



Superintendent
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**BOARD OF TRUSTEES
POLICY COMMITTEE MEETING
Lincoln Center
1325 Poplar Street
January 6, 2026**

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 2, 2025, BOARD POLICY MEETING MINUTES

V. POLICIES FOR SECOND READING – HAVE GONE TO FULL BOARD 1st READING

- A. 1020 School Board Elections
- B. 2103 Religion and Religious Activities
- C. 2165 Early Literacy Targeted Intervention
- D. 3000 Equal Educational Opportunities
- E. 3410 Student Health/Physical Screenings/Examinations
- F. 5025 Employment and Assignment
- G. 5075 Termination of Employment

VI. POLICIES FOR THIRD READING – HAVE GONE TO FULL BOARD FOR 1st READING

- A. 3097 Use of Video Monitoring Cameras
- B. 4332 Display of Flags and Banners on District Property

VII. PRESENTATION OF POLICIES FOR FIRST READING

- A. 2020 Student and Family Privacy Rights
- B. 3010 Entrance, Placement and Transfer
- C. 3141 Nonresident Student Enrollment
- D. 7057 Use of Automated External Defibrillation
- E. 8100 Transportation

VIII. SUPERINTENDENT OR BOARD COMMENTS

IX. ADJOURNMENT

Next Meeting -
February 3, 2026, at noon
Lincoln Center Board Room



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 2nd, 2025

12:00 p.m.

Lincoln Center

1325 Poplar St., Helena, MT 59601

And via

TEAMS

MINUTES

Attendees

Committee:

Jennifer Walsh, Committee Chair
Linda Cleatus, Trustee
Keith Meyer, Trustee

Others:

Josh McKay, Assistant Superintendent
Rex Weltz, Superintendent
Keri Mizell, Human Resources Director
Jane Shawn, HEA President
Bea Kaleva, District Legal Counsel
Lona Carter, Student Health Services &
Special Education Director
Candice Delvaux, Executive Assistant
Janelle Mickelson, Business Director
Justine Alberts, Assistant Superintendent
Taylor Lassiter, Communications Specialist
Gary Myers, Director of Educational
Technology

I. CALL TO ORDER

The meeting was called to order at 12:03 p.m. by Policy Committee Chair, Trustee Jennifer Walsh. Following the call-to-order, members of the Policy Committee and other attendees introduced themselves.

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 10.7.2025 POLICY COMMITTEE MINUTES

The Policy Committee reviewed and accepted the minutes from the October 7th, 2025, Policy Committee meeting.

V. POLICIES FOR SECOND READING-HAVE GONE TO FULL BOARD 1ST READING

A. Policy 2005: School Year, Calendar, and Day

The Policy Committee reviewed and discussed *Policy 2005: School Year, Calendar and Day*. This policy has been presented to the full Board of Trustees for a first reading and has been updated to align with House Bill 591. Its purpose is to educate students about the sacrifices made for freedom during the founding of the United States and the core values on which the nation was established. The committee also noted that, although Martin Luther King Day is no longer recognized as a federal school holiday, the district may still choose to close schools on that day, and the policy can remain unchanged. The Policy Committee determined that *Policy 2005: School Year, Calendar and Day* would go before the full Board of Trustees for action.

B. Policy 2016: Human Sexuality and Identity Instruction

The Policy Committee reviewed and discussed *Policy 2016 Human Sexuality and Identity Instruction*. This policy has been presented to the full Board of Trustees for a first reading and has been updated to align with the revised definition of human sexuality and identity instruction outlined in House Bill 471. The policy also clarifies parents' or guardians' rights regarding consent, including the opt-out provision for human sexuality instruction, the opt-in provision for identity instruction, and the associated notice requirements. The Policy Committee determined that *Policy 2016 Human Sexuality and Identity Instruction* would go before the full Board of Trustees for action.

C. Policy 2100: Recognition of Native American Cultural Heritage

The Policy Committee reviewed and discussed *Policy 2100: Recognition of Native American Cultural Heritage*. This policy has been presented to the full Board of Trustees for a first reading. It emphasizes that schools located in close proximity to Montana Tribes will work in consultation with Tribal partners when providing instruction and implementing educational goals that include Native American cultural heritage. The Policy Committee determined that *Policy 2100: Recognition of Native American Cultural Heritage* would go before the full Board of Trustees for action.

D. Policy 2140: Suicide Awareness and Prevention Training

The Policy Committee reviewed and discussed *Policy 2140: Suicide Awareness and Prevention Training*. This policy has been presented to the full Board of Trustees for a first reading and has been updated to reflect employee training timeline requirements, as well as to clarify how training may be delivered in accordance with Senate Bill 369. The Policy Committee determined that *Policy 2140: Suicide Awareness and Prevention Training* would go before the full Board of Trustees for action.

E. Policy 4332: Display of Flags and Banners on District Property

The Policy Committee reviewed and discussed *Policy 4332: Display of Flags and Banners on District Property*. This policy has been before the full Board of Trustees for a first reading. This is a new policy created to align with House Bill 819 regarding the specific flags and banners that can be displayed on district or school property. This does not apply to personal clothing, jewelry or accessories worn by school employees except where uniform policies or official dress codes apply. The Policy Committee Determined that *Policy 4332: Display of Flags and Banners on District Property* would go before the full Board of Trustees for action.

VI. POLICIES RETURNING TO COMMITTEE FOR SECOND READING

A. Policy 3097: Use of Video Monitoring Cameras

The Policy Committee reviewed and discussed *Policy 3097: Use of Video Monitoring Cameras*. This policy has been updated to align with parental rights under House Bill 32, allowing video monitoring during events open to the public. At the last Policy Committee meeting, clarifying language was added to specify that no staff member or volunteer may make an audio or video recording of a student without parental permission. The Policy Committee determined that *Policy 3097: Use of Video Monitoring Cameras* would go before the full Board of Trustees for information.

B. Policy 2165: Early Literacy Targeted Intervention

The Policy Committee reviewed and discussed *Policy 2165: Early Literacy Targeted Intervention*. This policy has been updated to reflect current legislation, including the removal of lines 33 through 35, clarifying the definition of scholastic literacy and incorporating math into early targeted intervention programs. The Policy Committee

determined that *Policy 2165: Early Literacy Targeted Intervention* would go before the full Board of Trustees for information.

C. Policy 1020: School Board Elections

The Policy Committee reviewed and discussed *Policy 1020: School Board Elections*. This policy has been updated to reflect the changes to candidate filing deadlines and withdrawal under House Bill 406. There is also a requirement that school elections must be called at least 145 days before a regular election, but can be amended until 70 days prior to the election. There is an allowance for a period of 70 days to call a special election. Ballot certification must occur not less than 40 days before the election. The Policy Committee determined that *Policy 1020: School Board Elections* would go before the full Board of Trustees for information.

VII. PRESENTATION OF POLICIES FOR FIRST READING

A. Policy 2103: Religion and Religious Activities

The Policy Committee reviewed and discussed *Policy 2103: Religion and Religious Activities*. This policy has been updated to reflect changes to House Bill 343, which now requires—rather than simply permits—the district to release a student at the parent’s request (at least annually) for not less than one hour per week for formal religious instruction. Notable updates include the removal of the words “the Bible or other” on line 27 and the addition of language regarding release time for religious instruction on lines 48 through 55. The Policy Committee determined that *Policy 2103: Religion and Religious Activities* would go before the full Board of Trustees for information.

