~their~~ supervisor of ~~his or her~~ their conviction  
42 under any criminal drug statute, for a violation occurring on District premises or while  
43 performing work for the District, no later than five (5) days after such conviction.  
44

45 In order to make employees aware of dangers of drug and alcohol abuse, the District will endeavor  
46 to:

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1. Provide each employee with notice of the District drug and alcohol-free workplace policy;
  2. Post notice of the District drug and alcohol-free workplace policy in a place where other information for employees is posted;
  3. Enlist the aid of community and state agencies with drug and alcohol informational and rehabilitation programs, to provide information to District employees; and
  4. Inform employees of available drug and alcohol counseling, rehabilitation, reentry, and any employee-assistance programs.

57 District Action Upon Violation of Policy

58  
59 An employee who violates this policy may be subject to disciplinary action, including termination.  
60 Alternatively, the Board may require an employee to successfully complete an appropriate drug- or  
61 alcohol-abuse, employee-assistance rehabilitation program. The Board will take disciplinary action  
62 with respect to an employee convicted of a drug offense in the workplace, within thirty (30) days of  
63 receiving notice of a conviction.

64  
65 Should District employees be engaged in the performance of work under a federal contract or grant,  
66 or under a state contract or grant, ~~of \$5,000 or more,~~ the Superintendent will notify the appropriate  
67 state or federal agency from which the District receives contract or grant moneys of an employee's  
68 conviction, within ten (10) days after receiving notice of the conviction

69  
70 Legal References:     [20 USC 7101](#)             [Safe and Drug Free Schools & Community Act](#)  
71                             [§ 20-1-220, MCA](#)     [Use of tobacco products in public school](#)  
72                                                     [building or on public school property prohibited](#)  
73                                                     (revised by House Bill 128)  
74                             ~~§ 50-46-101 et al., MCA Montana Medical Marijuana Act repealed~~  
75                             ~~§ 50-46-205(2)(b), MCA~~     ~~Limitations of Medical Marijuana Act repealed~~  
76                             [10.57.601a, ARM](#)             [Definition of Immoral Conduct](#)

77  
78 Cross References:

79  
80 Policy History:

81 Adopted on:             8.12.2013

82 Revised on:            9.10.2019

83 Reviewed on:

2 **OPERATIONAL SERVICES**

3 School District Safety

4

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

9

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

15

16 *Safety or Emergency Plans*

17

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

23

24 The school District safety plan or emergency operations plan must include threat assessment  
25 practices regarding the following:

26

- 27 1. The adoption of a threat assessment protocol, outlining policies and procedures for  
28 implementation when there is notification of a student threat of harm to others or property; and
- 29 2. An identified threat assessment team, composed of key staff, that meets at least monthly and  
30 may include behavioral threat assessment addressing students in need of academic and  
31 behavioral supports or interventions.

32

33 *School Closure*

34

35 The Superintendent is authorized to close the schools in the event of hazardous weather or other  
36 emergencies that threaten the safety of students, staff members, or school property. Specific  
37 procedures for school closures may be found in the District’s Safety Plan or Emergency Operations  
38 Plan. ~~The Board shall periodically review the District’s Safety Plan or Emergency Operations Plan~~  
39 ~~and shall update the plan as necessary based upon changing circumstances regarding school safety.~~

40

41

42

43 *Hazardous and Infectious Materials*

44  
45 The Superintendent shall take all reasonable measures to protect the safety of District personnel,  
46 students, and visitors on District premises from risks associated with hazardous materials, including  
47 pesticide, and infectious materials. Specific procedures for handling hazardous or infectious  
48 materials may be found in the District’s Safety Plan.

49  
50 *Safety Measures*

51  
52 The Superintendent is authorized to adopt reasonable safety measures to protect the health and safety  
53 of District personnel, students, and visitors on District premises and during school-related activities.  
54 Reasonable safety measures include adoption of cleaning/sanitization plans, use of physical  
55 safeguards/barriers, and required use of personal protective equipment (*e.g.*, face masks). Exceptions  
56 to any requirements adopted by the Superintendent may be granted as required by law and on a case-  
57 by-case basis.

