

**Cooke City School**  
Board Policy Manual

## **Board Policy Manual**

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**Policy 1000: Legal Status, Operation and Organization**

**Status:** DRAFT

**Original Adopted Date:** Pending

The legal name of this District is Cooke City School District, Park County, State of Montana. The District is classified as a class three district and is operated according to the laws and administrative rules pertaining to a class three district.

The Board of Trustees of the School District is the governmental entity established by the state of Montana and constitutionally charged of the supervision and control of all aspects of the District's operations.

To achieve its primary goal of providing each child with a basic system of free quality education as required by Montana Law, the Board shall exercise the full authority granted to it by the laws of the state. Its legal powers, duties, and responsibilities are derived from the Montana Constitution and state statutes and administrative rules.

Policies of the District define and frame the manner via which the District conducts its official business. The policies of the District are modified/updated from time to time to reflect the operation of the District.

All handbooks approved by the Board are regarded as and given the same significance as District policy.

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**Montana Code Annotated References**

**Description**

20-3-323	District policy and record of acts
20-3-324	Powers and duties
20-6-201	Elementary district classification
20-6-301	High school district classification
20-9-309	Basic system of free quality public elementary and secondary schools defined – identifying educationally relevant factors – establishment of funding formula and budgetary structure – legislative review

**Montana Constitution References**

**Description**

Article X, section 8	School District Trustees
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Policy 1008FE: Increase in Over Base Levy Authority Without a Vote

Status: DRAFT

It is the policy of the District to increase the flexibility and efficiency of the District's resources by utilizing provisions in law that allow for increases in over-base levy authority without a vote through decreases in other non-voted levies.

Provided that budget limitations otherwise specified in law are not exceeded, the Board of Trustees may in its discretion increase the District's over-base budget levy without a vote if the Board reduces non-voted property tax levies authorized by law to be imposed by action of the Board by at least as much as the amount by which the over-BASE budget levy is increased. The ongoing authority for any non-voted increase in the over-BASE budget levy imposed must be decreased in future years to the extent the Board imposes any increase in other non-voted property tax levies.

Montana Code Annotated References	Description
20-9-308	BASE budgets and maximum general fund budgets

**Policy 1009FE: Recruitment and Retention - Flexible Instructor Licensing**

**Status:** DRAFT

Recruitment and Retention

It is the policy of the District to utilize all resources available to meet the District's objective of recruiting and retaining high quality staff focused on the individual success of each student. To meet this objective the District will utilize the flexible instructor licensure opportunities available to the District.

Flexible Instructor Licensing

It is the policy of the District to increase the flexibility and efficiency of the District's resources by utilizing the provision of law allowing flexibility in licensure of instructors and as a means of addressing recruitment and retention of staff. Flexibilities in the following areas are available for the District's enhancement of its programs and services with a focus on individual student success:

- Internships
  - Available to anyone with a current license and endorsement in one subject who wants to move to a new licensed role/endorsed area.
  - Requirements must be satisfied within 3 years
  - Must include a plan between the intern, the school district and an accredited preparation program
- Provisionally Certified
  - May be issued to an otherwise qualified applicant who can provide satisfactory evidence of:
    - The intent to qualify in the future for a class 1 or class 2 certificate and
    - Who has completed a 4-year college program or its equivalent, and
    - Holds a bachelor's degree from a unit of the Montana university system or its equivalent.
- Substitutes
  - Must have a GED or high school diploma
  - Will have completed 3 hours of training by the district
  - Will have submitted a fingerprint background check

(All requirements can be waived by the district if the substitute has prior substitute teaching experience in another public school from November 2002 to earlier)

- May not substitute more than 35 consecutive days for the same teacher, however the same substitute can be used for successive absences of different staff as long as each regular teacher for whom the substitute is covering is back by 35 consecutive teaching days
- Retired Educators
  - School district must certify to OPI and TRS that the district has been unable to fill the position due to no qualified applications or no acceptance of offer by a non-retired teacher.
  - A retired teacher with a date of termination through December 31, 2023, may not be employed under this provision until the retired teacher has a break in service of 150 calendar days. A retired teacher with a date of termination of January 1, 2024, or later, may not be employed under this provision until the employee has a break in service of 120 calendar days.
  - Limited to employment in a second or third class elementary district or a second or third class high school district.
  - Retired teacher must have 27 years of experience in TRS.
  - There is a 3-year lifetime limit on the retired individual going to work under this provision.

- Class 3 Administrative License
  - Valid for a period of 5 years
  - Appropriate administrative areas include: elementary principal, secondary principal, K-12 principal, K-12 superintendent, and supervisor.
  - Must be eligible for an appropriately endorsed Class 1,2 or 5 license to teach in the school(s) in which the applicant would be an administrator or would supervise, and qualify as set forth in ARM 10.57.414 through 10.57.418
  - An applicant for a Class 3 administrative license who completed an educator preparation program which does not meet the definition in ARM 10.57.102(2), who is currently licensed in another state at the same level of licensure, may be considered for licensure with verification of five years of successful administrative experience as defined in ARM 10.57.102 as documented by a recommendation from a state accredited P-12 school employer on a form prescribed by the Superintendent of Public Instruction and approved by the Board of Public Education. The requirements of ARM 10.57.414(1)(c)(i-iii) must be met by an applicant seeking a superintendent endorsement.
  
- Class 4 for CTE
  - Valid for a period of 5 years
  - Renewable pursuant to the requirements of 10.57.215, ARM and the requirements specific to each type of Class 4 license.
  - 4A – for licensed teachers without a CTE endorsement
  - 4B – for individuals with at least a bachelor's degree
  - 4C – for individuals with a minimum of a high school diploma or GED
  
- Class 5 alternatives
  - Good for a maximum of 3 years
  - Requirements dependent upon the alternative the district is seeking
  
- Emergency authorization of employment
  - Individual must have previously held a valid teacher or specialist certificate or have met requirements of rule 10.57.107, ARM
  - Emergency authorization is valid for one year, but can be renewed from year to year provided conditions of scarcity continue to persist
  
- Alternative Teacher Credentialing

The District may employ a teacher possessing a Class 2 certificate issued after completing a certification and endorsement program that meets the requirements of alternative teacher credentialing consistent with Montana law and has been approved by the board of public education upon recommendation of the superintendent of public instruction.

#### Teacher Residency Program

In accordance with Montana law, the District may participate in a teacher residency program consistent with the terms established by the Office of Public Instruction, professional educator preparation program, and Board of Trustees in order to recruit and retain high-quality teachers.

#### Loan Repayment Program

The District may assist any quality educator who meets the qualifications for the state's loan repayment program at the discretion of the Board of Trustees. Loan repayment assistance may be provided on behalf of a quality educator

who: (1) is employed newly hired in an identified impacted school experiencing a critical quality educator shortage outlined Section-20-4-5032, MCA; and (2) has an educational loan that is not in default and that has a minimum unpaid current balance of at least \$1,000 at the time of application.

A quality educator is eligible for state-funded loan repayment assistance for a lifetime total of no more than 3 years and an additional 1 year of loan repayment assistance voluntarily funded by the impacted school or the district under which the impacted school is operated, with the maximum annual loan repayment assistance not to exceed:

- \$3,000 of state-funded loan repayment assistance after the first complete year of teaching in an impacted school;
- \$4,000 of state-funded loan repayment assistance after the second complete year of teaching in the same impacted school or another impacted school within the same school district;
- \$5,000 of state-funded loan repayment assistance after the third complete year of teaching in the same impacted school or another impacted school within the same school district; and
- up to \$5,000 of loan repayment assistance funded by the impacted school or the district under which the impacted school is operated after the fourth complete year of teaching in the same impacted school or another impacted school within the same school district.

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#### **Administrative Rules of Montana References**

	<b>Description</b>
10.55.607	Internships
10.55.716	Substitute Teachers
10.57.107	Emergency Authorization of Employment
10.57.215	Renewal Requirements
10.57.420	Class 4 Career and Technical Education License
10.57.424	Class 5 Provisional License

#### **Montana Code Annotated References**

	<b>Description</b>
19-20-732	Reemployment of certain retired teachers, specialists and administrators – procedure –
20-4-501	Educator Loan Repayment Assistance

#### **Montana Session Laws References**

	<b>Description</b>
Chapter 135 (2023) Pending Codification	Revise TRS
Chapter 232 (2023) Pending Codification	Quality Educator Loan Assistance Program
Chapter 470 (2023) Pending Codification	Alternative Teacher Credentialing
Chapter 740 (2023) Pending Codification	Revise State Finance



Policy 1011FE: Cooperative PurchasingStatus: DRAFT

It is the policy of the District to increase the flexibility and efficiency of the District's resources by utilizing provisions in law that allow for cooperative purchasing without the formalities of the bidding process.

The District may enter into a cooperative purchasing contract for the procurement of supplies or services with one or more districts. This allows the District to participate in a cooperative purchasing group to purchase supplies and services through the group without bidding if the cooperative purchasing group has a publicly available master list of items available with pricing included and provides an opportunity at least twice yearly for any vendor, including a Montana vendor, to compete, based on a lowest responsible bidder standard.

An example of flexibility under this policy and Montana Law includes but is not limited to the Montana Cooperative Services (MCS) Program.

Montana Code Annotated References	Description
20-9-204	Conflicts of Interest letting contracts, and calling for bids -- exceptions

**Policy 1012FE: Non-voted Levy for Excess IDEA Costs**

**Status:** DRAFT

It is the policy of the District to increase the flexibility and efficiency of the District's resources by utilizing provisions in law that allow the District to levy amounts necessary to provide FAPE to resident students with special needs.

In addition to use of a tuition levy to pay tuition for out-of-district attendance of a resident pupil, a school district may also include in its tuition levy an amount necessary to pay for the full costs of providing a free appropriate public education to any child with a disability who lives in the District. The amount of the levy imposed for the costs associated with educating each child with a disability must be limited to the actual cost of service under the child's individualized education program minus:

- A. the student's state special education payment;
- B. the student's federal special education payment;
- C. the student's per-ANB amount;
- D. the prorated portion of the district's basic entitlement for each qualifying student; and
- E. the prorated portion of the district's general fund payments in 20-9-327 through 20-9-330 for each qualifying student.

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**Montana Code Annotated References**

**Description**

20-5-324	Tuition report and payment provisions
20-9-327	Quality Educator Payment
20-9-328	At-Risk Student Payment
20-9-329	Indian education for all payment
20-9-330	American Indian achievement gap payment

**Policy 1014FE: Intent to Increase Non-Voted Levy**

**Status:** DRAFT

The trustees shall adopt a resolution no later than March 31 whenever the trustees intend to impose an increase in a non-voted levy in the ensuing school fiscal year for the purposes of funding any of the funds listed below:

- a. Tuition fund under 20-5-324;
- b. Adult education fund under 20-7/705;
- c. Building reserve fund under 20-9-502 and 20-9-503;
- d. Transportation fund under 20-10-143 and 20-10-144;
- e. Bus depreciation reserve fund under 20-10-147; and
- f. Flexibility fund for purposes of transformational learning.