B. Policy 3000: Equal Educational Opportunities

The Policy Committee reviewed and discussed *Policy 3000: Equal Educational Opportunities*. The policy changes reflect Senate Bill 350 that permits schools districts and MHSA to prohibit participation of a home school student in extracurricular activities based upon the student either not being a US citizen or a resident of the state of Montana. The Policy Committee determined that *Policy 3000: Equal Educational Opportunities* would go before the full Board of Trustees for information.

C. Policy 3410: Student Health/Physical Screenings/Examinations

The Policy Committee reviewed and discussed *Policy 3410: Student Health/Physical Screenings/Examinations*. House Bill 599 requires that a district provide parents with notice of the right to opt out of physical or mental health screenings or surveys and to be notified of the results of any such screenings. The policy has been updated to align with this requirement. The Policy Committee determined that *Policy 3410: Student Health/Physical Screenings/Examinations* would go before the full Board of Trustees for information.

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

The Policy Committee reviewed and discussed *Policy 4030: Cooperative Programs with Other Districts and Public Agencies*. The committee discussed that while the policy encourages cooperative programs and multi-district agreements—allowing districts to share funds, resources, and personnel—the language was unclear in certain areas. Questions arose regarding how these agreements intersect with interlocal agreements, dual credit or university partnerships, and sharing of specialized staff, particularly in rural areas. Because of these complexities and the need for clearer language around existing agreements and partnerships, the committee decided to bring the policy back for further review.

E. Policy 5025: Employment and Assignment

The Policy Committee reviewed and discussed *Policy 5025: Employment and Assignment*. Under House Bill 226, state penalties can be issued to employers for failing to comply with federal immigration laws and grants Montana Department of Labor and Industry subpoena power to determine compliance. Language was added to the policy on lines 14 and 15 stating “including, but not limited to verification that the employee is authorized to work in the United States.” The Policy Committee determined that *Policy 5025: Employment and Assignment* would go before the full Board of Trustees for information.

F. Policy 5075: Termination of Employment

The Policy Committee reviewed and discussed *Policy 5075: Termination of Employment*. This policy has been updated with a legal reference to House Bill 602. Under House Bill 602, in the process of nonrenewal of a nontenured teacher, if the recommendation for nonrenewal is for financial reasons, this is to be stated in the Board agenda posted before June 1st that is subject to public comment. The Policy Committee determined that *Policy 5075: Termination of Employment* would go before the full Board of Trustees for information.

VIII. SUPERINTENDENT OR BOARD COMMENTS

There were no further comments.

IX. ADJOURNMENT

Trustee Jennifer Walsh adjourned the meeting at 12:56 p.m.

2 SCHOOL DISTRICT ORGANIZATION

3 School Board Elections

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

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

12 Any person who is a qualified voter of the District is legally qualified to become a trustee. Some
13 persons may be ineligible for board membership by reason of other public offices held or certain
14 types of State or federal employment. A Declaration of intent to be a candidate shall be
15 submitted to the **District Clerk no sooner than 145 days, and no later than 85 days** ~~Election~~
16 ~~Administrator at least forty (40) days~~ before the regular school election day. If there are different
17 terms to be filled, the term for the position for which each candidate is filing must also be
18 indicated.

19 Any person seeking to become a write-in candidate must file a declaration of intent on the **65th**
20 ~~26th~~ day before the election. If the number of candidates filing for vacant positions or filing a
21 declaration of intent to be a write-in candidate is equal to or less than the number of positions to
22 be elected, the Trustees may give notice that a Trustee election will not be held. Notice of the
23 cancellation must be given no later than 30 days before the election date. If the election is not
24 held, the trustees shall declare the candidates elected by acclamation and issue of “certificate of
25 election” to each candidate.

26 A candidate intending to withdraw from the election shall send a statement of withdrawal to the
27 Clerk of the District containing all information necessary to identify the candidate and the
28 office for which the candidate filed. The statement of withdrawal must be acknowledged by the
29 Clerk of the District. A candidate may not withdraw after 5:00p.m. **on the 85th day before the**
30 **election.** ~~the day before the election ballot certification deadline in 20-20-401. MCA.~~

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

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

37 Legal References:

- 38
- 39 § 13-1-101 Definitions
- 40 § 13-10-211, MCA Declaration of intent for write-in candidates

- 41 § 15-10-425, MCA Mill levy election (*Revised by House Bill 543*)
 42 § 20-3-304, MCA Annual election
 43 § 20-3-305, MCA Candidate qualification, ~~nomination~~ filing deadline, and withdrawal
 44 § 20-3-313, MCA Election by acclamation – notice
 45 § 20-3-322, MCA Meetings and quorum
 46 § 20-3-324(4),MCA Powers and duties
 47 § 20-3-344, MCA Nomination of candidates by petition in first-class elementary district
 48 § 20-9-353, MCA Additional financing for general fund election for authorization to
 49 impose
 50 § 20-9-426, MCA Preparation and form of ballots for bond election (*Revised by House*
 51 *Bill 543*)
 52 § 20-20-105, MCA Regular school election and special school elections
 53 § 20-20-204, MCA Election Notice
 54 § 20-20-301, MCA Qualifications of elector
 55 ~~§ 13-1-101, MCA Definitions (*Revised by Senate Bill 15*)~~
 56 **Senate Bill 15 Revises election laws related to accessibility for disabled electors**
 57

58 Cross References:

59
 60 Policy History:

- 61 Adopted on: 2.8.2011
 62 Revised on: 7.12.2016, 3.8.2022, 10.10.2023
 63

2 STUDENT INSTRUCTION

3 Religion and Religious Activities

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

7 *Student Prayer and Discussion*

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

13 *Staff Members*

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

17 *Assemblies, Extracurricular and Athletic Events*

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

23 *Student Religious Expression and Assignments*

24 Students may express their individual religious beliefs in reports, tests, homework, and projects.
25 Staff members should judge their work by ordinary academic standards, including substance,
26 relevance, appearance, composition, and grammar. Student religious expression should neither be
27 favored nor penalized. A student may read ~~the Bible or other~~ religious material during free
28 reading time or when self-selected and consistent with a classroom or course requirements.

29 *Graduation Ceremonies*

30 In order to assure the appropriateness and dignity of the occasion, the District sponsors and pays
31 for graduation ceremonies and retains ultimate control over their structure and content. District
32 officials may not invite or permit members of the clergy to give prayers at graduation.
33 Furthermore, District officials may not organize or agree to requests for prayer by other persons
34 at graduation, including requests from students. The District may not prefer the beliefs of some

35 students over the beliefs of others, coerce dissenters or nonbelievers, or communicate any
36 endorsement of religion.

37 *Religion in the Curriculum*

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

42 School programs, performances, and celebrations must serve an educational purpose. The
43 inclusion of religious music, symbols, art, or writings is permitted, if the religious content has a
44 historical or independent educational purpose which contributes to the objectives of the approved
45 curriculum. School programs, performances, and celebrations cannot promote, encourage,
46 discourage, persuade, dissuade, or discriminate against a religion or religious activity and cannot
47 be oriented to religion or a religious holiday.