58  
59 Cross References:

60  
61 Legal References: [§20-1-401, MCA](#) [Disaster drills \(revised by Senate Bill 213\)](#)  
62 [§20-1-402, MCA](#) [Number of disaster drills required](#)  
63 ~~[§20-1-801, et seq., MCA](#)~~ ~~[Emergency School Closure](#)~~  
64 [§20-9-806, MCA](#) [School Closure by Declaration of Emergency](#)  
65 [§39-71-1501, MCA](#) [Montana Safety Culture Act](#)  
66 [§50-71-111, et. seq., MCA](#) [Montana Occupational Health and Safety Act](#)

Policy History:

Adopted on: 8.22.2013  
Revised on: 8.11.2020, 2.14.2023



2  
3 STUDENTS

4  
5 School Admissions: Entrance, Placement and Transfer

6  
7 *Age*

8  
9 No pupil may be enrolled in the kindergarten or first grade whose 5<sup>th</sup> birthday does not occur on or  
10 before September 10 of the school year in which the child registers to enter school. ~~A parent may~~  
11 ~~request a waiver of the age requirement. All waivers are at the discretion of and subject to the~~  
12 ~~approval of the Board.~~ No pupil may be enrolled in the District if that pupil has reached his or her  
13 19<sup>th</sup> birthday on or before September 10 of the school year in which the child registers to enter  
14 school. A waiver of the age limitation may be requested where there are exceptional circumstances  
15 and must be reviewed and approved by the Board in an executive session. The Trustees may also  
16 admit an individual who has graduated from high school but is not yet 19 years of age even though  
17 no special circumstances exist for waiver of the age provision or a student who is not yet 19 years of  
18 age and experienced educational disruption and was awarded a diploma as a result and seeks access  
19 to reasonable curriculum designed to advance postsecondary success.

20  
21 The trustees shall assign and admit a student who is enrolled in a nonpublic or home school and who  
22 meets the age and residency requirements on a part-time basis at the request of the student’s parents  
23 or guardian.

24  
25 *Enrolling Students Under the age of 5 Before September 10 for Exceptional Circumstances*

26  
27 It is the policy of the District to provide enhanced educational opportunities to students under the age  
28 of 5 when individual exceptional circumstances exist.

29  
30 The administration shall ensure admission, enrollment, and assignment of all qualifying children  
31 referenced in this policy. The administration shall place children enrolled pursuant to this policy in  
32 either a half-time or full-time program as part of the elementary school program. The administration  
33 shall review the criteria set forth in this policy and make the determination whether an individual  
34 student or class of students meets the criteria for exceptional circumstances.

35  
36 The administration shall present the information to the Board for approval. In presenting the  
37 information to the Board, the administration shall remove all identifying information in order to  
38 protect the privacy rights of the student under state and federal law. The Board shall make the final  
39 decision on the enrollment of students under the District’s exceptional circumstances policy.

40  
41 The administration shall include children enrolled pursuant to this policy in the District’s calculation  
42 of average number belonging (ANB) as reported to OPI to the extent allowed by law.

43  
44 The Board of Trustees declares the following to be qualifying “exceptional circumstances” within  
45 the meaning of that term as used in 20-5-101(3) and “special permission” within the meaning of that

46 term as used in 20-7-117 MCA, that merit waiving the age provisions of 20-7-117 MCA for  
47 qualifying children under 5 years of age  
48

- 49 1 A child at least 3 years of age with a disability qualifying the child for services under the  
50 federal Individuals with Disabilities Education Act.
- 51 2 A child who is 4 years of age or older on or before September 10 of the school year in which  
52 enrollment is to occur who meets one or more of the following:
  - 53 a. Meets the income eligibility guidelines for free or reduced priced meals under the  
54 National School Lunch Program;
  - 55 b. Is Limited English Proficient within the meaning of Title III of the federal  
56 Elementary and Secondary Education Act;
  - 57 c. Is Gifted and Talented within the meaning of that term as used in 20-7-901 MCA;
  - 58 d. Is an enrolled member of a federally recognized American Indian Tribe;
  - 59 e. Is homeless as defined in 42 U.S. Code § 11302, or as determined by the  
60 administration, exhibits other characteristics or lives in circumstances that are  
61 uncommon, unusual, atypical, rare or otherwise distinguished from ordinary or  
62 typical which place the child at risk of failing to achieve at adequate levels,
  - 63 f. Is an at-risk student as defined in Section 20-1-101(4). MCA;
  - 64 g. Child’s status as a member of a military family with prior enrollment.