The trustees shall provide notice of intent to impose an increase in a non-voted levy for the ensuing school fiscal year by:

- a. Adopting a resolution of intent to impose an increase in a non-voted levy that includes, at a minimum, the estimated number of increased or decreased mills to be imposed and the estimated increased or decreased revenue to be raised compared to non-voted levies under a-e imposed in the current school fiscal year and, based on the district's taxable valuation most recently certified by the department of revenue under 15-10-202, the estimated impacts of the increase or decrease on a home valued at \$100,000 and a home valued at \$200,000, and
- b. Publish a copy of the resolution in a newspaper that will give notice to the largest number of people of the district as determined by the trustees and posting a copy of the resolution to the school district's website.

The resolution and publication of same must take place no later than March 31.

The Superintendent shall keep the trustees informed of any changes that may have occurred, which may have an effect on the estimated change in the mills and revenue, between the adoption of the resolution and the final adoption of the budget.

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**Montana Code Annotated References**

20-7-1601

20-9-116

**Description**

Transformational Learning - Legislative Intent

Resolution of intent to increase nonvoted levy – notice

**Form 1014FE-F(1): Intent to Increase Non-Voted Levy - Notice of Intent to Impose an Increase in Levies Form**

**Status:** DRAFT

**Original Adopted Date:** Pending

*See PDF on the next page.*

\_\_\_\_\_ **Elementary**

**FLEXIBILITY AND EFFICIENCY**

1014FE-F1

Notice of Intent to Impose an Increase in Levies Form

As an essential part of its budgeting process, the \_\_\_\_\_ Board of Trustees is authorized by law to impose levies to support its budget. The \_\_\_\_\_ Board of Trustees estimates the following increases/decreases in revenues and mills for the funds noted below for the next school fiscal year beginning July 1, \_\_\_\_\_, using certified taxable valuations from the current school fiscal year as provided to the district:

Fund Supported	Estimated Change in Revenues*	Estimated Change in Mills*	Estimated Impact, Home of \$100,000*	Estimated Impact, Home of \$200,000*
Adult Education	\$___increase/decrease	\$___increase/decrease	\$___increase/decrease	\$___increase/decrease
Bus Depreciation	\$___increase/decrease	\$___increase/decrease	\$___increase/decrease	\$___increase/decrease
Transportation	\$___increase/decrease	\$___increase/decrease	\$___increase/decrease	\$___increase/decrease
Tuition	\$___increase/decrease	\$___increase/decrease	\$___increase/decrease	\$___increase/decrease
Building Reserve	\$___increase/decrease	\$___increase/decrease	\$___increase/decrease	\$___increase/decrease
Flexibility	\$___increase/decrease	\$___increase/decrease	\$___increase/decrease	\$___increase/decrease
Total	\$___increase/decrease	\$___increase/decrease	\$___increase/decrease	\$___increase/decrease

**\*Impacts above are based on** current certified taxable valuations from the current school fiscal year

Regarding the increase in the building reserve levy referenced above, the following are school facility maintenance projects anticipated to be completed at this time:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

Legal Reference:      20-9-116, MCA      Resolution of intent to increase nonvoted levy – notice

Policy History:

Adopted on:

Reviewed on:

Revised on:

<b>Montana Code Annotated References</b>	<b>Description</b>
20-7-1601	Transformational Learning - Legislative Intent
20-9-116	Resolution of intent to increase nonvoted levy – notice

**Policy 1105: Membership and Terms of Office**

**Status:** DRAFT

**Original Adopted Date:** Pending

The District is governed by a Board of Trustees consisting of three members. The powers and duties of the Board include the broad authority to adopt and enforce all policies necessary for the management, operations and governance of the District. Except as otherwise provided by law, trustees shall hold office for terms of three (3) years, or until their successors are elected and qualified. Terms of trustees shall be staggered as provided by law.

All trustees shall participate on an equal basis with other members in all business transactions pertaining to the high school maintained by the District. Only those trustees elected from the elementary district may participate in business transactions pertaining to the elementary schools maintained by the District.

<b>Montana Code Annotated References</b>	<b>Description</b>
20-3-301	Election and term of office
20-3-302	Legislative intent to elect less than majority of trustees
20-3-305	Candidate qualification, filing deadline, and withdrawal
20-3-306	Conduct of election
20-3-307	Qualification and oath
20-3-341	Number of trustee positions in elementary districts – transition
20-3-351	Number of trustee positions in high school districts
20-3-352	Request and determination of number of high school district additional trustee positions – nonvoting trustee
20-3-361	Joint board of trustees organization and voting membership

**Policy 1110: Taking Office**

**Status:** DRAFT

**Original Adopted Date:** Pending

Taking Office

A newly elected trustee shall take office as soon as election results have been certified and the newly elected trustee has taken and subscribed to an oath to faithfully and impartially discharge the duties of the office to the best of his/her ability.

A newly appointed trustee shall take office, after the trustee has taken and subscribed to an oath to faithfully and impartially discharge the duties of the office to the best of his/her ability.

The person shall qualify by taking an oath of office administered by the county superintendent, the superintendent's designee, or any officer provided for in 1-6-101, MCA or 2-16-116, MCA. Such oath must be filed with the county superintendent not more than fifteen (15) days after the receipt of the certificate of election or the appointment.

The District Clerk shall collaborate with the Office of Public Instruction within 14 days of trustee qualification to provide a link to the district website, if applicable, as well as contact information for trustees and clerk

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**Montana Code Annotated References**

1-6-101	Officers who may administer oaths
2-16-116	Power to administer oaths
20-1-202	Oath of office
20-3-307	Qualification and oath

**Description**

**Montana Session Laws References**

Chapter 276 (2023) Pending Codification	Online repository for information on trustees
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**Description**



**Policy 1111: Election**

**Status:** DRAFT

**Original Adopted Date:** Pending

Elections conducted by the District are nonpartisan and are governed by applicable election laws as found in Titles 13 & 20 of the Montana Code Annotated. The ballot at such elections may include candidates for trustee positions, various public policy propositions, and advisor questions.

Board elections shall take place on the first (1st) Tuesday after the first (1st) Monday in May of each year. Any person who is a qualified voter of the District is legally qualified to become a trustee. A declaration of intent to be a candidate must be submitted to the District Clerk at least forty (40) days before the regular school election day. If different terms are to be filled, the term for the position for which the candidate is filing must also be indicated. Any person seeking to become a write-in candidate for a trustee position shall file a declaration of intent no later than 5:00 p.m. on the day before the ballot certification deadline in 20-20-401. If the number of candidates filing for vacant positions or filing a declaration of intent to be a write-in candidate is equal to or less than the number of positions to be elected, the trustees may give notice no later than thirty (30) days before the election that a trustee election will not take place. If a trustee election is not held, the trustees shall declare the candidates elected by acclamation and shall issue a "certificate of election" to each candidate.

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

In the event of an unforeseen emergency occurring on the date scheduled for the funding election, the district will be allowed to reschedule the election for a different day of the calendar year.

In years when the Legislature meets in regular session or in a special session that affects school funding, the trustees may order the election on a date other than the regular school election day in order for the electors to consider a proposition requesting additional funding under § 20-9-353, MCA.

**Montana Code Annotated References**

**Description**

13-10-211	Declaration of intent for write-in candidates
20-20-105	Regular school election day and special school elections – limitation – exception
20-20-204	Election notice
20-20-301	Qualifications of elector
20-3-305	Candidate qualification, filing deadline, and withdrawal
20-3-313	Election by acclamation – notice
20-3-322	Meetings and quorum
20-3-324	Powers and duties
20-9-353	Additional financing for general fund – election for

**Policy 1112: Resignation**

**Status:** DRAFT

**Original Adopted Date:** Pending

The resignation of a trustee of the District must be in writing, must stipulate an effective date, and must be submitted to the Clerk of the District.

[Trustees retiring from the Board may be recognized for their service to the District by presentation of a service plaque or other appropriate activities.]

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**Montana Code Annotated References**

**Description**

2-16-501	Vacancies created
2-16-502	Resignations
20-3-308	Vacancy of trustee position

**Policy 1113: Vacancies**

**Status:** DRAFT

**Original Adopted Date:** Pending

A trustee position becomes vacant before the expiration of a term, when any of the following occurs:

1. Death of the trustee;
2. The effective date stipulated in the written resignation of the trustee filed with the Clerk;
3. Trustee moves out of the nominating district, establishing residence elsewhere;
4. Trustee is no longer a registered elector of the District under the provisions of § 20-20-301, MCA;
5. Trustee is absent from the District for sixty (60) consecutive days;
6. Trustee fails to attend three (3) consecutive meetings of the trustees without good excuse;
7. Trustee has been removed under the provisions of § 20-3-310, MCA; or
8. Trustee ceases to have the capacity to hold office under any other provision of law.
9. A trustee position also shall be vacant when an elected candidate fails to qualify.

When a trustee vacancy occurs, the remaining trustees shall declare such position vacant and fill such vacancy by appointment. The Board will receive applications from any qualified persons seeking to fill the position after suitable public notice. The Board will appoint one (1) candidate to fill the position.

Should the Board fail to fill a vacancy within sixty (60) days from the creation of a vacancy, the county superintendent shall appoint, in writing, a competent person to fill such vacancy. An appointee shall qualify by completing and filing an oath of office with the county superintendent within fifteen (15) days after receiving notice of the appointment and shall serve until the next regularly scheduled school election and a successor has qualified.

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**Montana Code Annotated References**

**Description**

2-16-501	Vacancies created
20-3-308	Vacancy of trustee position
20-3-309	Filling vacated trustee position – appointee qualification and term of office

**Policy 1230: Clerk**

**Status:** DRAFT

**Original Adopted Date:** Pending

The Clerk of the Board shall attend all meetings of the Board, unless excused by the Chairperson, and shall keep an accurate and permanent record of all proceedings. The Clerk shall have custody of the records, books, and documents of the Board. In the absence or inability of the Clerk to attend a Board meeting, the trustees will have one (1) of their members or a District employee act as clerk for the meeting and said person will supply the Clerk with a certified copy of the proceedings.

The Clerk will keep accurate and detailed accounts of all receipts and disbursements made by the District. The Clerk shall draw and countersign all warrants for expenditures that have been approved by the Board.

The Clerk will make the preparations legally required for the notice and conduct of all District elections.

The Clerk shall prepare and submit to the Board a financial report of receipts and disbursements of all school funds on an annual basis, unless the Board requests such reports on a more frequent basis. The Clerk shall perform all functions pertaining to the preparation of school elections. The Clerk shall perform other duties as prescribed by state law or as directed by the Board.

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Montana Code Annotated References	Description
20-20-401	Trustees' election duties – ballot certification
20-3-322	Meetings and quorum
20-3-325	Clerk of District
20-4-201	Employment of teachers and specialists by contract
20-9-133	Adoption and expenditure limitations of final budget
20-9-165	Budget amendment limitation, preparation, and adoption procedures
20-9-221	Procedure for issuance of warrants

**Policy 1240: Duties of Individual Trustees**

**Status:** DRAFT

**Original Adopted Date:** Pending

The authority of individual trustees is limited to participating in actions taken by the Board as a whole when legally in session. Trustees shall not assume responsibilities of administrators or other staff members. The Board or staff shall not be bound by an action taken or statement made by an individual trustee, except when such statement or action is pursuant to specific instructions and official action taken by the Board.

Each trustee shall review the agenda and attendant materials in advance of a meeting and shall be prepared to participate in discussion and decision making for each agenda item. Each trustee shall visit every school (except in 1st class districts) at least once per year to examine its management, conditions, and needs.