48 **Release time for Religious Instruction**

49 **The District shall provide religious instruction release time under which a student may be**
50 **released for one (1) hour per week. Provided that:**

- 51 • **Parental request is provided, in writing, for release time. This request will be**
52 **renewed annually, or at a quarter, semester, etc., as students change their school**
53 **class schedule.**
- 54 • **The release time is for formal instruction and not for church social activities such as**
55 **ski trips, campouts, etc.**

56

57 *Student Religious Clubs*

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

60 *Distribution of Religious Literature*

61 Students may distribute religious literature to their classmates, subject to the same
62 constitutionally acceptable restrictions the District imposes on distribution of other non-school
63 literature. Outsiders may not distribute religious or other literature to students on school property,
64 consistent with and pursuant to the District policy on solicitations.

65 *Religious Holidays*

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

69

70 Legal Reference: [Kennedy v. Bremerton Sch. Dist., 142 S. Ct. 2407 \(2022\)](#)
71 [Art. II, Sec. 5, Montana Constitution - Freedom of religion](#)
72 [§ 20-7-112, MCA Sectarian publications prohibited, religious materials](#)
73 [allowed, prayer permitted \(revised by House Bills 744, 745\)](#)
74 [**§ 20-1-308, MCA Religious instruction released time program**](#)
75

76 Cross Reference: Policy 2085 Graduation Requirements
77 Policy 2090 Credit Transfer and Assessment for Placement
78

79 Policy History:
80 Adopted on: 2.12.2013
81 Revised on: 1.9.2024
82 Reviewed on:

2

3 **INSTRUCTION**

4

5 Early Literacy Targeted Intervention Programs

6

7 The Board seeks to collaborate with the Board of Public Education and the Office of
8 Public Instruction to provide parents with voluntary early scholastic literacy targeted
9 interventions for their children.

10

11 Scholastic literacy means a comprehensive competency in a variety of academic standards and
12 developmental domains necessary to prepare a child to be successful in the child’s primary,
13 secondary, and postsecondary pursuits. The academic standards include English language arts,
14 literacy, mathematics and numeracy.

15

16 Program goals include:

- 17 1. Increasing the number of children who are reading and math proficient at the end of 3rd
- 18 grade,
- 19 2. Helping children develop their full educational potential pursuant to Article X, Section
- 20 (1)(1) of the Montana Constitution, and
- 21 3. Fostering a strong economic return for the state on early scholastic literacy investment
- 22 through enhancing Montana’s skilled workforce and decreasing future reliance on
- 23 social programs and the criminal justice systems.

24

25 A child is eligible for an Early Scholastic Literacy Targeted Intervention Program if, based
26 upon an assessment administered at the request of and with the consent of the child’s parent
27 or guardian, the child is evaluated to be below trajectory for 3rd grade reading or math
28 proficiency for the child’s age or grade level for the subsequent school year. A child’s
29 eligibility must be reevaluated using the evaluation methodology at least annually. The
30 assessment used shall be in accordance with the methodology approved by the Board of
31 Public Education.

32

~~33 The Board may opt to enroll on target students into the classroom or jumpstart
34 targeted intervention program and may admit one on target child for every five
35 eligible children enrolled in the classroom or jumpstart targeted intervention program.~~

36

37 The Board has determined it will offer the following Early Scholastic Literacy
38 Targeted Intervention Program(s) for an eligible child:

39

40 A full-time based program for eligible children who are four (4) years of age or older on or
41 before September 10 of the year in which the children are to participate in the program and
42 are not entering and have not completed kindergarten. ~~A parent/guardian may enroll an~~
43 ~~eligible child in full-time classroom-based program on a part-time basis.~~ The classroom
44 based program must align with developmentally appropriate early education learning
45 standards determined by the Board of Public Education.

46

47 A jumpstart program for eligible children who are aged five years of age or older on or
48 before September 10 of the year in which the children are to participate in the program and
49 who have not yet completed 3rd grade. The jumpstart program shall occur during the time
50 between the end of one school calendar year and the start of the next school calendar year as
51 determined by the Board preceding a child’s entry into kindergarten, 1st grade, 2nd grade, or
52 3rd grade. The jumpstart program shall be at least 4 weeks in duration and provide at least 120
53 instructional hours and be aligned to the framework determined by the Board of Public
54 Education. The jumpstart program shall be designed in a manner to increase the likelihood of
55 a child being evaluated at the end of the ensuring school year to be at or above a trajectory
56 leading to reading and math proficiency at the end of 3rd grade.

57
58 Cross Reference: 3110 Entrance, Transfer, and Placement
59 Legal Reference: § 20-7-1801, *et seq*, MCA Early Literacy Targeted Interventions
60 Title 10, Chapter 63, ARM Early Childhood Education Standard
61 (Eff. July 1, 2025)
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63 Policy History:
64 Adopted on: 05.14.2024
65 Reviewed on:
66 Revised on:
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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.

Students in private or home school have the right to participate in extracurricular activities in public schools. The District will not restrict extracurricular participation of students in private school or home school based on their enrollment at the public school except as permitted by law. Students in a private or home school seeking to participate in an extracurricular activity shall be required to provide proof of identity and residency to participate.

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.

The District will not deny or allow educational opportunity based on vaccine status, except those vaccines required by law.

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

51	34 CFR 104.7	Nondiscrimination on the Basis of Handicap in
52		Programs or Activities Receiving Federal
53		Financial Assistance
54	34 CFR Part 106	Nondiscrimination on the Basis of Sex in
55		Education
56	10.55.701, ARM	Board of Trustees
57	<u>§ 20-5-112, MCA</u>	<u>Participation in extracurricular activities</u>
58		<u>(revised by Senate Bill 350)</u>
59	<u>§ 20-5-109, MCA</u>	<u>Nonpublic school requirements for</u>
60		<u>compulsory enrollment exemption</u>
61	<u>§ 49-2-312, MCA</u>	<u>Discrimination based on vaccination</u>
62		<u>status or possession of immunity passport</u>
63		<u>prohibited</u>
64		
65		
66	Cross References: <u>Board Policy 3010</u>	<u>School Admissions: Entrance, Placement</u>
67		<u>and Transfer</u>
68	<u>Board Policy 3005</u>	<u>Bullying Intimidation Harassment &</u>
69		<u>Hazing Prevention and Reporting</u>
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71	<u>Policy History:</u>	
72	Adopted on:	2.10.2015
73	Revised on:	2.09.2021
74	Reviewed on:	1.7.2025

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3 **STUDENTS**

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5 Student Health/Physical Screenings/Examinations

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7 Health services to be provided to all students may take place annually. Such services
8 may include but are not limited to:

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- 10 1. Development of procedures at each building for isolation and temporary care of
- 11 students who become ill during the school day;
- 12 2. Consulting services of a qualified specialist for staff, students, and parents;
- 13 3. Vision and hearing screening;
- 14 4. Dental screening;
- 15 5. Immunization as provided by the Department of Public Health and Human
- 16 Services.