65  
66 The administration is authorized to enroll students in a manner consistent with this policy and to  
67 develop procedures to implement this policy.  
68

#### 69 *Entrance – Identity and Immunization*

70  
71 Students enrolling in the District for the first time must present a birth certificate or other reliable  
72 proof of identity and age within 40 days, as well as proof of residence. Students must also provide  
73 additional student records including original immunization records within 30 days. If the parent of  
74 the student does not provide proof of identification within 40 days, the District shall notify the  
75 Missing Children Information Program and a local law enforcement authority of the fact that no  
76 proof of identity has been presented for the child.  
77

78 Students who are homeless, in foster care, or are the child of a military family are entitled to  
79 immediate enrollment regardless of presentation of the required documentation. Nonresident  
80 students shall be admitted when required by law or as permitted by District policy.  
81

82 A student who transfers from one school district to another may photocopy immunization records in  
83 the possession of the school of origin. The District shall accept the photocopy as evidence of  
84 immunization. When a student enrolls in the Helena School District the school the student left must  
85 send the original immunization records within thirty (30) days after the student has transferred out.  
86

87 Parents who choose not to immunize their child based on religious tenets must annually submit to  
88 the District a signed ~~affidavit on the form~~ [religious exemption statement](#) prescribed by the State of  
89 Montana. The form must be presented to the District prior to the child’s first day of attendance. The  
90 statement must be maintained as part of the student's immunization records. The District will also  
91 accept medical exemptions as required by law.

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*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.

Cross References:	<a href="#">Policy 1085</a>	<a href="#">Uniform Grievance Policy</a>
	<a href="#">Policy 2090</a>	<a href="#">Credit Transfer, Assessment for Placement Policy</a>
	<a href="#">Policy 3020</a>	<a href="#">Education of Homeless Youth</a>
	<a href="#">Policy 3023</a>	<a href="#">Education of Children in Foster Care</a>
	<a href="#">Policy 3155</a>	<a href="#">Part-time Attendance</a>

Legal References:	<a href="#">§ 1-1-215, MCA</a>	<a href="#">Residence -- rules for determining.</a>
	<a href="#">§ 20-5-101, MCA</a>	<a href="#">Admittance of child to school <b>(revised by House Bill 946)</b></a>
	<a href="#">§ 20-5-403, MCA</a>	<a href="#">Immunization requirements</a>
	<a href="#">§ 20-5-404, MCA</a>	<a href="#">Conditional attendance</a>
	<a href="#">§ 20-5-405, MCA</a>	<a href="#">Medical or religious exemption</a>

139 [§ 20-5-406, MCA](#) [Immunization record](#)  
140 [§ 20-5-502, MCA](#) [Enrollment by caretaker relative -- residency --](#)  
141 [affidavit](#)  
142 [§ 20-7-117, MCA](#) [Kindergarten and preschool programs](#)  
143 [§ 44-2-511, MCA](#) [School enrollment procedures for missing children](#)  
144 [10.55.701, ARM](#) [Board of Trustees](#)  
145 [10.55.906, ARM](#) [High School Credit](#)  
146 [10.16.3122., ARM](#) [Local Education Agency Responsibility for](#)  
147 [Students with Disabilities](#)  
148 [Individual with Disabilities Act Federal Rehabilitation Act 1973](#)  
149 [National School Lunch Act \(Public Law396, 79<sup>th</sup> congress, chapter 281,](#)  
150 [2<sup>nd</sup> session\)](#)  
151 [Title III, ESEA \(English Language Acquisition, Language Enhancement](#)  
152 [and Academic Achievement Act](#)  
153 [McKinney-Vento Homeless Assistance Act of 1987 \(Pub. L. 100-77, July](#)  
154 [22, 1987, 101 Stat. 482, U.S.C. §11301 et seq\)](#)  
155 **[House Bill 352](#)** **[Targeted Interventions to Support 3<sup>rd</sup> Grade](#)**  
156 **[Reading Proficiency](#)**  
157  
158