All trustees are obligated to attend Board meetings regularly. Whenever possible, a trustee shall give advance notice to the Chairperson or Clerk, of the trustee's inability to attend a Board meeting. A majority of the Board may excuse a trustee's absence from a meeting if requested to do so.

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

**Montana Code Annotated References**

**Description**

20-3-301	Election and term of office
20-3-308	Vacancy of trustee position
20-3-324	Powers and duties
20-3-332	Personal immunity and liability of trustees

**Policy 1310: District Policy and Procedures**

**Status:** DRAFT

**Original Adopted Date:** Pending

The policies contained in this manual are adopted, implemented, and enforced in accordance with the supervisory authority vested with the Board of Trustees in accordance with Article X, section 8 of the Montana Constitution and related statutes, regulations and court decisions.

Adoption and Amendment of Policies

Proposed new policies and proposed changes to existing policies shall be presented in writing for reading and discussion at a regular or special Board meeting. Interested parties may submit views, present data or arguments, orally or in writing, in support of or in opposition to proposed policy. Any written statement by a person, relative to a proposed policy or amendment, should be directed to the District Clerk prior to the final reading. The final vote for adoption shall take place not earlier than at the second (2nd) reading of the particular policy. New or revised policies that are required, or have required language changes based on State or Federal law, or are required changes by administrative rule, may be adopted after the first (1st) reading if sufficient notice has been given through the board agenda.

All new or amended policies shall become effective on adoption; unless a specific effective date is stated in the motion for adoption. Policies, as adopted or amended, shall be made a part of the minutes of the meeting at which action was taken and also shall be included in the District's policy manual. Policies of the District shall be reviewed on a regular basis.

Policy Manuals

The Clerk shall develop and maintain a current policy manual which includes all policies of the District. Every educator, as well as staff, students, and other residents, shall have ready access to District policies.

Suspension of Policies

Under circumstances that require waiver of a policy, the policy may be suspended by a majority vote of the trustees present. To suspend a policy, however, all trustees must have received written notice of the meeting, which includes the proposal to suspend a policy and an explanation of the purpose of such proposed suspension.

Administrative Procedures

The \_\_\_\_\_ shall develop such administrative procedures as are necessary to ensure consistent implementation of policies adopted by the Board.

When a written procedure is developed, the \_\_\_\_\_ shall submit it to the Board as an information item.

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**Administrative Rules of Montana References**

10.55.701

**Description**

Board of Trustees

**Montana Code Annotated References**

20-3-323

**Description**

District policy and record of acts

**Montana Constitution References**

Article X, section 8

**Description**

School District Trustees

**Policy 1400: Board Meetings**

**Status:** DRAFT

**Original Adopted Date:** Pending

Board Meetings

Meetings of the Board must occur at a duly called and legally conducted meeting. "Meeting" is defined as the convening of a quorum of the constituent membership of the Board, whether in person or by means of electronic equipment, to hear, discuss, or act upon a matter over which the Board has supervision, control, jurisdiction, or advisory power.

Notice of Meetings

Unless otherwise required by law and policy, the District shall publish an agenda for each type of meeting included in this policy with a minimum of 48 hour's notice to the public as follows:

A. if a newspaper of general circulation in the county where the District is located publishes electronic notices and links to meeting agendas free of charge to the District on the newspaper's website, the District shall provide the notice and agenda to the newspaper to post on the newspaper's website;

B. if the District does not have an option to post notices and links to meeting agendas free of charge, the District shall provide adequate notice of a meeting by doing at least one of the following:

1. posting a link to the meeting agenda on the District's primary website; or
2. posting the agenda on the social media site of the District.

C. In addition to the above-noted electronic postings, the District shall post a physical copy of the meeting agenda at the entrance to each school in the district and at the following location in the community: \_\_\_\_\_

Regular Meetings

Unless otherwise specified, all meetings will take place in the \_\_\_\_\_. Regular meetings shall take place at \_\_\_\_\_ p.m. on the \_\_\_\_\_ of each month, or at other times and places determined by a majority vote. Except for an unforeseen emergency, meetings must be held in school buildings or, upon the unanimous vote of the trustees, in a publicly accessible building located within the District. If regular meetings are scheduled at places other than as stated above or are adjourned to times other than the regular meeting time, notice of the meeting shall be made in the same manner as provided for special meetings. The trustees may meet outside the boundaries of the District for collaboration or cooperation on educational issues with other school boards, educational agencies, or cooperatives. Adequate notice of the meeting, as well as an agenda, must be provided to the public in advance. Decision making may only occur at a properly noticed meeting held within the District's boundaries. When a meeting date falls on a school holiday, the meeting may take place the next business day.

Emergency Meetings

In the event of an emergency involving possible personal injury or property damage, the Board may meet immediately and take official action without prior notification.

Budget Meetings

Between July 1 and August 10 of each year, the Clerk shall publish a notice stating the date, time, and place trustees will meet for the purpose of considering and adopting a final budget for the District, stating that the meeting of the trustees may be continued from day to day until final adoption of a District budget and that any taxpayer in the District may appear at the meeting and be heard for or against any part of the budget. This notice shall be published in the \_\_\_\_\_.

On the date and at the time and place stated in the published notice (on or before August 20), trustees shall meet to consider all budget information and any attachments required by law. The meeting may continue from day to day; however, the Board must adopt a final budget not later than August 25.

Committee Meetings

Each Board committee established under Policy 1130; each District committee with a trustee as a member; and each District committee made up of district employees, administrators, or officials deliberating on matters for report to

the Board for final decision shall meet as needed in accordance with the directive issued to the committee or trustees and noticed to the public consistent with the requirements of this policy.

#### Special Board Meetings

Special Board meetings may be called by the Chairperson or by any two (2) trustees. A written notice of a special meeting, stating the purpose of the meeting, shall be delivered to every trustee and noticed to the public consistent with the requirements of this policy. The forty-eight-(48)-hour notice is waived in an unforeseen emergency as stated in § 20-3-322(5), MCA. Business transacted at a special meeting will be limited to that stated in the notice of the meeting.

#### Closed Sessions

Under Montana law, the Board may meet in closed sessions to consider matters of individual privacy. The possibility of a closed session shall be noted on the respective agenda item appearing on the public noticed published in accordance with this policy. The individual whose right of privacy will be considered during the possible closed session shall be notified in writing of the meeting. Before closing a meeting, the presiding officer must determine that the demands of individual privacy exceed the merits of public disclosure and so state publicly before going into closed session. The Board also may go into closed session to discuss a strategy to be followed with respect to litigation, when an open meeting would have a detrimental effect on the litigating position of the District. This exception does not apply if the litigation involves only public bodies or associations as parties. Before closing a meeting for litigation purposes, the District may consult legal counsel on the appropriateness of this action. No formal action shall take place during any closed session. Closed session meeting minutes shall be completed in accordance with Policy 1420.

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#### **Administrative Rules of Montana References**

10.55.701

#### **Description**

Board of Trustees

#### **Montana Code Annotated References**

2-3-103

#### **Description**

Public participation – governor to ensure guidelines adopted

2-3-104

Requirements for compliance with notice provisions

2-3-105

Supplemental notice by radio or television

2-3-201

Legislative intent – liberal construction

2-3-202

Meeting defined

2-3-203

Meetings of public agencies and certain associations of public agencies to be open to public – exceptions

20-3-322

Meetings and quorum

20-9-115

Notice of final budget meeting

20-9-131

Final budget meeting

#### **Montana Constitution References**

Article II, Section 9

#### **Description**

Right to know

#### **Montana Supreme Court References**

2004 MT 120

#### **Description**

Associated Press v. Crofts

#### **Montana Session Laws References**

Chapter 396 (2023) Pending Codification

#### **Description**

Revise public notice requirements



**Policy 1420: School Board Meeting Procedure**

**Status:** DRAFT

**Original Adopted Date:** Pending

Agenda

The authority to set the board agenda lies with the Board Chair in consultation with board members and the administration. The act of preparing the board meeting agendas can be delegated to the \_\_\_\_\_.

Any topics requested by Board members or members of the public must first be approved by the Board Chair before being placed on the agenda. Citizens wishing to make brief comments about school programs or procedures will follow the public comment procedures in district policy.

The agenda also must include a "public comment" portion to allow members of the general public to comment on any public matter under the jurisdiction of the District which is not specifically listed on the agenda, except that no member of the public will be allowed to comment on contested cases, other adjudicative proceedings, or personnel matters. The Board Chairperson may place reasonable time limits on any "public comment" period to maintain and ensure effective and efficient operations of the Board. The Board shall not take any action on any matter discussed, unless the matter is specifically noticed on the agenda, and the public has been allowed opportunity to comment.

Copies of the agenda for the current Board meeting, minutes of the previous Board meeting, and relevant supplementary information will be prepared and distributed to each trustee at least forty-eight (48) hours in advance of a Board meeting and will be available to any interested citizen at the \_\_\_\_\_'s office forty-eight (48) hours before a Board meeting. An agenda for other types of Board meetings will be prepared if circumstances require an agenda.

Consent Agenda

To expedite business at its meetings, the Board approves the use of a consent agenda, which includes those items considered to be routine in nature. Any item that appears on the consent agenda may be removed by a member of the Board. Any Board member who wishes to remove an item from the consent agenda must give advance notice in a timely manner to the \_\_\_\_\_. Remaining items will be voted on by a single motion. The approved motion will be recorded in the minutes, including a listing of all items appearing on the consent agenda.

Minutes

Appropriate minutes of all meetings required to be open must be kept and must be available for inspection by the public. [(Optional) If an audio recording of a meeting is made and designated as official, the recording constitutes the office record of the meeting. If an official recording is made, a written record of the meeting must also be made and must also include:

- Date, time, and place of the meeting;
- Presiding officer;
- Board members recorded as absent or present;
- Summary of discussion on all matters discussed (including those matters discussed during the "public comment" section), proposed, deliberated, or decided, and a record of any votes taken;
- Detailed statement of all expenditures;
- Purpose of recessing to closed session; and
- Time of adjournment.

If the minutes are recorded and designated as the official record, a log or time stamp for each main agenda item is required for the purpose of providing assistance to the public in accessing that portion of the meeting.

Unofficial minutes shall be delivered to Board members in advance of the next regularly scheduled meeting of the Board. Minutes need not be read publicly, provided that Board members have had an opportunity to review them before adoption. A file of permanent minutes of Board meetings shall be maintained in the office of the Clerk, to be

made available for inspection upon request. A written copy shall be made available within five (5) working days following approval by the Board.

#### Quorum

No business shall be transacted at any meeting of the Board unless a quorum of its members is present. A majority of the full membership of the Board shall constitute a quorum, whether the individuals are present physically or electronically. A majority of the quorum may pass a resolution, except as provided in § 20-4-203(1), MCA, and § 20-4-401(4), MCA.

#### Electronic Participation

The Board may allow members to participate in meetings by telephone or other electronic means. Board members may not simply vote electronically but must be connected with the meeting throughout the discussion of business. If a Board member electronically joins the meeting after an item of business has been opened, the remotely located member shall not participate until the next item of business is opened.

If the Board allows a member to participate electronically, the member will be considered present and will have his or her actual physical presence excused. The member shall be counted present for purposes of convening a quorum. The Clerk will document it in the minutes, when members participate in the meeting electronically.