17

18 ~~Parents will be notified of the specific or approximate dates during the school year~~
 19 ~~when standard screenings administered by the District will be conducted. Standard~~
 20 ~~screenings are not necessary to protect the immediate health and safety of the student~~
 21 ~~or other students and are noted in the Student / Parent Handbook. Parents will receive~~
 22 ~~written notice of any screening result which indicates a condition that might interfere or~~
 23 ~~tend to interfere with a student’s progress. Parents or eligible students will be given the~~
 24 ~~opportunity to opt out of the above described screenings.~~

25

26 Physical Examinations

27

28 **Parents will receive written notice of any physical or mental health screening**
29 **result.**

30

31 Parents or eligible students will be given the opportunity to opt out **of physical or**
 29 **mental health screenings.** ~~The District will not conduct physical examinations of a~~
 30 ~~student without parental consent unless ordered by a court to do so or there is a~~
 31 ~~concern for the health or safety of the student or others is in question. **Further,** parents~~
 32 will be notified of the specific or approximate dates during the school year when **a**
 33 **physical or mental health** screening administered by the District will be conducted.

34

35 Students who wish to participate in certain extracurricular activities may be required to
36 submit to a physical examination to verify their ability to participate in the activity.

37

38 All parents will be notified of requirements of the District’s policy on physical
39 examinations and screening of students, at least annually at the beginning of the school
40 year and within a reasonable period of time after any substantive change in the policy.

41

42

43 Legal References:

43 § 20-3-324(20), MCA Powers and duties

44 § 40-6-701, MCA Interference with Fundamental Parental Rights Restricted – Cause of
45 Action

45 20 U.S.C. §1232h(b) - General Provisions Concerning Education

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47

48 Policy History:

49 Adopted on: 9.10.2024

50 Revised on:

51 Reviewed on:

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2 PERSONNEL

3 Employment and Assignment

4 Each certificated employee will be employed under a written contract, subject to the terms and
5 conditions of the collective bargaining agreement, District policies and procedures, and state and
6 federal statutes. The Board, after receiving the recommendations of the Superintendent, will
7 determine the non-renewal or termination of certified and classified staff, in conformity with
8 state statutes, applicable District policies and procedures, and collective bargaining agreements.

9 Classified employees whose positions are covered by a collective bargaining agreement will be
10 employed subject to the terms and conditions of the collective bargaining agreement, District
11 policies and procedures, and state and federal statutes. Classified employees whose positions are
12 not covered by a collective bargaining agreement will be subject to a one-year probationary
13 period. Their employment is governed by District policies and procedures, and state and federal
14 statutes, **including, but not limited to verification that the employee is authorized to work in**
15 **the United States.** The District reserves the right to change employment conditions affecting an
16 employee’s duties, assignment, and/or supervisor, subject to collective bargaining language.

17 *Assignment, Reassignment and Transfer*

18 The Superintendent may assign, reassign, and/or transfer positions and duties of all staff, subject
19 to any provisions contained in the collective bargaining agreements, District policies and
20 procedures and state and federal statutes. Nothing in this policy prevents reassignment of a staff
21 member during a school year.

22	Legal References:	§ 39-2-904, MCA	Elements of wrongful discharge
23		§ 39-2-912, MCA	Exemptions (wrongful discharge)
24		10.57.601a, ARM	Definition of Immoral Conduct
25		<i>House Bill 226</i>	<u>Legal Employment and Government</u>
26			<u>Accountability Law</u>
27			

28 Cross Reference: **Policy 5122** **Criminal Background Investigation**

29 Policy History:

30 Adopted on: 8.13.2013

31 Revised on: 6.11.2019

2 PERSONNEL

3 Termination of Employment

4
5 *Dismissal and Non-renewal*

6
7 The Board, after receiving the recommendations of the Superintendent, will determine the non-
8 renewal or termination of certified and classified staff, in conformity with state statutes and
9 applicable District policies.

10
11 *Resignation*

12
13 Certified and classified personnel will generally be expected to fulfill the terms of their contracts,
14 unless clearly compelling, mitigating circumstances prevent the individual from doing so. The
15 Superintendent is authorized to accept the resignation of an individual employee and must report
16 such resignation to the Board at the next regularly scheduled meeting. A certified employee who
17 resigns after signing a contract with the District may face disciplinary action related to the
18 employee's certificate.

19
20 *Reduction in Force*

21
22 The Board has exclusive authority to determine the appropriate number of employees. A
23 reduction in employees may occur as a result of, but not be limited to, changes in the education
24 program, staff realignment, changes in the size or nature of the student population, financial
25 considerations, or other reasons deemed relevant by the Board.

26
27 The Board will consider in no particular order all or some of the following criteria in determining
28 order of dismissal when it reduces staff;

- 29
30
- 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.
- 31
32
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34
35
36
37
38

39 For any employees covered by a collective bargaining agreement the Board will follow the
40 procedure stated in the current CBA when considering a reduction in force.

41 *Payment of Wages Upon Termination*

42
43 When a District employee quits, is laid off, or is terminated, wages owed will be paid on the next
44 regular pay day for the pay period in which the employee left employment or within fifteen (15)
45 days, whichever occurs first. In the case of an employee terminated for allegations of theft
46 connected to the employee’s work, the District may withhold the value of the theft, provided the
47 employee agrees in writing to the withholding or charges have been filed with law enforcement
48 within (7) business days of separation. If no charges are filed against the employee within thirty
49 (30) days of the filing of the report with law enforcement, wages are due upon the expiration of
50 the thirty (30) day period.

51
52 Legal References: § 20-4-204, MCA Termination of tenure teacher services
53 § 20-4-206, MCA Notification of non-tenure teacher re-election –
54 acceptance – termination
55 §20-4-207, MCA Dismissal of a teacher under contract
56 §10.55.701, ARM Board of Trustees
57 §10.57.611, ARM Substantial Material Non-Performance
58 *Booth v. Argenbright*, 225 M 272, 731 P.2d 1318, 44 St. Rep. 227 (1987)
59 **House Bill 602** **Require school district personnel to inform board**
60 **of trustees of reductions in force**
61
62

63 Cross References: Helena Public Schools Employee Handbook
64 Helena Public Schools Administrators’ Handbook
65

Policy History:

Adopted on: 8.13.2013
Revised on: 9.12.2023
Reviewed on:

66

2
3
4 STUDENTS

5
6 **Use of Video Monitoring Cameras Policy**

7
8 The Board recognizes the need to provide a safe learning environment for students and
9 staff. Therefore, the Board authorizes the use of video cameras on District property to assist in
10 ensuring the health, welfare, and safety of all staff, students, and visitors to District property and
11 to safeguard District buildings, grounds, and equipment.

12
13 Video cameras will also be used to assist in ensuring that behavior on school property is
14 consistent with the established safety and conduct rules, policies and procedures. If unacceptable
15 behavior is observed and/or reported, timely and appropriate corrective action will occur.

16
17 The Superintendent or designee is responsible for the implementation of safety and security
18 measures at each building and the proper use of video monitoring systems. Cameras will be
19 utilized to monitor activity in common areas such as hallways and parking lots. Only employees
20 authorized by the Superintendent may use and/or monitor the video surveillance system.

21
22 Signs shall be posted at various locations to inform students, staff and the public
23 that video monitoring cameras are in use. The video monitoring of school buildings and grounds
24 will not include audio recordings unless specific notice is given as required by law.

25
26 No staff member **or volunteer** may **make an use audio or video recording of a student**
27 **surveillance in a classroom** without permission of the parent, **except for when the event is open**
28 **to the public. Events open to the public, include but are not limited to public performances,**
29 **and athletic competitions, or any rehearsals or practices open to the public, without**
30 **parental permission.**

31
32 To protect the privacy rights of staff, students, and visitors all state and federal statutes will be
33 followed.