159 Policy History:

160 Adopted on: 2.12.2013

161 Revised on: 10.8.2013, 12.10.2019, 10.11.2022, 6.13.2023

162

2  
3 PERSONNEL

4  
5 Equal Employment Opportunity and Non-Discrimination

6  
7 As required by federal law, including but not limited to the Civil Rights Act of 1964, Title IX,  
8 and Section 504 and the Americans with Disabilities Act and their regulations The District will  
9 provide equal employment opportunities and will not discriminate in its educational programs or  
10 activities, including in the area of employment, with respect to all persons, regardless of their  
11 race, color, religion, creed, national origin, sex, age, gender, sexual orientation, gender identity  
12 and expression, ancestry, marital status, military status, citizenship status, culture, social origin  
13 or condition, use of lawful products while not at work, political affiliation or a mental, physical  
14 or sensory handicap, or by any other distinguishing characteristic if otherwise able to perform  
15 essential functions of a job with reasonable accommodations, and other legally protected  
16 categories

17  
18 The District shall not retaliate against any employee for complaining about not receiving equal  
19 employment opportunities or other unlawful discriminatory practices, participating in a  
20 proceeding regarding the denial of equal employment opportunities, or otherwise opposing  
21 discrimination.

22  
23 The District will make reasonable accommodation for an individual with a disability known to  
24 the District, if the individual is otherwise qualified for the position, unless the accommodation  
25 would impose undue hardship on the District. Covid-19 vaccine status will not be used as a basis  
26 to deny or allow equal opportunity to employment.

27  
28 Persons who believe they have not received equal employment opportunities or have been  
29 retaliated against should report their claims to the building principal or department supervisor.  
30 Inquiries regarding sex discrimination or sexual harassment may also be directed to the District’s  
31 Title IX Coordinator, the Assistant Secretary for the U.S. Department of Education, or both.  
32 Claims of sexual harassment will be handled through the District’s Title IX Sexual Harassment  
33 Grievance Procedures. Claims of disability discrimination will be handled through the District’s  
34 Section 504 and ADA Grievance Procedure. All other claims will be handled through the  
35 Uniform Complaint Procedure.

36  
37 No employee or applicant will be discriminated against because he or she initiated a complaint,  
38 was a witness, supplied information or otherwise participated in an investigation or proceeding  
39 involving an alleged violation of this policy or State or federal laws. The District reserves the  
40 right to take action against any individual who knowingly makes false accusations or knowingly  
41 provides false information.

42  
43 Retaliation against an employee who has filed a discrimination complaint, testified or  
44 participated in any manner in a discrimination investigation or proceeding is prohibited.

45  
46 Cross References: [Policy 5015](#) [Bullying/Harassment/Intimidation Prevention Reporting](#)

47 [Policy 1085 Uniform Complaint Procedure](#)  
48 Title IX Sexual Harassment Grievance Procedure  
49 Section 504 and ADA Grievance Procedure  
50