Any Board member wishing to participate in a meeting electronically will notify the Chairperson and \_\_\_\_\_ as early as possible. The \_\_\_\_\_ will arrange for the meeting to take place in a location with the appropriate equipment so that Board members participating in the meeting electronically may interact, and the public may observe or hear the comments made. The \_\_\_\_\_ will take measures to verify the identity of any remotely located participants.

#### Meeting Conduct and Order of Business

General rules of parliamentary procedure are used for every Board meeting. Robert's Rules of Order may be used as a guide at any meeting. The order of business shall be reflected on the agenda. The use of proxy votes shall not be permitted. Voting rights are reserved to those trustees in attendance. Voting shall be by acclamation or show of hands.

#### Rescind a Motion

A motion to rescind (cancel previous action) may be made anytime by any trustee. A motion to rescind must be properly noticed on the Board's agenda for the meeting. It is in order any time prior to accomplishment of the underlying action addressed by the motion.

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#### **Montana Code Annotated References**

	<b>Description</b>
2-3-103	Public participation – governor to ensure guidelines adopted
2-3-202	Meeting defined
2-3-212	Minutes of meetings – public inspection
20-3-322	Meetings and quorum
20-3-323	District policy and record of acts

#### **Montana Constitution References**

	<b>Description</b>
Article II, Section 10	Right of privacy
Article II, Section 8	Right of participation
Article II, Section 9	Right to know

**Policy 1425: Abstentions from Voting**

**Status:** DRAFT

**Original Adopted Date:** Pending

Section 20-3-323(2), MCA, requires the minutes of each Board meeting to include the voting records of each trustee present. As a general rule trustees should vote on all issues, unless casting a vote would be a violation of law. Under Montana law, instances in which it would be unlawful or inappropriate for a trustee to cast a vote on a particular issue include but are not necessarily limited to situations when the Board is considering hiring the relative of a trustee.

In addition, a trustee shall be allowed to abstain from voting to avoid the appearance of impropriety or the appearance of a perceived conflict. If a trustee abstains from voting, the abstention should be recorded in the minutes and may include an explanation of the reasons for the abstention. The Board discourages abstentions, unless the reasons are substantiated as provided herein.

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**Montana Code Annotated References**

**Description**

2-2-103	Public Trust
2-2-105	Ethical Requirements
2-2-121	Rules of Conduct
2-2-302	Appointment of relative to office of trust or emolument unlawful – exceptions – publication of notice
20-1-201	School Officials not to Act as Agents
20-9-204	Conflicts of Interest letting contracts, and calling for bids -- exceptions

**Policy 1441: Audience Participation**

**Status:** DRAFT

**Original Adopted Date:** Pending

The Board recognizes the value of public comment on educational issues and the importance of involving members of the public in its meetings. The Board also recognizes the statutory and constitutional rights of the public to participate in governmental operations. To allow fair and orderly expression of public comments, the Board will permit public participation through oral or written comments during the “public comment” section of the Board agenda and prior to a final decision on a matter of significant interest to the public. The Chairperson may control such comment to ensure an orderly progression of the meeting in the manner described in Policy 1420F.

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**Policy 1511: Code of Ethics for School Board members**

**Status:** DRAFT

**Original Adopted Date:** Pending

AS A MEMBER OF MY LOCAL BOARD OF TRUSTEES, I WILL STRIVE TO IMPROVE PUBLIC EDUCATION, AND TO THAT END I WILL:

Attend all regularly scheduled Board meetings insofar as possible and become informed concerning the issues to be considered at those meetings;

Recognize that I should endeavor to make policy decisions only after full discussion at public Board meetings;

Make all decisions based on available facts and my independent judgment and refuse to surrender that judgment to individuals or special interest groups;

Encourage the free expression of opinion by all Board members and seek systematic communications between the Board and students, staff, and all elements of the community;

Work with other Board members to establish effective Board policies and to delegate authority for administration to the staff;

Recognize and respect the responsibilities that properly are delegated to the staff;

Communicate to the staff expression of public reaction to Board policies, school programs, or staff;

Inform myself about current educational issues, by individual study and through participation in programs providing needed information, such as those sponsored by the Montana and National School Boards Associations;

Support the employment of those persons best qualified to serve as school staff and insist on regular and impartial evaluation of staff;

Avoid being placed in a position of conflict of interest and refrain from using my Board position for personal or partisan gain;

Avoid compromising the Board by inappropriate individual action or comments and respect the confidentiality of information that is privileged under applicable law;

Remember always that my first and greatest concern must be the educational welfare of students attending public schools.

**Policy 1513: Management Rights**

**Status:** DRAFT

**Original Adopted Date:** Pending

The Board retains the right to operate and manage its affairs in such areas as but not limited to:

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

The Board reserves all other rights, statutory and inherent, as provided by state law.

The Board also reserves the right to delegate authority to the staff for the ongoing direction of all District programs.

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**Montana Code Annotated References**

20-3-324

**Description**

Powers and duties

39-31-303

Management rights of public employers

**Montana Supreme Court References**

2008 MT 9

**Description**

Bonner School District No. 14 v. Bonner Education Association, MEA- MFT, NEA, AFT, AFL-CIO

Policy 1521: Board/Superintendent Relationship

Status: DRAFT

Original Adopted Date: Pending

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

Montana Code Annotated References	Description
20-4-401	Appointment and dismissal of district superintendent or county high school principal
20-4-402	Duties of district superintendent or county high school principal

**Policy 1531: Trustee Expenses**

**Status:** DRAFT

**Original Adopted Date:** Pending

Expenses for Board Members - In-District

The members of the trustees of any district may not receive compensation for their services as trustees. The members of the trustees who reside over 3 miles from the trustees' meeting place must be reimbursed at the rate as provided in 2-18-503 for every mile necessarily traveled between their residence and the meeting place and return in attending the regular and special meetings of the trustees, and all trustees must be similarly reimbursed for meetings called by the county superintendent. The travel reimbursement may be accumulated during the school fiscal year and paid at the end of the fiscal year, at the discretion of each trustee.

A trustee is entitled to collect mileage at a rate equal to the mileage allotment allowed by the United States internal revenue service for the current year for the first 1,000 miles and 3 cents less per mile for all additional miles traveled within a given calendar month.

A trustee must file a reimbursement for mileage form, prior to July 1 of each year, requesting reimbursement for the fiscal year. The form may be obtained from the District Clerk/Business Manager.

Expenses for Board Members at Out-of-District Meetings

Trustees normally attend workshops, training institutes, and conferences at both the state and national levels. The District will pay all legitimate costs for trustees to attend out-of-District meetings, at established rates for reimbursement set by the District:

1. Transportation as approved by the Board;
2. On-site transportation during the course of the meeting, i.e., bus, taxi, or rental car;
3. Hotel or motel costs for trustee, as necessary;
4. Food costs as necessary;
5. Telephone services for necessary communications with business or family, resulting from the trustee being away from \_\_\_\_\_;
6. Incidental expenditures for tips and other necessary costs attributable to the trustee's attendance at a meeting; however, the District will not reimburse or pay for such items as liquor, expenses of a spouse, separate entertainment, or other unnecessary expenditures.

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**Montana Code Annotated References**

2-18-503

20-3-311

**Description**

Mileage – allowance

Trustee reimbursement and compensation of secretary for joint board.



**Form 1531-F(1): Trustee Expenses - Trustee Mileage Reimbursement Form**

**Status:** DRAFT

**Original Adopted Date:** Pending

*See PDF on the next page.*

\_\_\_\_\_ ELEMENTARY

TRUSTEE MILEAGE REIMBURSEMENT FORM

1531F

A trustee, who resides over 3 miles from the trustees' meeting place, is entitled to collect mileage at a rate equal to the mileage allotment allowed by the United States internal revenue service for the current year for the first 1,000 miles and 3 cents less per mile for all additional miles traveled within a given calendar month for every mile necessarily traveled between their residence and the meeting place and return in attending the regular and special meetings of the trustees.

Year:            July 1, 20\_\_ to June 30, 20\_\_

I, \_\_\_\_\_, Trustee of the \_\_\_\_\_ School District, hereby request mileage reimbursement for attending regular and special meetings of the Board of Trustees.

I understand the District Clerk/Business Manager will keep a log of the regular and special meetings I attend throughout the school year and reimburse me as provided in 2-18-503, MCA.

I understand I will be reimbursed \_\_\_\_\_ in January and June

\_\_\_\_\_ in June

\_\_\_\_\_  
Trustee

\_\_\_\_\_  
Date

<b>Montana Code Annotated References</b>	<b>Description</b>
2-18-503	Mileage – allowance
20-3-311	Trustee reimbursement and compensation of secretary for joint board.

**Policy 1532: Trustee Insurance**

**Status:** DRAFT

**Original Adopted Date:** Pending

The District shall maintain sufficient insurance to protect the Board and its individual members against liability arising from actions of the Board or its individual members while each is acting on behalf of the District and within the trustee's authority.

An additional trustee, as provided for in 20-3-352(2), who is chosen as a nonvoting chairperson of the board of an elementary district is entitled to all of the immunization, defenses, and indemnifications as described in 20-3-322, MCA.

**Montana Code Annotated References**

**Description**

20-3-331	Purchase of insurance – self-insurance plan
20-3-332	Personal immunity and liability of trustees
20-3-352	Request and determination of number of high school district additional trustee positions – nonvoting trustee

Policy 1610: Annual Goals and Objectives

Status: DRAFT

Original Adopted Date: Pending

Each year, during the month of \_\_\_\_\_(OPTIONAL), the Board will formulate or review the goals of the District that reflect the district's strategic plan of education. At the conclusion of each school year, the \_\_\_\_\_ shall report to the Board information which reflects the accomplishments towards the goals of the District.

The Chairperson may appoint a committee of the Board, to include the [\_\_\_\_\_]to annually review the goals and report to the Board.

Administrative Rules of Montana References	Description
10.55.701	Board of Trustees

**Policy 1630: Utilization of Montana School Boards Association**

**Status:** DRAFT

**Original Adopted Date:** Pending

The Board is a dues-paying member of the Montana School Boards Association (MTSBA). Since the Association provides a variety of dues-based benefits and services in response to members' needs and develops and implements a legislative program at the direction of its members, Board members are encouraged to participate in the governance and dues-based services of the Association.

Given the complex nature of both state and federal laws applicable to school districts and the vast resources available through MTSBA to assist our school district as a member, it is essential to the governance and operations of our District that the Board of Trustees and administration take advantage of the dues-based services available through MTSBA on legal, policy, human resource, collective bargaining, training, advocacy and other issues that impact and affect our District.

Therefore the Board of Trustees directs trustees and the administration to maximize the value of our membership dues through use of the dues-based services available through MTSBA on routine legal matters, policy issues, collective bargaining matters, human resource, training and advocacy matters. Prior approval from the Board is required prior to expending District funds on services that are otherwise available through MTSBA without a charge beyond dues.

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**Policy 1635: Internships**

**Status:** DRAFT

**Original Adopted Date:** Pending

Internship means an agreement between a fully licensed Class 1, 2, or 3 educators, the school district, and a Montana accredited educator preparation program. Internships are permitted in endorsement areas approved by the Board of Public Education.