34
35 ~~**The District may video record events open to the public, including but not limited to public**~~
36 ~~**performances, athletic competitions, or any rehearsals or practices open to the public,**~~
37 ~~**without parental permission.**~~

38
39 ~~Signs shall be posted at various locations to inform students, staff and the public~~
40 ~~that video monitoring cameras are in use. The video monitoring of school buildings and grounds~~
41 ~~will not include audio recordings unless specific notice is given as required by law.—~~

42
43
44 Cross References:

45
46 Legal Reference: §45-8-213, MCA Privacy in Communications

47 §40-6-701, MCA Interference with fundamental rights of
48 parents restricted (*revised by House Bill 32*)
49
50
51 Policy History:
52 Adopted on: 9.11.2012
53 Revised on: 10.10.2023

1 **Helena Public Schools**

2

3 **SCHOOL / COMMUNITY RELATIONS**

4332

4

5 Display of Flags and Banners on District Property

6 The District permits only the following flags and banners to be displayed on district or school
7 property:

- 8 • The U.S. flag
- 9 • The official flag of the state of Montana or any county, municipality, special district, or
10 other political subdivision within the State
- 11 • The official flag of a school district, public university, or community college
- 12 • The official flag of any state in the U.S.
- 13 • The official flag of any federally recognized tribal nation
- 14 • The official flag of any federally recognized foreign nation
- 15 • The official flag of any branches and units of the U.S. military
- 16 • Official historical flags of the U.S. and the state of Montana, including but not limited to
17 the Betsy Ross flag, Gadsen flag, or other flags of historical significance
- 18 • The POW/MIA flag
- 19 • Flags or banners representing official school mascots and colors
- 20 • Official law enforcement flags, including but not limited to flags honoring law
21 enforcement officers and fallen officers

22 **This does not apply to personal clothing, jewelry, or accessories worn by District**
23 **employees.**

24

25 Legal Reference: *House Bill 819*

26

27 Policy History:

28 Adopted on:

29 Reviewed on:

30 Revised on:

31

1 **Helena School District**

2
3 INSTRUCTION

2020

4
5
6 Student and Family Privacy Rights

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

11
12 **Except for information that is necessary and essential for establishing a student’s education**
13 **record or for a demographic survey to validate an achievement test used to gain admission**
14 **to a postsecondary institution, a parent has the right to:**

- 15
16 • **Opt a child out of any personal analysis, evaluation, survey, or data collection by the**
17 **District that does not require the student’s personally identifiable information; or**
18 • **Opt a child into any personal analysis, evaluation, survey, or data collection by the**
19 **District that requires the student’s personally identifiable information.**

20
21
22 *Surveys - General*

23
24 All surveys requesting personal information from students, as well as any other instrument used
25 to collect personal information from students, must advance or relate to the District’s educational
26 objectives as identified in Board policy. This applies to all surveys, regardless of whether the
27 student answering the questions can be identified and regardless of who created the survey.

28
29 *Surveys Created by a Third Party*

30
31 Before the District administers or distributes a survey created by a third party to a student, the
32 student’s parent(s)/guardian(s) may inspect the survey upon request and within a reasonable time
33 of their request. This section applies to every survey that is created by a person or entity other
34 than a District official, staff member, or student, regardless of whether the student answering the
35 questions can be identified, and regardless of the subject matter of the questions.

36
37 *Surveys Requesting Personal Information*

38
39 School officials and staff members shall not request, nor disclose, the identity of any student who
40 completes ANY survey containing one (1) or more of the following items:

- 41
42 1. Political affiliations or beliefs of the student or the student’s parent/guardian;
43 2. Mental or psychological problems of the student or the student’s family;
44 3. Behavior or attitudes about sex;
45 4. Illegal, antisocial, self-incriminating, or demeaning behavior;
46 5. Critical appraisals of other individuals with whom students have close family
47 relationships;

- 48 6. Legally recognized privileged or analogous relationships, such as those with lawyers,
49 physicians, and ministers;
50 7. Religious practices, affiliations, or beliefs of the student or the student’s parent/guardian;
51 8. Income (other than that required by law to determine eligibility for participation in a
52 program or for receiving financial assistance under such program).
53

54 The student’s parent(s)/guardian(s) may inspect the survey within a reasonable time of the
55 request, and/or refuse to allow their child to participate in any survey requesting personal
56 information. The school shall not penalize any student whose parent(s)/guardian(s) exercise this
57 option.
58

59 ~~No student shall be required to submit to any survey requesting personal information without
60 consent of the parent/guardian. Parent(s)/guardian(s) will be given notice and an opportunity to
61 opt their child out of participation of any survey requesting personal information that is not
62 required by the District.~~
63

64 ***Instructional Material***

65

66 A student’s parent(s)/guardian(s) may, within a reasonable time of the request, inspect any
67 instructional material used as part of their child’s educational curriculum. The term
68 “instructional material,” for purposes of this policy, means instructional content that is provided
69 to a student, regardless of its format, printed or representational materials, audio-visual materials,
70 and materials in electronic or digital formats (such as materials accessible through the Internet).
71 The term does not include academic tests or academic assessments.
72

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

74

75 The term “personal information,” for purposes of this section only, means individually
76 identifiable information including: (1) a student’s or parent’s/guardian’s first and last name, (2) a
77 home or other physical address (including street name and the name of the city or town), (3)
78 telephone number, or (4) a Social Security identification number.
79

80 The District will not collect, disclose, or use student personal information for the purpose of
81 marketing or selling that information or otherwise providing that information to others for that
82 purpose.
83

84 The District, however, is not prohibited from collecting, disclosing, or using personal
85 information collected from students for the exclusive purpose of developing, evaluating, or
86 providing educational products or services for, or to, students or educational institutions such as
87 the following:
88

- 89 1. College or other post-secondary education recruitment or military recruitment;
90 2. Book clubs, magazines, and programs providing access to low-cost literary products;
91 3. Curriculum and instructional materials used by elementary schools and secondary
92 schools;

- 93 4. Tests and assessments to provide cognitive, evaluative, diagnostic, clinical, aptitude, or
94 achievement information about students (or to generate other statistically useful data for
95 the purpose of securing such tests and assessments) and the subsequent analysis and
96 public release of the aggregate data from such tests and assessments;
97 5. The sale by students of products or services to raise funds for school-related or education-
98 related activities;
99 6. Student recognition programs.

100
101
102
103

Notification of Rights and Procedures

104 The Superintendent or designee shall notify students' parent(s)/guardian(s) of this policy as well
105 as its availability from the administration office upon request; how to opt their child out of
106 participation in activities as provided in this policy; the approximate dates during the school year
107 when a survey requesting personal information, as described above, is scheduled or expected to
108 be scheduled; and how to request access to any survey or other material described in this policy.
109

110 This notification shall be given parent(s)/guardian(s) at least annually at the beginning of the
111 school year and within a reasonable period after any substantive change in this policy.