51 Legal References: [29 U.S.C. §§ 621, et seq. Age Discrimination in Employment Act](#)  
52 [42 U.S.C. §§ 12111, et seq. Americans with Disabilities Act, Title I](#)  
53 [29 U.S.C. § 206\(d\) Equal Pay Act](#)  
54 [8 U.S.C. §§ 1324\(a\), et seq. Immigration Reform and Control Act](#)  
55 [29 U.S.C. §§ 791, et seq. Rehabilitation Act of 1973](#)  
56 [20 U.S.C. §§ 1681, et seq.; Title IX of the Education Amendments](#)  
57 [34 C.F.R. Part 106 Nondiscrimination on the Basis of Sex in Education](#)  
58 [Montana Constitution, Art. X, § 1 - Educational goals and duties](#)  
59 [§ 49-2-101, et seq. MCA Human Rights Act](#)  
60 [§ 49-2-301, MCA Retaliation Prohibited](#)  
61 [§ 49-1-102, MCA Freedom from discrimination](#)  
62 [§ 49-2-303, MCA Discrimination in employment](#)  
63 [§ 49-3-201, MCA et seq Governmental Code of Fair Practices](#)  
64

65 [§ 49-2-101, et seq., MCA Human Rights Act](#)  
66 [§ 49-2-312 Discrimination Based on Vaccine Status or](#)  
67 [Immunity Passport Prohibited](#)  
68 [§ 50-16-502, MCA Legislative findings \(Cited by House Bill 702\)](#)  
69 *Bostock v. Clayton County*, 140 S. Ct. 1731  
70 (2020)

71 Policy History:  
72 Adopted on: 8.13.2013  
73 Revised on: 11.10.2020, 11.9.2021  
74  
75  
76

2  
3 PERSONNEL

4  
5 Personnel Records

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

10  
11 Employees will be given access to their personnel records, in accordance with guidelines  
12 developed by the Superintendent.

13  
14 In addition to the Human Resource Office or other designees, counsel retained by the Board  
15 will also have access to a cumulative personnel file. Personnel files shall be maintained for  
16 minimum 10 years after the employee’s separation from employment.

17  
18 No material derogatory to an employee’s conduct, service, character, or personality shall be  
19 placed in the file, unless the employee has had the opportunity to read the material. The  
20 employee shall be entitled to respond to the material and to have that response placed in the  
21 file, if requested in a reasonable period of time, not to exceed 60 days.

22  
23 The District shall release information regarding the professional qualifications and degrees of  
24 teachers and the qualifications of paraprofessionals to parents upon request for any teacher or  
25 paraprofessional who is employed by a school receiving Title I funds and provides  
26 instruction to their child at that school.

27  
28 The District may release public information regarding the professional qualifications,  
29 degrees, and experience of teachers and the qualifications of paraprofessionals to parents  
30 upon request.

31  
32 The Superintendent shall develop procedures regarding the content, maintenance and  
33 access to personnel records maintained by the District.

- 34  
35 Legal References:                    ~~Public Law 114-95-Every Student Succeeds Act~~  
36                                            ~~29 USC 201, et seq-Fair Labor Standards Act~~  
37                                            ~~§ 2-6-101, et al MCA Public Records Generally~~  
38                                            ~~24.9.805, ARM Employment Records~~  
39                                            ~~§ 2-6-1001, MCA Definitions~~  
40                                            [10.55.701\(45\), ARM Board of Trustees](#)  
41                                            [ARM 10.55.724 Evaluation](#)  
42                                            [§ 20-1-212, MCA Destruction of Records by School](#)  
43                                            [Officer](#)

44 Cross References:

45  
46 Policy History:

47 Adopted on: 10.8.2013  
48 Revised on: 2.14.2023  
49 Reviewed on:  
50



2  
3 **PERSONNEL**

4  
5 Evaluation of Non-Administrative Staff

6  
7 Each non-administrative staff member’s job performance will be evaluated by the staff member’s  
8 direct supervisor. Certified staff members may be evaluated according to the terms stated in the  
9 current collective bargaining agreement if applicable.

10  
11 ~~The evaluation process includes scheduled annual evaluations using forms applicable to the job~~  
12 ~~classification and description, and day to day appraisals. shall identify what skill sets are to be~~  
13 ~~evaluated, include both summative and formative elements, and include an assessment of the~~  
14 ~~non-administrative staff member’s effectiveness in supporting every student in meeting rigorous~~  
15 ~~learning goals through the performance of the educator’s duties. Certified staff members may be~~  
16 ~~evaluated according to the terms stated in the current collective bargaining agreement.~~

17  
18 For employees covered by a negotiated agreement, there may be additional considerations or  
19 conditions defined in that document. In such situations, those aspects will be used to guide the  
20 evaluation process. Where a specific conflict exists between those agreements and this policy,  
21 the requirements of the negotiated agreement shall prevail.