The Board recognizes the need to provide training opportunities for prospective teachers and administrators. Internships for those in the process of acquiring teaching endorsements and/or administrative credentials shall be considered and approved on an individual basis. The Superintendent or designee involved will review the internship proposal with the candidate and the university representative, much in the same manner as student teachers are assigned.

As part of an internship agreement, the parties must agree to the following:

- a. the intern will complete the requirements for the appropriate endorsement within three years;
- b. the school district will provide local supervision and support of the intern; and
- c. the accredited educator preparation program will approve the coursework and provide support and periodic supervision.

An emergency authorization of employment granted by the Superintendent of Public Instruction pursuant to §20-4-111, MCA is not a license; therefore is not eligible for an internship.

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**Administrative Rules of Montana References**

**Description**

10.55.607

Internships

Title 10, Chapter 55, Subchapter 7

Standards of Accreditation: School Leadership

Title 10, Chapter 57, Subchapter 4

Educator Licensure: Classes of Licensure

**Montana Code Annotated References**

**Description**

Title 20, Chapter 4, Part 1

Certification of Teaching and Supervisory Personnel

Policy 1650: Public Charter Schools

Status: DRAFT

Original Adopted Date: Pending

Public Charter Schools

The Board of Trustees may submit an application in response to a request for proposal from the Board of Public Education to establish a public charter school consistent with Montana law. Any application for a public charter school submitted under this provision shall be consistent with the mission and vision of the District as specified in the strategic plan for continuous improvement adopted by the Board of Trustees.

Requests for Creation of School or Program

The Board of Trustees shall review any request from an individual or entity unaffiliated with the District to create a school or program within the District to determine if the requested school or program is currently addressed by District operations or meets the mission and vision of the District as specified in the strategic plan for continuous improvement. The Board is authorized to refer the request to a committee established in accordance with Policy 1130 for hearing and consideration with a report to the full Board. Any meeting conducted for the purposes of considering a request to create a school or program shall be held in open session in accordance with Policy 1400.

The Board is authorized to respond to a request to create a school or program within the District by stating the requested school or program is currently offered by the District or by granting or denying the request. If the requested school or program is currently offered by the District, the Board will outline how the school or program operates and how students may access the school or program. If the Board grants the request, it shall set a documented timeline for implementing the school or program consistent with District operations. If the Board of Trustees declines the request to create the school or program, it shall document for future reference the reasons the request is inconsistent with the mission and vision of the District as specified in the strategic plan for continuous improvement. Any request previously declined by the Board of Trustees may be reconsidered at a future meeting.

Montana Session Laws References

Chapter 510 (2023) Pending Codification

Description

Montana Public Charter Schools Act



**Policy 1700: Uniform Complaint Procedure**

**Status:** DRAFT

**Original Adopted Date:** Pending

Uniform Complaint Procedure

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

This grievance procedure shall be made available on the District's website and the location of which shall be included in all handbooks issued by the District.

The District requests individuals to use this complaint procedure to resolve concerns within the District when an individual believes the Board or its employees or agents have violated the individual's rights under state or federal law or Board policy. Attempts to bypass this Uniform Complaint Procedure at any of its Levels shall be redirected by District officials at the appropriate Level.

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

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

Level 1: Informal

An individual with a complaint should first attempt to discuss it with the appropriate employee with the objective of resolving the matter promptly and informally in accordance with requirements of Policy 2158. If such resolution is not possible, the individual may choose to file a formal written complaint. An exception to attempts at informal resolution is that a complaint of sexual harassment should be discussed directly with an employee not involved in the alleged harassment.

Level 2: Board of Trustees

When a complaint has not been or cannot be resolved at Level 1, an individual may file a signed and dated written complaint stating: (1) the nature of the complaint, including the complaining individual's position to assert legal rights; (2) a description of the event or incident giving rise to the complaint, including any school personnel involved; and (3) the remedy or resolution requested. The written complaint must be filed within thirty (30) calendar days of the event or incident or from the date an individual could reasonably become aware of such event or incident. The applicability of the deadline is subject to review by the Superintendent to ensure the intent of this uniform complaint procedure is honored.

Upon written complaint alleging a violation of the individual's rights under state or federal law or Board policy upon which the Board of Trustees has authority to remedy, the Board may consider the complaint. Upon receipt of written request for appeal, the Chair will either: (1) place the appeal on the agenda of a regular or special Board meeting, (2) appoint an appeals panel of not less than three trustees to hear the appeal and make a recommendation to the Board, or (3) respond to the complaint with an explanation of why the appeal will not be heard by the Board of Trustees in accordance with this policy. If the Chair appoints a panel to consider the appeal, the panel will meet to consider the appeal and then make written recommendation to the full Board. The Board will report its decision on the appeal, in writing, to all parties, within thirty (30) calendar days of the Board meeting at which the Board considered the appeal or the recommendation of the panel. A decision of the Board is final, unless it is appealed pursuant to Montana law within the period provided by law.

When a complaint alleges sexual harassment or a violation of Title IX of the Education Amendments of 1972 (the

Civil Rights Act), Title II of the Americans with Disabilities Act of 1990, or Section 504 of the Rehabilitation Act of 1973, the Board shall turn the complaint over to the applicable District nondiscrimination coordinator. The coordinator shall ensure an investigation is completed in accordance with the applicable procedure. In the case of a sexual harassment or Title IX complaint the applicable investigation and appeal procedure is Policy 3225P or 5012P. In the case of a disability complaint, the coordinator shall complete an investigation and file a report and recommendation with the Administrator for decision. Appeal of a decision in a disability complaint will be handled in accordance with this policy.

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<b>Administrative Rules of Montana References</b>	<b>Description</b>
10.55.701	Board of Trustees
<b>United States Code References</b>	<b>Description</b>
20 U.S.C. 1681, et seq.	Title IX of the Education Amendments of 1972
29 USC 701, et seq	Section 504 of the Rehabilitation Act
42 USC 12101, et seq.	Title II of the Americans with Disabilities Act of 1990
<b>United States Constitution References</b>	<b>Description</b>
First Amendment	Right to petition the Government for a redress of grievances
<b>Montana Session Laws References</b>	<b>Description</b>
Chapter 305 (2023) Pending Codification	Require trustees to adopt a grievance policy

**Policy 2000: Goals**

**Status:** DRAFT

**Original Adopted Date:** Pending

The District's educational program will seek to provide an opportunity for each child to develop to his or her maximum potential. The objectives for the educational program are:

- To foster self-discovery, self-awareness, and self-discipline.
- To develop an awareness of and appreciation for cultural diversity.
- To stimulate intellectual curiosity and growth.
- To provide fundamental career concepts and skills.
- To help the student develop sensitivity to the needs and values of others and respect for individual and group differences.
- To help each student strive for excellence and instill a desire to reach the limit of his or her potential.
- To develop the fundamental skills which will provide a basis for lifelong learning.
- To be free of any sexual, cultural, ethnic, or religious bias.

The \_\_\_\_\_ is responsible for apprising the Board of the educational program's current and future status. The \_\_\_\_\_ should prepare an annual report that includes:

- A review and evaluation of the present curriculum;
- A projection of curriculum and resource needs;
- An evaluation of, and plan to eliminate, any sexual, cultural, ethnic, or religious bias that may be present in the curriculum or instructional materials and methods;
- A plan for new or revised instructional program implementations; and
- A review of present and future facility needs.

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<b>Administrative Rules of Montana References</b>	<b>Description</b>
10.55.701	Board of Trustees

**Policy 2050: Innovative Student Instruction**

**Status:** DRAFT

**Original Adopted Date:** Pending

Student Instruction

The School District has adopted the protocols outlined in this policy to ensure the delivery of education services to students onsite at the school, offsite at other locations using available resources. The District administration or designated personnel are authorized to implement this policy.

As outlined in District Policy 2100, and except for students determined by the School District to be proficient using School District assessments, the adopted calendar has a minimum number of 360 hours for a half-time kindergarten program; 720 aggregate instructional hours for students in full-time kindergarten through third grade; 1,080 hours for students in fourth through eleventh grade and 1,050 hours for students in twelfth grade. Students enrolled on a part-time basis will have ANB calculated consistent with Policy 3121 and Policy 3150.

The School District may satisfy the aggregate number of hours through any combination of onsite, offsite, and online instruction. The District administration is directed to ensure that all students are offered access to the complete range of educational programs and services for the education program required by the accreditation standards adopted by the Montana Board of Public Education.

For the purposes of this policy and the School District's calculation of ANB under Policy 3121 and "aggregate hours of instruction" within the meaning of that term in Montana law, the term "instruction" shall be construed as being synonymous with and in support of the broader goals of "learning" and full development of educational potential as set forth in Article X, section 1 of the Montana Constitution. Instruction includes innovative teaching strategies that focus on student engagement for the purposes of developing a students' interests, passions, and strengths. The term instruction shall include any directed, distributive, collaborative and/or experiential learning activity provided, supervised, guided, facilitated, work based, or coordinated by the teacher of record in a given course that is done purposely to achieve content proficiency and facilitate the learning of, acquisition of knowledge, skills and abilities by, and to otherwise fulfill the full educational potential of each child.

Staff shall calculate the number of hours students have received instruction as defined in this policy and Policy 3121 through a combined calculation of services received onsite at the school or services provided or accessed at offsite or online instructional settings including, but not limited to, any combination of physical instructional packets, virtual or electronic based course meetings and assignments, self-directed or parent-assisted learning opportunities, and other educational efforts undertaken by the staff and students that can be given for grade or credit. Staff shall report completed hours of instruction as defined in this policy to the supervising teacher, building principal, or district administrator for final calculation.

In order to comply with the requirements of the calendar, District Policy and Section 20-1-301, MCA, the District shall implement the instructional schedules and methods identified in this policy.

Remote Instruction Delivered by District Staff

The Board of Trustees authorizes remote instruction of students by District staff in a manner that satisfies the aggregate number of instructional hours outlined in the District's adopted or revised calendar for a school year. Remote instruction is pupil instruction that occurs through virtual learning processes incorporating distance and online learning methods that best prepare pupils to meet desired learning outcomes. Remote instruction shall include a complete range of educational services offered by the District and shall comply with the requirements of applicable statutes. Students completing course work through an remote instructional setting shall be treated in and have their hours of instruction calculated in the same manner as students attending an onsite institutional setting.

Remote instruction is available to students:

1. meeting the residency requirements for that district as provided in 1-1-215;
2. living in the district and eligible for educational services under the Individuals With Disabilities Education Act or under 29 U.S.C. 794; or
3. seeking remote instruction in the nearest district when the pupil's district of residence does not provide remote or in-person instruction in an equivalent course. A course is not equivalent if the course does not provide the same level of advantage on successful completion, including but not limited to dual credit,

advanced placement, and career certification. The District is not required to provide remote instruction to a nonresident student if, because of class size restrictions, the accreditation of the school would be adversely impacted by providing remote instruction to the pupil.

Equivalency is defined by providing the same level of advantage on successful completion as provided in law. The superintendent or designee is authorized to collaborate with the student's district of residence on the question of equivalency, review course offerings and policies of the requesting student's district of residence to complete the comparison, and report to the Board of Trustees. In the event the student's district of residence asserts in writing its course offerings are equivalent to the District's, the Board of Trustees shall not enroll the student.