112
113
114
115

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

116 Cross Reference: **2060** **Instructional Materials**
117 4040 **School, Student, Parent, Family and Community**
118 **Engagement in Education**
119 **3410** **Student Health Physical Screenings**
120 **Examinations**

121
122 Legal Reference: 20 U.S.C. 1232h Protection of Pupil Rights
123 § 40-6-701, MCA Interference with Fundamental Parental Rights
124 Restricted (*revised by House Bill 676*)
125

Policy History:

127 Adopted on: 5.8.2012
128 Reviewed on: 10.10.2023
129 Revised on:
130
131

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

19
20 **Students with disabilities who qualify for special education services may be eligible to continue**
21 **enrollment in the District until they reach 22 years of age, unless the student has received a**
22 **regular high school diploma.**

23
24 The ~~trustees~~ **Board** shall assign and admit a student who is enrolled in a nonpublic or home school
25 and who meets the age and residency requirements on a part-time basis at the request of the student’s
26 parents or guardian.

27
28 *Enrolling Students Under the age of 5 Before September 10 for Exceptional Circumstances*

29
30 It is the policy of the District to provide enhanced educational opportunities to students under the age
31 of five (5) when individual exceptional circumstances exist.

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

38
39 The administration shall present the information to the Board for approval. In presenting the
40 information to the Board, the administration shall remove all identifying information in order to
41 protect the privacy rights of the student under state and federal law. The Board shall make the final
42 decision on the enrollment of students ~~under the District’s exceptional circumstances~~ **in accordance**
43 **with this** policy.

44
45 The administration shall include children enrolled pursuant to this policy in the District’s calculation
46 of average number belonging (ANB) as reported to OPI to the extent allowed by law.

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

- 51
- 52 1 A child at least 3 years of age with a disability qualifying the child for services under the
53 federal Individuals with Disabilities Education Act.
 - 54 2 A child who is 4 years of age or older on or before September 10 of the school year in which
55 enrollment is to occur who meets one or more of the following:
 - 56 a. Meets the income eligibility guidelines for free or reduced priced meals under the
57 National School Lunch Program;
 - 58 **b. Is being admitted into an early targeted intervention program;**
 - 59 c. Is Limited English Proficient within the meaning of Title III of the federal
60 Elementary and Secondary Education Act;
 - 61 d. Is Gifted and Talented within the meaning of that term as used in 20-7-901 MCA;
 - 62 e. Is an enrolled member of a federally recognized American Indian Tribe;
 - 63 f. Is homeless as defined in 42 U.S. Code § 11302, or as determined by the
64 administration, exhibits other characteristics or lives in circumstances that are
65 uncommon, unusual, atypical, rare or otherwise distinguished from ordinary or
66 typical which place the child at risk of failing to achieve at adequate levels,
 - 67 g. Is an at-risk student as defined in Section 20-1-101(4). MCA;
 - 68 h. Child’s status as a member of a military family with prior enrollment.
- 69

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

72
73 *Entrance – Identity and Immunization*

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

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

84
85 **Students must also provide ~~additional student records including~~ original immunization records or
86 exemption as required by Montana State Law within 30 days.**

87
88 A student who transfers from one school district to another may photocopy immunization records in
89 the possession of the school of origin. The District shall accept the photocopy as evidence of
90 immunization. When a student enrolls in the Helena School District the school the student left must
91 send the original immunization records within thirty (30) days after the student has transferred out.

92

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

98
99 *Placement*

100
101 The goal of the District shall be to place students at levels and in settings that will enhance the
102 probability of student success. Developmental testing, together with other relevant criteria,
103 including but not limited to, health, maturity, emotional stability, and developmental disabilities,
104 may be considered in the placement of all students. Final disposition of all placement decisions rests
105 with the Principal subject to review by the Superintendent.

106
107 If a student is assigned to a school in the District outside of the adopted school boundaries applicable
108 to that student, this decision is subject to the District's Uniform Grievance Procedure. Upon
109 completion of these procedures, the Board's decision regarding the assignment is final.

110
111 *Children of Relocated Military Families*

112
113 The Board shall assign and admit a child whose parent or guardian is being relocated to Montana
114 under military orders to a school in the district and allow the child to preliminarily enroll in classes
115 and apply for programs offered by the District prior to arrival and establishing residency. The
116 student may attend classes during preliminary enrollment and may receive offsite instruction if not
117 present in the District.

118
119 *Transfer Students*

120
121 Resident students seeking to transfer to a District school will be admitted and placed pursuant to the
122 terms of this policy. The District will request the student's records from the prior school district
123 prior to making any final decision on placement.

124
125 Elementary students shall be placed at their current grade level on a probationary basis for a period
126 of two weeks. Should any doubt exist with the teacher and/or principal as to grade and level
127 placement of the student, the student shall be subject to an educational assessment to determine
128 appropriate grade and level placement.

129
130 High school students shall be placed according to the number of credits earned in their previous
131 accredited school districts, subject to Montana Accreditation Rules and Standards and local alternate
132 procedures for earning credit.

133
134
135 Cross References: [Policy 1085](#) [Uniform Grievance Policy](#)
136 [Policy 2165](#) [Early Literacy Targeted Intervention](#)
137 [Policy 2090](#) [Credit Transfer Assessment for Placement](#)
138 [Policy](#)
139 [Policy 3020](#) [Education of Homeless Youth](#)

140	Policy 3023	Education of Children in Foster Care	
141	Policy 3155	Part-time Attendance	
142			
143	Legal References:	§ 1-1-215, MCA	Residence -- rules for determining.
144		§ 20-5-101, MCA	Admittance of child to school (revised by
145			House Bill 946)
146		§ 20-5-403, MCA	Immunization requirements
147		§ 20-5-404, MCA	Conditional attendance
148		§ 20-5-405, MCA	Medical or religious exemption
149		§ 20-5-406, MCA	Immunization record
150		§ 20-5-502, MCA	Enrollment by caretaker relative -- residency
151			-- affidavit
152		§ 20-7-117, MCA	Kindergarten and preschool programs
153		§ 20-7-1801, et seq, MCA	Early Literacy Targeted Interventions
154		§ 44-2-511, MCA	School enrollment procedures for missing
155			children
156		10.55.701, ARM	Board of Trustees
157		10.55.906, ARM	High School Credit
158		10.16.3122, ARM	Local Education Agency Responsibility for
159			Students with Disabilities
160		Individual with Disabilities Act	Federal Rehabilitation Act 1973
161		National School Lunch Act (Public Law 396, 79th-congress, chapter 281,	
162		2nd-session)	
163		Title III, ESEA (English Language Acquisition, Language Enhancement	
164		and Academic Achievement Act	
165		McKinney Vento Homeless Assistance Act of 1987 (Pub. L. 100-77, July	
166		22, 1987, 101 Stat. 482, U.S.C. §11301 et seq)	
167		House Bill 352	Targeted Interventions to Support 3rd-Grade
168			Reading Proficiency
169			
170			
171	<u>Policy History:</u>		
172	Adopted on:	2.12.2013	
173	Revised on:	10.8.2013, 12.10.2019, 10.11.2022, 6.13.2023,	
174		2.13.2024	
175			

2
3 **STUDENTS**

4
5 Nonresident Student Enrollment

6
7 For the purposes of this policy, except as provided in Section 20-9-707, MCA, a student’s district
8 of residence must be determined on the basis of the provisions of Section 1-1-215, MCA.

9
10 Mandatory Nonresident Enrollment for Extenuating Circumstances

11
12 The District shall enroll a student who resides outside of the District whenever the extenuating
13 circumstances listed in Section 20-5-321, MCA exist.