22  
23 Employees shall be evaluated on a regular basis. Classified employees shall be provided  
24 performance feedback at least once each year. The Superintendent shall designate who shall  
25 perform the evaluations of each employee; normally they will be done by the employee’s  
26 supervisor. The Superintendent will develop an evaluation instrument for each position within  
27 the District.

28  
29 The supervisor will provide a copy of the completed evaluation to the staff member and will  
30 provide opportunity to discuss the evaluation. The original should be signed by the staff member  
31 and filed in the staff member’s personnel file. If the staff member refuses to sign the evaluation,  
32 the supervisor should note the refusal and submit the evaluation to the Superintendent.

33  
34 Legal References:    § 20-3-324, MCA    Powers and duties  
35                            § 20-4-402, MCA    Duties of district superintendent  
36                            10.55.701, ARM    Board of Trustees  
37                            [10.55.601, ARM](#)    [Accreditation Standards: Procedures](#)  
38                            [10.55.724, ARM](#)    [Evaluation](#)

39  
40 Cross References:

41  
42 Policy History:  
43 Adopted on:        4.8.2014  
44 Revised on:  
45

2  
3 SCHOOL ADMINISTRATION

4  
5 District Organization: Building Administrators & Districts Administrators

6  
7 Building administrators are the chief administrators of their assigned schools. The primary  
8 responsibility of building administrators is the development and improvement of instruction. A  
9 majority of the administrator’s time shall be spent on curriculum and staff development through  
10 formal and informal activities, establishing clear lines of communication regarding school goals,  
11 accomplishments, practices, and policies with parents and teachers. Building administrators are  
12 responsible for management of their staff, maintenance of the facility and equipment, administration  
13 of the educational program, supervision of the students attending the school, management of the  
14 school's budget, communication between the school and the community, and reporting criminal  
15 offenses. Building administrators will be evaluated on their instructional leadership abilities and  
16 their abilities to maintain positive education and learning environments.

17  
18 *Evaluation*

19  
20 The Assistant Superintendent shall evaluate each building administrator at least annually. Building  
21 administrators have a right to access the evaluation instrument. Evaluations shall be based on the  
22 job description, accomplishment of annual goals and performance objectives, and established  
23 evaluative criteria. The building administrator shall sign a copy of the evaluation document and  
24 shall be given a copy of the document for his or her records. The building administrator shall also  
25 have the right to attach a written statement to the evaluation within 15 business days following the  
26 conference.

27  
28 District Organization: District Administrators

29 As authorized by the Superintendent, administrators shall have full responsibility for the day-to-  
30 day administration of the area to which they are assigned. Administrative personnel are  
31 governed by the policies of the District and are responsible for implementing the administrative  
32 procedures that relate to their assigned responsibilities.

33 Each Administrator’s duties shall include but not be limited to:

- 34 1. planning for the improvement of the program for which he or she is responsible;  
35 2. evaluating that program regularly;  
36 3. recommending to the Superintendent budgetary, program, staff and other changes that  
37 will enhance the program;  
38 4. advising the Superintendent of the impact of proposed policies or other administrative  
39 action on the program for which the administrator is responsible;  
40 5. evaluating the performance of staff as assigned;  
41 6. assisting his or her subordinates to improve performance;  
42 7. promoting effective working relationships with students, staff and patrons of the District;  
43 and

44 8. maintaining a progressive community/staff relations program within his or her building  
45 or assigned area.

46 *Evaluation*

47 The Superintendent shall establish procedures for the conduct of evaluations of administrative  
48 personnel. Each school year, the Superintendent shall inform each administrator of the criteria to  
49 be used for evaluation purposes, including the adopted goals of the District. Evaluation criteria  
50 shall include but not be limited to performance statements which address leadership;  
51 administration and management; school finances; professional development; professional  
52 interaction with students, staff and community; District building programs; and staff supervision.  
53 District administrators have a right to access to evaluation instrument.