A school of a district providing remote instruction shall provide remote instruction to an out-of-district pupil under number 3 above unless, because of class size restrictions, the accreditation of the school would be adversely impacted by providing remote instruction to the pupil.

The Board of Trustees authorizes the supervising teacher or district administrator to permit students to utilize remote instruction by delivered by District staff when circumstances require. Inquiries about correspondence courses shall be governed by Policy 2167, distance learning provided by non-District staff shall be governed by Policy 2168, and Montana Digital Academy shall be governed by Policy 2170.

Offsite Instruction

Offsite instructional setting is an instructional setting that is an extension of a school of the district, located apart from the school, but within the boundaries of the district, where a school district provides for in-person pupil instruction to a student who is enrolled in the district. The Board of Trustees authorizes the supervising teacher or district administrator to utilize an offsite instructional setting at when circumstances require consistent with Board of Public Education standards. Inquiries about correspondence courses shall be governed by Policy 2167, distance learning provided by non-District staff shall be governed by Policy 2168, and Montana Digital Academy shall be governed by Policy 2170.

Proficiency-Based Learning

The Board of Trustees authorizes proficiency-based learning and ANB calculation in situations when a student demonstrates proficiency in a course area as determined by the Board of Trustees using District assessments consistent with District Policy 1005FE, or other measures approved by the Board of Trustees.

The Board of Trustees waives the minimum number of instructional hours for students who demonstrate proficiency in a course area using district assessments that include, but are not limited to, the course or class teacher's determination of proficiency as defined by the Board of Trustees. This determination shall be based on a review of the student's completed coursework, participation in course delivery, and other methods applicable to the specific course or class. The Board of Trustees authorizes the use of the proficiency determination process for students who have selected this method of delivery, students for whom the School District is unable to document satisfaction of the required minimum aggregate number of hours through the offsite or onsite methods outlined in this policy, or other students whom School District personnel determine satisfy the definition of proficient or meeting proficiency.

This provision is based in the declaration by the Montana Legislature that any regulation discriminating against a student who has participated in proficiency-based learning is inconsistent with the Montana Constitution.

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**Montana Code Annotated References**

	<b>Description</b>
20-1-101	Definitions
20-1-301	School Fiscal Year
20-6-101	Definition of elementary and high school districts
20-7-118	Offsite Provision of Educational Services

20-7-1601

Transformational Learning - Legislative Intent

20-9-311

Calculation of Average Number Belonging

**Montana Constitution References**

Article X, section 1

**Description**

Educational Goals and Duties

**Montana Session Laws References**

Chapter 307 (2023) Pending Codification

Chapter 580 (2023) Pending Codification

**Description**

Revise transformational learning program

Remote Instruction

**Policy 2100: School Calendar and Day**

**Status:** DRAFT

**Original Adopted Date:** Pending

School Calendar

Subject to §§ 20-1-301 and 20-1-308, MCA, and any applicable collective bargaining agreement covering the employment of affected employees, the trustees of a school district shall set the number of hours in a school term, the length of the school day, and the number of school days in a school week. When proposing to adopt changes to a previously adopted school term, school week, or school day, the trustees shall: (a) negotiate the changes with the recognized collective bargaining unit representing the employees affected by the changes; (b) solicit input from the employees affected by the changes but not represented by a collective bargaining agreement; (c) and from the people who live within the boundaries of the school district.

Commemorative Holidays

Teachers and students will devote a portion of the day on each commemorative holiday designated in § 20-1-306, MCA, to study and honor the commemorated person or occasion. The Board may from time to time designate a regular school day as a commemorative holiday.

Saturday School

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

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

School Fiscal Year

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

- a. A minimum of 360 aggregate hours for a kindergarten program;
- b. 720 hours for grades 1 through 3;
- c. 1,080 hours for grades 4 through 12; and
- d. 1,050 hours may be sufficient for graduating seniors.

The minimum aggregate hours, described above, are not required for any pupil demonstrating proficiency pursuant to 20-9-311(4)(d), MCA.

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

1. Pre-school staff orientation for the purpose of organization of the school year;
2. Staff professional development programs (minimum of three (3) days);
3. Parent/teacher conferences; and
4. Post-school record and report (not to exceed one (1) day, or one-half ( $\frac{1}{2}$ ) day at the end of each semester or quarter).

The Board of Trustees has established an advisory committee to develop, recommend, and evaluate the school district's yearly professional development plan. Each year the Board of Trustees shall adopt a professional development plan for the subsequent school year based on the recommendation of the advisory committee.

### Extended School Year

In accordance with Section 20-1-301, MCA, and any applicable collective bargaining agreement covering the employment of affected employees, the Board of Trustees may establish a school calendar with an earlier start date and a later end date to ensure students receive the minimum number aggregate instructional hours. The purpose of an extended school year will be to maximize flexibility in the delivery of instruction and learning for each student in the School District. When setting an extended school year, the School District will collaborate with students, parents, employees and other community stakeholders. When proposing to adopt changes to a previously adopted school term the Board of Trustees will follow the procedures outlined in in this policy.

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#### **Administrative Rules of Montana References**

#### **Description**

10.55.701	Board of Trustees
10.55.714	Professional Development
10.55.906	High School Credit
10.65.101	PIR Days for Base Funding
10.65.103	Program for PIR Days

#### **Montana Code Annotated References**

#### **Description**

20-1-301	School Fiscal Year
20-1-302	School Term, Day, Week
20-1-303	Conduct of School on Saturday or Sunday Prohibited - Exceptions
20-1-304	Pupil Instruction Related Day
20-1-306	Commemorative Exercises on certain days
20-9-311	Calculation of Average Number Belonging



Policy 2105: Grade Organization

Status: DRAFT

Original Adopted Date: Pending

The District maintains instructional levels for grades kindergarten (K) through [sixth/eighth] CHOOSE. The grouping and housing of instructional levels in school facilities will be according to plans developed by the \_\_\_\_\_ and approved by the Board.

Instructional programs will be coordinated between each grade and between levels of schools.

A student will be assigned to an instructional group or to a classroom which will best serve the needs of that individual while still considering the rights and needs of other students. Factors to be considered in classroom assignments are class size, peer relations, student/teacher relations, instructional style of individual teachers, and any other variables that will affect the performance of the student.

Criteria for grouping will be based on learning goals and objectives addressed and the student’s ability to achieve those purposes.

Montana Code Annotated References	Description
20-6-501	Definition of various schools

**Policy 2120: Curriculum and Assessment**

**Status:** DRAFT

**Original Adopted Date:** Pending

The Board is responsible for curriculum adoption and must approve all significant changes, including the adoption of new textbooks and new courses, before such changes are made. The \_\_\_\_\_ is responsible for making curriculum recommendations. The District shall ensure their curriculum is aligned to all content standards and the appropriate learning progression for each grade level.

A written sequential curriculum will be developed for each subject area. The curricula will address learner goals, content and program area performance standards, and District education goals and will be constructed to include such parts of education as content, skills, and thinking. The District shall review curricula at least every five (5) years or consistent with the state's standards revision schedule, and modify, as needed, to meet educational goals of the continuous school improvement plan pursuant to ARM 10.55.601.

The staff and \_\_\_\_\_ will suggest materials and resources, to include supplies, books, materials, and equipment necessary for development and implementation of the curriculum and assessment, which are consistent with goals of the education program.

The District shall maintain their programs consistent with the state's schedule for revising standards.

The District shall assess the progress of all students toward achieving content standards and content-specific grade-level learning progressions in each program area. The District shall use assessment results, including state-level achievement information obtained by administration of assessments pursuant to ARM 10.56.101 to examine the educational program and measure its effectiveness. The District shall use appropriate multiple measures and methods, including state-level achievement information obtained by administration of assessments pursuant to the requirements of ARM 10.56.101, to assess student progress in achieving content standards and content-specific grade-level learning progressions in all program areas. The examination of program effectiveness using assessment results shall be supplemented with information about graduates and other student's no longer in attendance.

**Administrative Rules of Montana References**

10.55.603

**Description**

Curriculum and Assessment

**Montana Code Annotated References**

20-3-324

**Description**

Powers and duties

20-4-402

Duties of district superintendent or county high school principal

20-7-602

Textbook selection and adoption

**Policy 2132: Student and Family Privacy Rights**

**Status:** DRAFT

**Original Adopted Date:** Pending

Student and Family Privacy Rights

All fundamental parental rights are exclusively reserved to the parent of a child without obstruction or interference by a government entity as consistently recognized in state and federal courts and as required by state and federal law and District policy.

Surveys - General

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

Surveys Created by a Third Party

Before the District administers or distributes a survey created by a third party to a student, the student's parent(s)/guardian(s) may inspect the survey upon request and within a reasonable time of their request.

This section applies to every survey: (1) that is created by a person or entity other than a District official, staff member, or student, (2) regardless of whether the student answering the questions can be identified, and (3) regardless of the subject matter of the questions.

Surveys Requesting Personal Information

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

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

The student's parent(s)/guardian(s) may:

1. Inspect the survey within a reasonable time of the request; and/or
2. Refuse to allow their child to participate in any survey requesting personal information. The school shall not penalize any student whose parent(s)/guardian(s) exercise this option.

No student in the District shall be required, as part of any applicable program, to submit to any survey, analysis, or evaluation that includes the above-noted information without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent. This provision specifically documents the arrangements taken to protect student privacy in accordance with 20 USC § 1232h(c)(1)(a)(b).

Instructional Material

A student's parent(s)/guardian(s) may, within a reasonable time of the request, inspect any instructional material used as part of their child's educational curriculum.

The term “instructional material,” for purposes of this policy, means instructional content that is provided to a student, regardless of its format, printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or academic assessments.

#### Collection of Personal Information From Students for Marketing Prohibited

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

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

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

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

#### Notification of Rights and Procedures

This policy shall be posted on the District’s website and provided in a manner specified in accordance with law and policy. The Superintendent or designee shall notify students’ parents/guardians of:

1. This policy as well as its availability from the administration office upon request;
2. How to opt their child out of participation in activities as provided in this policy;
3. The approximate dates during the school year when a survey requesting personal information, as described above, is scheduled or expected to be scheduled;
4. How to request access to any survey or other material described in this policy.

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

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

*NOTE: This policy must be adopted in consultation with parents. 20 U.S.C. § 1232h(c)(1). Therefore, MTSBA recommends that, at a minimum, Boards specifically note this on their meeting agendas and request public comment prior to adoption.*

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#### **United States Code References**

20 USC 1232h

#### **Description**

Protection of pupil rights

#### **Montana Session Laws References**

Chapter 676 (2023) Pending Codification

#### **Description**

Fundamental Parental Rights



**Policy 2140: Guidance and Counseling**

**Status:** DRAFT

**Original Adopted Date:** Pending

Guidance and Counseling

The District recognizes that guidance and counseling are an important part of the total program of instruction and should be provided in accordance with state laws and regulations, District policies and procedures, and available staff and program support.

The general goal of this program is to help students achieve the greatest personal value from their educational opportunities. Such a program should:

1. Provide staff with meaningful information which can be utilized to improve educational services offered to individual students.
2. Provide students with planned opportunities to develop future career and educational plans.
3. Refer students with special needs to appropriate specialists and agencies.
4. Aid students in identifying options and making choices about their educational program.
5. Assist teachers and administrators in meeting academic, social, and emotional needs of students.
6. Provide for a follow-up of students who further their education and/or move into the workforce.
7. Solicit feedback from students, staff, and parents, for purposes of program improvement.
8. Assist students in developing a sense of belonging and self-respect.
9. Have information available about nicotine addiction services and referrals to tobacco cessation programs to students and staff.
10. Serve as a reference for alternative discipline or restorative justice programs.