14
15 Nonresident Enrollment with No Extenuating Circumstances

16
17 Beginning with enrollment for the 2024-2025 school year, whenever the extenuating
18 circumstances listed in Section 20-5-321, MCA do not exist and mandatory enrollment of a
19 student who resides outside the District is not required, the District may enroll the nonresident
20 student at the request of the student’s parent(s)/guardian(s) as specified in this policy.

21
22 The District shall serve children who are residents of the district and nonresident children
23 seeking mandatory enrollment for extenuating circumstances prior to enrolling nonresident
24 students seeking to apply when extenuating circumstances do not exist.

25
26 Applications for enrollment of out-of-district students must be submitted to the District for
27 consideration for enrollment for the fall semester in the subsequent school year no later than June
28 1; an out-of-district student enrolled before the fall semester shall be considered to be enrolled
29 for the entirety of the school year. Applications for enrollment of out-of-district students must be
30 submitted to the District for consideration for enrollment for the spring semester in the
31 subsequent school year by November 15. All applications shall be submitted using the form [K-
32 12 Student Out-of-District Transfer Request Form and the Student Attendance Agreement](#)
33 [found on the District webpage](#) ~~found at Policy 3141F as developed by the Superintendent of~~
34 ~~Public Instruction~~. For planning purposes, late applications will be accepted only at the
35 Superintendent or designee’s discretion and shall only be considered in extreme and extenuating
36 circumstances.

37
38 **An eligible child who is not a resident of the District may be accepted by the District to**
39 **participate in a jumpstart program without an out-of-district attendance agreement and**
40 **without the payment of tuition.**

41
42 Nonresident students must reapply for admission each school year. Admission in one school
43 year does not infer or guarantee admission in subsequent years. Nonresident students who were
44 accepted prior to the 2024-2025 school year will be grandfathered but must complete Form
45 3141F annually and must remain in good standing.

47 Each application shall be assigned a unique number distinct from a student identification number
48 that does not disclose a student's personally identifiable information consistent with Policy ~~3600-~~
49 **2600, Student & Family Privacy Rights.** Within 10 days of **receipt of** the initial application for
50 an agreement, the District shall notify the parent(s)/~~or~~ guardian(s) of the child and district of
51 residence involved in the out-of-district attendance agreement of the anticipated date for
52 approval or disapproval of the agreement.

53
54 The Board of Trustees (Board) authorizes the Superintendent to review the applications for
55 nonresident enrollment consistent with this policy and Section 20-5-320, MCA. Not more than
56 30 days following the application deadline, the Superintendent shall submit a list of students to
57 the Board of Trustees who applied for enrollment along with recommendations for or against
58 approval for each applicant. The Board of Trustees shall make the decision to approve or deny
59 requests for nonresident enrollment during a meeting of the Board. If individual application
60 review is needed, that review shall be considered during a closed session consistent with Policy
61 1065, **Board Meetings** and after giving prior required notice to the parent(s)/guardian(s) of the
62 anticipated review. Any motion on an application shall be made in open session referring to the
63 distinct application number.

64
65 In reviewing and determining whether to approve an application for attendance by a nonresident
66 child, the Superintendent or designee shall recommend for approval and ~~the Board of Trustees~~
67 shall approve the application unless approval of the application will negatively impact the quality
68 of education for resident pupils by grade level, by school, or in the District in the aggregate in
69 one or more of the following ways:

- 70
71 1. The approval would result in exceeding limits of:
- 72 a. Building construction standards pursuant to Title 50, chapter 60, MCA;
 - 73 ~~b.~~ Capacity and ingress and egress elements, either by individual room or by school
74 building, of any fire code authorized by Title 50, chapter 3; ~~or~~
 - 75 c. Evacuation elements of the district's adopted school safety plan; **or**
 - 76 d. **Maximum student contract hours for a teacher of the class or maximum class**
77 **sizes under accreditation standards of the Board of Public Education.**

78
79 The Board authorizes the Superintendent to coordinate with the local fire marshal, law
80 enforcement, health department, and first responders when developing standards under
81 this Subsection 1. Findings shall be adopted by the Board in the District's Strategic Goals
82 Plan and/or the District's Long Range Facility Plan.

- 83
84 2. The approval would impede meeting goals, standards, or objectives of quality education
85 adopted by the Board in the District's Strategic Goals Plan or plan for continuous
86 improvement required **under the rules adopted by the Board of Public Education.**
- 87
88 3. The approval would risk jeopardizing the educational quality adopted by the Board in the
89 District's Strategic Goals Plan or plan for continuous improvement because the
90 nonresident child who is applying was:
- 91 a) Truant as defined in Section 20-5-106, MCA, in the last school district attended;
 - 92 b) Expelled by another school district at any time; or

- 93 c) Suspended in school or out of school in any another school district in which the
94 nonresident student was enrolled in any of the 3 school fiscal years preceding
95 the school fiscal year for which attendance is requested. This Subsection C does
96 not apply to a student who is eligible for special education or related services.
97

98 Review and consideration of applications and the records of applicants as well as decisions
99 regarding admission cannot be inconsistent with District policies regarding nondiscrimination. In
100 the event the District receives more applications than the District can accommodate, the District
101 shall prioritize applications on the basis of the quality of education for students who are residents
102 of the district of attendance as defined by the District's Strategic Goals Plan. This priority may
103 include applications from students whose parent(s)/guardian(s) are at least .75 FTE employees
104 of the District and employees of the District's contracted transportation and food service
105 provider who are scheduled at least 20 hours per week, as well as students with siblings who are
106 currently enrolled in the District as nonresident students. This priority is specifically established
107 and shall be implemented on a rational basis to provide a quality education to students enrolled
108 in the District. The District may also prioritize applications based on the anticipated obligations
109 of resident taxpayers.
110

111 Within 10 days of approval or disapproval of an application for non-resident enrollment, the
112 District shall provide copies of the approved or disapproved attendance agreement to the
113 parent(s)/or-guardian(s) and to the district of residence. In the case of a disapproval, the District
114 shall provide the specific allowable reason for the disapproval consistent with this policy and
115 supporting documentation.
116

117 For an approved application and out-of-district attendance agreement the District shall provide a
118 copy of the completed agreement to the county superintendent of schools of the county of
119 residence, county superintendent of schools of the county of attendance, and the Superintendent
120 of Public Instruction. Whenever a student enrolls in and attends a school outside of the student's
121 district of residence under the provisions of this policy, by July 15 following the year of
122 attendance, the district of attendance shall notify the district of residence of any financial
123 obligation under Section 20-5-323, MCA.
124

125 If an out-of-district attendance agreement is disapproved or no action is taken, the parent(s)/or
126 guardian(s) may appeal the disapproval or lack of action in accordance with Montana law.
127 ~~Unless otherwise agreed by the district of residence and the district of attendance, the family of a~~
128 ~~nonresident child whose application for attendance has been approved is responsible for~~
129 ~~transportation of the child and the child is not an eligible transportee as defined in Section 20-10-~~
130 ~~101, MCA. The district of attendance may discretionarily provide transportation pursuant to~~
131 ~~Section 20-10-122, MCA.~~
132