54 Each administrator shall be evaluated annually so as to provide guidance and direction to the  
55 administrator in terms of job performance. The evaluation shall be based on his or her job  
56 description, accomplishment of annual goals and performance objectives, and established  
57 evaluative criteria.

58 Administrative personnel subject to the supervision and evaluation process shall sign a copy of  
59 her or her evaluation document and be provided a copy for his or her records. The administrator  
60 shall have the right to attach a written statement to the evaluation within fifteen (15) business  
61 days following the evaluation conference.

62 Cross References:

63 Legal References: ~~MCA § 20-4-403 Powers and duties of principal~~  
64 ~~ARM 10.55.701 Board of Trustees~~  
65 ~~ARM 10.55.705 Administrative Personnel: Assignment of School~~  
66 ~~Administrators / Principals~~

67 [10.55.724, ARM Evaluation](#)

68  
69 Policy History:

70 Adopted on: 3.10.2015

71 Revised on:

1 **Helena School District**

2

3 **STUDENTS—** **3150**

4 **NON-INSTRUCTIONAL OPERATIONS** **8225**

5

6 **Tobacco Free Schools**

7

8 The Board of Trustees of the Helena Public Schools is committed to providing a clean, healthy,  
9 ~~and safe~~ and tobacco-free / marijuana-free school environment for students, employees, and the  
10 general public.

11

12 Use of tobacco, or tobacco innovations in any form is considered detrimental to the health of  
13 non-users as well as users of tobacco or tobacco innovations. The use of tobacco or tobacco  
14 innovations is inconsistent with the Helena Schools health education policy and is prohibited.

15

16 The use of marijuana in any form is prohibited. Marijuana projects are products that contain  
17 marijuana for use by a consumer and include but are not limited to edible products, ointments,  
18 tinctures, marijuana derivatives, marijuana concentrates, and marijuana intended for use by  
19 smoking or vaping.

20

21 Helena Public Schools are tobacco-free and marijuana-free. The use of tobacco, ~~or~~ tobacco  
22 innovations, or marijuana in any form is prohibited from all school buildings, grounds, and  
23 school sponsored events 24 hours a day, 365 days per year unless used in a classroom or on other  
24 school property as part of a lecture, demonstration, or educational forum sanctioned by a school  
25 administrator or faculty member, concerning the risks associated with using tobacco or  
26 marijuana products or in connection with Native American cultural activities.

27

28 Possession or use of tobacco, ~~or~~ tobacco innovation products or marijuana in any form by  
29 students, employees and the general public on district property, in district vehicles and at school-  
30 sponsored events (whether on or off district property) is prohibited at all times. This includes all  
31 days when school is not in session. ~~and all events and other activities not associated with, or~~  
32 ~~sponsored by, the school.~~

33

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

38

39 Advertising of tobacco, ~~or~~ tobacco innovation products or marijuana in any form is prohibited in  
40 school buildings, on school property, at school functions and in all school publications. Any

41 visual representation of tobacco, ~~or~~ tobacco innovation products or marijuana in any form  
42 including logos, signage, or product names is not allowed. This includes clothing that advertises  
43 tobacco, ~~or~~ tobacco innovation products or marijuana in any form.  
44

45 Violation of the policy by students and staff will be subject to actions outlined in District  
46 discipline policies.  
47

48 Cross References:  
49

50  
51 Legal References: [§ 20-1-220, MCA](#) [Use of tobacco product in public school](#)  
52 [building or on public school property](#)  
53 [prohibited \*\*\*\(revised by House Bill 128\)\*\*\*](#)

54 [§§ 50-40-101, et seq., MCA](#) [Montana Clean Indoor Air Act of 1979](#)

55 [ARM 37.111.825](#) [Health Supervision and Maintenance](#)

56

57

58

59 Policy History:

60 Adopted On: 3.13.01

61 Revised On: 2.13.01, 6.12.01, 9.9.2014  
62