All staff will encourage students to explore and develop their individual interests in all areas including but not limited to career and technical programs, academic curricula, post-secondary opportunities, community or military service, and employment options without regard to race, color, national origin, ancestry, sex, ethnicity, language barrier, religious belief, physical or mental handicap or disability, economic or social condition, actual or potential marital or parental status.

Career Coaching

The District may utilize a career coach for educational and career counseling opportunities for students to offer opportunities for internships or apprenticeships within a community and assist students with high school course offerings, career options, occupational training, and postsecondary opportunities associated with the student's field of interest within the career technical education and K-12 career and vocational/technical education programs provided for in Title 20, chapter 7, part 3. Any career coach shall possess the necessary qualifications specified in law.

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**Administrative Rules of Montana References**

**Description**

10.55.710

Assignment of School Counseling Staff

10.55.802

Opportunity and Educational Equity

**Montana Code Annotated References**

**Description**

49-3-203

Educational, counseling, and training programs

**Montana Session Laws References**

**Description**

Chapter 724 (2023) Pending Codification

Career Coaches

**Policy 2150: Suicide Awareness and Prevention**

**Status:** DRAFT

**Original Adopted Date:** Pending

Suicide Awareness and Prevention

Professional Development

The District will provide professional development on youth suicide awareness and prevention to each employee of the district who work directly with any students enrolled in the school district. The training materials will be approved by the Office of Public Instruction (OPI).

The District will provide, at a minimum, two (2) hours of youth suicide awareness and prevention training every five (5) years. All new employees who work directly with any student enrolled in the school district will be provided two (2) hours of training the first year of employment.

Youth suicide and prevention training may include:

- A. In-person attendance at a live training;
- B. Videoconference;
- C. An individual program of study of designated materials;
- D. Self-review modules available online; and
- E. Any other method chosen by the local school board that is consistent with professional development standards.

Prevention and Response

The Board authorizes the \_\_\_\_\_ and appropriate District staff to develop procedures to address matters related to suicide prevention and response that:

- A. Promote collaboration with families and with community providers in all aspects of suicide prevention and response;
- B. Include high quality intervention services for students;
- C. Promote interagency cooperation that enables school personnel to identify and access appropriate community resources for use in times of crisis;
- D. Include reintegration of youth into a school following a crisis, hospitalization, or residential treatment;
- E. Provide for leadership, planning, and support for students and school personnel to ensure appropriate responses to attempted or completed suicides.

No cause of action may be brought for any loss or damage caused by any act or admission resulting from the implementation of the provisions of this policy or resulting from any training, or lack of training, related to this policy. Nothing in this policy shall be construed to impose a specific duty of care.

This policy will be reviewed by the Board of Trustees on a regular basis.

**Administrative Rules of Montana References**

10.55.720

**Description**

Suicide prevention and response

**Montana Code Annotated References**

20-7-1310

**Description**

Youth suicide awareness and prevention training



**Policy 2158: Parent and Family Engagement and Educational Involvement**

**Status:** DRAFT

**Original Adopted Date:** Pending

Parent/Family Engagement and Involvement in Education Policy

The Board of Trustees believes that engaging parents/families in the education process is essential to improved academic success for students. The Board recognizes that a student's education is a responsibility shared by the district, parents, families and other members of the community during the entire time a student attends school. The Board believes that the district must create an environment that is conducive to learning and that strong, comprehensive parent/family involvement is an important component. Parent/Family involvement in education requires a cooperative effort with roles for the Office of Public Instruction (OPI), the district, parents/families and the community.

This policy shall be made available to all interested individuals upon request and posted on the District's website.

Parent/Family Involvement Goals and Plan

The Board of Trustees recognizes the importance of eliminating barriers that impede parent/family involvement, thereby facilitating an environment that encourages collaboration with parents, families and other members of the community. Therefore, the district will develop and implement a plan to facilitate parent/family involvement that shall include the following six (6) goals:

1. Promote families to actively participate in the life of the school and feel welcomed, valued, and connected to each other, to school staff, and to what students are learning and doing in class;
2. Promote families and school staff to engage in regular, two-way meaningful communication about student learning;
3. Promote families and school staff to continuously collaborate to support student learning and healthy development both at home and at school and have regular opportunities to strengthen their knowledge and skills to do so effectively;
4. Empower parents to be advocates for their own and other children, to ensure that students are treated equitably and have access to learning opportunities that will support their success;
5. Encourage families and school staff to be partners in decisions that affect children and families and together inform, influence, and create policies, practices, and programs; and
6. Encourage families and school staff to collaborate with members of the community to connect students, families, and staff to expand learning opportunities, community services, and civic participation.

The Board of Trustees, in consultation with parents, teachers administrators, and students has adopted this District plan for meeting these parent/family involvement goals:

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 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 all District policies, District handbooks, Board and Committee meeting agendas, the District grievance procedure and contact methods for District administrators and Trustees on the District's website.
- Providing access to educational resources a 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, their child's participation and progress within these programs, and methods to opt out of such programs and instruction 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 in accordance with Policy 3233 and 3550 and methods to consent to participation or opt out of participation consistent with parent/family rights.
- Providing explanation of rights regarding student name and pronoun use consistent with Family Educational Rights and Privacy Act and Policy 3600.

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 consistent with Montana law in the form of the student handbook, the District policy manual as posted on the District website, or other accessible format on topics which include:

- The District's options for delivery of personalized instruction to students consistent with Policies 1015FE and

2050, the legislature's findings at Section 20-7-1601, MCA. and Article X, Section 1 of the Montana Constitution.

- Evaluation, identification, and services provided to students with disabilities consistent with Section 20-7-411, MCA, Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, and Policies 2161 and 2162.
- Admission of students to kindergarten consistent with Sections 20-5-101 and 20-7-117, MCA, and Policy 3110.
- Proficiency based learning and other forms of personalized learning including course equivalency waiver consistent with Section 20-3-324, MCA and Policies 1005FE, 1015FE, 2050, 2410, and 3121.
- Participation in extracurricular activities, including participation by nonpublic and home school students consistent with Section 20-5-112, MCA, and Policy 3150.
- Access to remote instruction, including through the Montana Digital Academy pursuant to Title 20, chapter 7, part 12, non-District sources, and through other school districts as provided in Section 20-7-118, MCA, and Policies 2050, 2168, 2170, and 2167;
- Out-of-district attendance consistent with Title 20, chapter 5, part 3 MCA and Policies 3110, 3121, and 3141.
- early literacy targeted interventions in accordance with Title 20, MCA and Policy 1010FE.
- Part-time enrollment of a student who is otherwise enrolled at a nonpublic or home school consistent with Section 20-5-101, MCA and Policy 3150.
- Availability of funding to support student access to advanced opportunities, if applicable to a district consistent with Section 20-7-1506, MCA and Policy 1015FE;
- Career and technical education pursuant to Title 20, chapter 7, part 3, including the attainment of industry-recognized credentials and work-based learning, consistent with Section 20-7-1510, MCA, and Policies 2050, 2410, and 2600.
- Early college, dual enrollment, and running start opportunities, consistent with Section 20-9-706, MCA, and District Policy 2168 and 2410.
- Other opportunities for school-age children through Montana public schools which parents/families and students may rely upon as specified in Policy 2140 which:
  - support the development of a child's full educational potential;
  - assist in reducing the costs of postsecondary education and workforce preparation; and
  - foster life success.

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#### **Administrative Rules of Montana References**

10.55.701

#### **Description**

Board of Trustees

#### **Montana Code Annotated References**

40-6-701

#### **Description**

Interference with fundamental parental rights restricted

#### **Montana Session Laws References**

Chapter 676 (2023) Pending Codification

#### **Description**

Fundamental Parental Rights

Chapter 693 (2023) Pending Codification

Increase parental involvement in education

**Procedure 2161-P(1): Special Education - Procedure**

**Status:** DRAFT

**Original Adopted Date:** Pending

Child Find

The District shall be responsible for the coordination and management of locating, identifying, and evaluating all disabled children ages zero (-0-) through twenty-one (21). Appropriate staff will design the District's Child Find plan in compliance with all state and federal requirements and with assistance from special education personnel who are delegated responsibility for implementing the plan.

The District's plan will contain procedures for identifying suspected disabled students in private schools as identified in 34 C.F.R. 530.130 and 530.131(f), students who are home schooled, homeless children, as well as public facilities located within the geographic boundaries of the District. These procedures shall include screening and development criteria for further assessment. The plan must include locating, identifying, and evaluating highly mobile children with disabilities and children who are suspected of being a child with a disability and in need of special education, even though the child is and has been advancing from grade to grade. The District's Child Find Plan must set forth the following:

1. Procedures used to annually inform the public of all child find activities, for children zero through twenty-one;
2. Identity of the special education coordinator;
3. Procedures used for collecting, maintaining, and reporting data on child identification;
4. Procedures for Child Find Activities (including audiological, health, speech/language, and visual screening and review of data or records for students who have been or are being considered for retention, delayed admittance, long-term suspension or expulsion or waiver of learner outcomes) in each of the following age groups:

A. Infants and Toddlers (Birth through Age 2)

Procedures for referral of infants and toddlers to the appropriate early intervention agency, or procedures for conducting child find.

B. Preschool (Ages 3 through 5)

Part C Transition planning conferences; frequency and location of screenings; coordination with other agencies; follow-up procedures for referral and evaluation; and procedures for responding to individual referrals.

C. In-School (Ages 6 through 18)

Referral procedures, including teacher assistance teams, parent referrals, and referrals from other sources; and follow-up procedures for referral and evaluation.

D. Post-School (Ages 19 through 21)

Individuals who have not graduated from high school with a regular diploma and who were not previously identified. Describe coordination efforts with other agencies.

E. Private Schools (This includes home schools.)

Child find procedures addressing the provisions of A.R.M. 10.16.3125(1); follow-up procedures for referral and evaluation.

F. Homeless Children

G. Dyslexia

The School District shall establish procedures to ensure that all resident children with disabilities, including specific learning disabilities resulting from dyslexia, are identified and evaluated for special education and related services as early as possible. The screening instrument must be administered to:

- A. a child in the first year that the child is admitted to a school of the district up to grade 2; and
- B. a child who has not been previously screened by the district and who fails to meet grade-level reading benchmarks in any grade;
- C. The screening instrument shall be administered by an individual with an understanding of, and training to identify, signs of dyslexia designed to assess developmentally appropriate phonological and phonemic awareness skills.

If a screening suggests that a child may have dyslexia or a medical professional diagnosis a child with dyslexia, the child's school district shall take steps to identify the specific needs of the child and implement best practice interventions to address those needs. This process may lead to consideration of the child's qualification as a child with a disability under this policy.