133 **An out-of-district student may not be enrolled for remote instruction unless the student is**
134 **physically attending a school or offsite instructional setting pursuant to an out-of-district**
135 **attendance agreement. An out-of-district student may be accepted to participate in a**
136 **remote instruction course without an out-of-district agreement when the student's district**
137 **of residence does not provide remote or in-person instruction in an equivalent course.**
138

139 **The out-of-district attendance agreement shall address any transportation obligations of**
 140 **either the district of attendance or the district of residence required by law.**
 141
 142

143	Reference:	1065	Board Meetings
144		2040	Special Education <u>and Accommodations</u>
145		<u>3000</u>	<u>Equal Educational Opportunities</u>
146		3010	<u>School Admissions:</u> Entrance, Placement, and
147			Transfer
148		3020	Education of Homeless Children
149		3022	Children of Military Families
150		3023	Education of Children in Foster Care
151		3210	Equal Education, Nondiscrimination and Sex Equity
152		3600	Student Records
153		<u>3085</u>	<u>Transfer of Student Records</u>

156	Legal Reference:	§ 1-1-215, MCA	Residence – rules for determining
157		§ 20-5-314, MCA	Reciprocal attendance agreement with adjoining
158			state or province
159		§ 20-5-320, MCA	Out-of-district attendance by parent or guardian
160			request with no extenuating circumstances.
161		§ 20-5-321, MCA	Attendance with mandatory approval – tuition and
162			transportation
163		§ 20-5-322, MCA	Residency determination – notification – appeal for
164			attendance agreement
165		§ 20-5-323, MCA	Tuition and transportation rates
166		§20-5-324, MCA	Tuition payment provisions – state obligations –
167			district obligations – financing -- reporting
168		<u>§20-7-118, MCA</u>	<u>Remote Instruction</u>
169		§20-9-707, MCA	Agreement with Montana youth challenge program
170			or accredited Montana job corps program
171		10.10.301B, ARM	Out-of-District Attendance Agreements
172		10.55.712, ARM	Class Size Elementary
173		10.55.713, ARM	Teacher load and class size – high school, <u>junior</u>
174			<u>high, middle school, and grades 7 and 8 funded</u>
175			<u>at high school rates</u>

178	<u>Policy History:</u>	
179	Adopted on:	04.09.2024
180	Revised on:	
181	Reviewed on:	
182		

2
3 OPERATIONAL SERVICES

4
5 Use of Automated External Defibrillation

6
7 An Automated External Defibrillator (AED) will be available to faculty, staff, and
8 students in case of a sudden cardiac arrest. The District will establish an AED Program
9 in accordance with the standards established by the Montana Department of Public
10 Health and Human Services (Department). The District will comply with all other
11 requirements for AED implementation set forth by the Department.

12
13 As part of the AED program, the District will identify and train AED providers. All
14 AED-certified staff must maintain current certification. Use of the AED will be in
15 accordance with § 50-6-505, MCA **and subject to the following conditions:**

- 16
17 1. **Provide written notice of where the AED is placed (or to be placed) to the**
18 **emergency medical service providing services in the area;**
- 19 2. **Maintain, test, and operate the AED according to the manufacturer’s**
20 **guidelines and maintain written records of all maintenance and testing**
21 **performed on the AED; and**
- 22 3. **Each time an AED is used for an individual in cardiac arrest, require that an**
23 **emergency medical service is summoned to provide assistance as soon as**
24 **possible**

25
26 The District retains the discretion to use reasonable care and judgment in determining the
27 location and number of AED units that may be available at building sites.

28
29 **Liability Limitations**

30
31 **An individual who provides emergency care or treatment by using an AED in**
32 **compliance with this policy and an individual providing cardiopulmonary**
33 **resuscitation to an individual upon whom an AED is or may be used are immune**
34 **from civil liability for a personal injury that results from that care or treatment.**

35
36 **An individual who provides emergency care or treatment by using an AED in**
37 **compliance with this policy and an individual providing cardiopulmonary**
38 **resuscitation to an individual upon whom an AED is or may be used are immune**
39 **from civil liability as a result of any act or failure to act in providing or arranging**
40 **further medical treatment for the individual upon whom the AED was used, unless**
41 **the individual using the AED or the person providing CPR, as applicable, acts with**
42 **gross negligence or with willful or wanton disregard for the care of the person upon**
43 **whom the AED is or may be used.**

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Legal References:	§ 50-6-501, MCA	Definitions
	<u>§ 50-6-502, MCA</u>	<u>AED program – requests for AED use</u>
	<u>§ 50-6-503, MCA</u>	<u>Rulemaking</u>
	<u>§ 50-6-505, MCA</u>	<u>Liability limitations</u>
	37.104.601, ARM, et.al.	Automated External Defibrillators (AED)

Cross References:

Policy History:

Adopted on: 8.11.2015

Revised on:

2
3 NON-INSTRUCTIONAL OPERATIONS

4 Transportation

5
6 Helena School District ~~No. 1~~ may provide school-to-home transportation for eligible students as
7 defined in Section 20-10-101, MCA., and for other qualifying students who reside less than three
8 miles and outside of the established walk zone from the school of attendance as established by
9 the district. District provided transportation may be provided by bus or individual transportation
10 contract at the discretion of the District.

11
12 At the discretion of the District, students not eligible under Section 20-10-101, MCA. may utilize
13 bus transportation when space is available on existing bus routes.

14 The Superintendent shall provide operational procedures for transportation services; including
15 but not limited to inclement weather, student code of conduct on the bus, student safety,
16 eligibility and related transportation items within the Student-Parent handbook which shall be
17 reviewed and updated annually.

18 **Transportation of Students with Disabilities**

19 **Transportation shall be provided as a related service, when a student with a disability**
20 **requires special transportation in order to benefit from special education or to have access**
21 **to an appropriate education placement. Transportation is defined as:**

22 (a) **Travel to and from school and between schools;**

23 (b) **Travel in and around school buildings or to those activities that are a regular part of**
24 **the student’s instructional program;**

25 (c) **Specialized equipment (such as special or adapted buses, lifts, and ramps) if**
26 **required to provide transportation for a student with disabilities.**

27
28 **The student’s Individualized Education Program (IEP) will determine, on an individual**
29 **basis, when a student with a disability requires this related service.**

30 **The District shall transport a student with a disability who is entitled to transportation as a**
31 **related service in accordance with Montana law.**

36	Legal References:	<u>§ 20-5-323, MCA</u>	<u>Tuition --transportation</u>
37		§ 20-10-101 MCA	Definitions
38		<u>§ 20-10-102, MCA</u>	<u>School bus requirements</u>
39		§ 20-10-121 MCA	Duty of trustees to provide transportation –
40			types of transportation – bus riding time
41			limitation
42		§ 20-10-122 MCA	Discretionary provision of transportation
43			and payment for this transportation
44		§ 20-10-123 MCA	Provision of transportation for nonpublic
45			school children
46		<u>§ 20-10-124, MCA</u>	<u>Private party contract for transportation</u>
47			<u>– individual transportation contract</u>
48		10.7.101, et seq., ARM	Pupil transportation
49		<u>10.16.3820. ARM</u>	<u>Transportation for Special Education</u>
50			<u>Students with Disabilities</u>

51

52 Cross Reference: **3050 Student Discipline**

53

54 Policy History:

55 Adopted on: 3.11.2014

56 Revised on: 9.3.2024

57