#### Procedures for Evaluation and Determination of Eligibility

Procedures for evaluation and determination of eligibility for special education and related services are conducted in accordance with the procedures and requirements of 34 C.F.R. 300.301-300.311 and the following state administrative rules:

10.16.3320 - Referral;

10.60.103 - Identification of Children with Disabilities;

10.16.3321 - Comprehensive Educational Evaluation Process;

#### Procedural Safeguards and Parental Notification

The District implements the procedural safeguard procedures as identified in 34 C.F.R. 300.500 - 300.530.

A copy of the procedural safeguards available to the parents of a child with a disability must be given to the parents only one (1) time a school year, except that a copy also must be given to the parents:

- Upon initial referral or parent request for evaluation;
- Upon receipt of the first state complaint under 34 CFR 300.151 through 300.153 and upon receipt of the first due process complaint under 34 CFR 300.507 in a school year;
- In accordance with the discipline procedures in 34 CFR 300.530(h) (...on the date on which the decision is made to make a removal that constitutes a change of placement of a child with a disability because of a violation of a code of student conduct, the LEA must...provide the parents the procedural safeguards notice); and
- Upon request by a parent.

A public agency also may place a current copy of the procedural safeguard notice on its internet website, if a website exists. [34 CFR 300.504(a) and (b)] [20 U.S.C. 1415(d)(1)]

The referral for special education consideration may be initiated from any source, including school personnel. To initiate the process, an official referral form must be completed and signed by the person making the referral. The District shall accommodate a parent who cannot speak English and therefore cannot complete the District referral form. Recognizing that the referral form is a legal document, District personnel with knowledge of the referral shall bring the referral promptly to the attention of the Evaluation Team.

The District shall give written notice to the parent of its recommendation to evaluate or not to evaluate the student. The parent will be fully informed concerning the reasons for which the consent to evaluate is sought. Written parental consent will be obtained before conducting the initial evaluation or before reevaluating the student.

The recommendation to conduct an initial evaluation or reevaluation shall be presented to the parents in their native language or another mode of communication appropriate to the parent. An explanation of all the procedural safeguards shall be made available to the parents when their consent for evaluation is sought. These safeguards will include a statement of the parents' rights relative to granting the consent.

#### Evaluation of Eligibility

Evaluation of eligibility for special education services will be consistent with the requirements of 34 C.F.R. 300.301 through 300.311 regarding Procedures for Evaluation and Determination of Eligibility; and shall also comply with A.R.M. 10.16.3321.

#### Individualized Education Programs

The District develops, implements, reviews, and revises individualized education programs (IEP) in accordance with the requirements and procedures of 34 C.F.R. 300.320-300.328.

#### Independent Education Evaluations

The parents of a child with a disability have the right to obtain an independent educational evaluation of the child in accordance with law. Independent educational evaluation means an evaluation conducted by a qualified examiner who is not employed by the District at District expense.

If the parents request an independent educational evaluation, the District will provide information about where an independent educational evaluation may be obtained and the criteria applicable for independent educational evaluations. The District may also ask for the parent's reason why he or she objects to the public evaluation.

A parent is entitled to only one independent educational evaluation at public expense each time the public agency conducts an evaluation with which the parent disagrees.. If the parent obtains an independent educational evaluation at District expense or shares with the public agency an evaluation obtained at private expense, the results of the evaluation will be handled in accordance with law.

If an independent educational evaluation is at District expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the public agency uses when it initiates an evaluation.

#### Least Restrictive Environment

To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled, and special classes, separate schooling, or other removal of children with disabilities from the regular class occurs only if the nature or severity of the disability is such that education in regular classes, with the use of supplementary aids and services, cannot be achieved satisfactorily.

Educational placement decisions are made in accordance with A.R.M. 10.16.3340 and the requirements of 34 C.F.R. 300.114 - 300.120, and a continuum of alternate placements is available as required in 34 C.F.R. 300.551.

#### Children in Private Schools/Out-of District Placement

Children with a disability placed in or referred to a private school or facility by the District, or other appropriate agency, shall receive special education and related services in accordance with the requirements and procedures of 34 C.F.R. 300.145 through 300.147 and A.R.M. 10.16.3122.

As set forth under 34 C.F.R. 300.137, children with a disability placed in or referred to a private school or facility by parents do not have an individual right to special education and related services at the District's expense. When services are provided to children with disabilities placed by parents in private schools, the services will be in accordance with the requirements and procedures of 34 C.F.R. 300.130 through 300.144, and 300.148.

#### Impartial Due Process Hearing

The District shall conduct the impartial hearing in compliance with the Montana Administrative Rules on matters pertaining to special education controversies.

## Special Education Records and Confidentiality of Personally Identifiable Information

### A. Confidentiality of Information

The District follows the provisions under the Family Educational Rights and Privacy Act and implements the procedures in 34 C.F.R. 300.610-300.627, § 20-1-213, MCA, and A.R.M. 10.16.3560.

### B. Access Rights

Parents of disabled students and students eighteen (18) years or older, or their representative, may review any educational records which are designated as student records collected, maintained, and used by the District. Review shall normally occur within five (5) school days and in no case longer than forty-five (45) days. Parents shall have the right to an explanation or interpretation of information contained in the record. Non-custodial parents shall have the same right of access as custodial parents, unless there is a legally binding document specifically removing that right.

### C. List of Types and Locations of Information

A list of the records maintained on disabled students shall be available in the District office. Disabled student records shall be located in the \_\_\_\_\_, where they are available for review by authorized District personnel, parents, and adult students. Special education teachers will maintain an IEP file in their classrooms. These records will be maintained under the direct supervision of the teacher and will be located in a locked file cabinet. A record-of-access sheet in each special education file will specify the District personnel who have a legitimate interest in viewing these records.

### D. Safeguards

The District will identify in writing the employees who have access to personally identifiable information, and provide training on an annual basis to those staff members.

### E. Destruction of Information

The District will inform parents five (5) years after the termination of special education services that personally identifiable information is no longer needed for program purposes. Medicaid reimbursement records must be retained for a period of at least six years and three months from the date on which the service was rendered or until any dispute or litigation concerning the services is resolved, whichever is later. The parent will be advised that such information may be important to establish eligibility for certain adult benefits. At the parent's request, the record information shall either be destroyed or made available to the parent or to the student if eighteen (18) years or older. Reasonable effort shall be made to provide the parent with notification sixty (60) days prior to taking any action on destruction of records. Unless consent has been received from the parent to destroy the record, confidential information will be retained for five (5) years beyond legal school age.

### F. Children's Rights

Privacy rights shall be transferred from the parent to an adult student at the time the student attains eighteen (18) years of age, unless some form of legal guardianship has been designated due to the severity of the disabling condition.

## Discipline

Students with disabilities may be suspended from school the same as students without disabilities for the same infractions or violations for up to ten (10) consecutive school days. Students with disabilities may be suspended for additional periods of not longer than ten (10) consecutive school days for separate, unrelated incidents, so long as such removals do not constitute a change in the student's educational placement. However, for any additional days of removal over and above ten (10) school days in the same school year, the District will provide educational services to a disabled student, which will be determined in consultation with at least one (1) of the child's teachers, determining the location in which services will be provided. The District will implement the disciplinary procedures in accord with the requirements of CFR 300.530-300.537.

**Administrative Rules of Montana References**

10.16.3122

10.16.3220

10.16.3321

10.16.3340

10.16.3560

10.60.103

37.85.414

**Description**

Local Educational Agency Responsibility for Students with Disabilities

Program Narrative

Comprehensive Educational Evaluation Process

Individualized Education Program and Placement Decisions

Special Education Records

Identification of Children with Disabilities

Maintenance of Records and Auditing (Medicaid)

**Montana Code Annotated References**

20-1-213

20-7-469

Title 20, Chapter 7, part 4

**Description**

Transfer of School Records

Dyslexia-definition-screening-intervention

Special Education for Exceptional Children

**United States Code References**

29 USC 701, et seq

42 USC 12101, et seq.

Title 20, Chapter 33, Subchapter I

**Description**

Section 504 of the Rehabilitation Act

Title II of the Americans with Disabilities Act of 1990

Individuals with Disabilities Education Act

**Code of Federal Regulations References**

34 CFR 300.1, et seq.

**Description**

Individuals with Disabilities Education Act



Policy 2162: Section 504

Status: DRAFT

Original Adopted Date: Pending

It is the intent of the District to ensure that students who are disabled within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated, and provided with appropriate educational services. For those students who need or are believed to need special instruction and/or related services under Section 504 of the Rehabilitation Act of 1973, the District shall establish and implement a system of procedural safeguards. The safeguards shall cover students' identification, evaluation, and educational placement. This system shall include: notice, an opportunity for the student's parent or legal guardian to examine relevant records, an impartial hearing with opportunity for participation by the student's parent or legal guardian, and a review procedure.

United States Code References

29 USC 701, et seq

42 USC 12101, et seq.

Description

Section 504 of the Rehabilitation Act

Title II of the Americans with Disabilities Act of 1990

Code of Federal Regulations References

34 CFR 104

Description

Section 504 of Rehabilitation Act

**Procedure 2162-P(1): Section 504 - Rehabilitation Act of 1973**

**Status:** DRAFT

**Original Adopted Date:** Pending

1. Impartial Due Process Hearing. If the parent or legal guardian of a student who qualifies under Section 504 for special instruction or related services disagrees with a decision of the District with respect to: (1) the identification of the child as qualifying for Section 504; (2) the District's evaluation of the child; and/or (3) the educational placement of the child, the parents of the student are entitled to certain procedural safeguards. The student shall remain in his/her current placement until the matter has been resolved through the process set forth herein.
  - A. The District shall provide written notice to the parent or legal guardian of a Section 504 student, prior to initiating an evaluation of the child and/or determining the appropriate educational placement of the child, including special instruction and/or related services;
  - B. Upon request, the parent or legal guardian of the student shall be allowed to examine all relevant records relating to the child's education and the District's identification, evaluation, and/or placement decision;
  - C. The parent or legal guardian of the student may make a request in writing for an impartial due process hearing. The written request for an impartial due process hearing shall identify with specificity the areas in which the parent or legal guardian is in disagreement with the District;
  - D. Upon receipt of a written request for an impartial due process hearing, a copy of the written request shall be forwarded to all interested parties within three (3) business days;
  - E. Within ten (10) days of receipt of a written request for an impartial due process hearing, the District shall select and appoint an impartial hearing officer who has no professional or personal interest in the matter. In that regard, the District may select a hearing officer from the list of special education hearing examiners available at the Office of Public Instruction, the county superintendent, or any other person who would conduct the hearing in an impartial and fair manner;
  - F. Once the District has selected an impartial hearing officer, the District shall provide the parent or legal guardian and all other interested parties with notice of the person selected;
  - G. Within five (5) days of the District's selection of a hearing officer, a prehearing conference shall be scheduled to set a date and time for a hearing, identify the issues to be heard, and stipulate to undisputed facts to narrow the contested factual issues;
  - H. The hearing officer shall, in writing, notify all parties of the date, time, and location of the due process hearing;
  - I. Anytime prior to the hearing, the parties may mutually agree to submit the matter to mediation. A mediator may be selected from the Office of Public Instruction's list of trained mediators;
  - J. At the hearing, the District and the parent or legal guardian may be represented by counsel;
  - K. The hearing shall be conducted in an informal but orderly manner. Either party may request that the hearing be recorded. Should either party request that the hearing be recorded, it shall be recorded using either appropriate equipment or a court reporter. The District shall be allowed to present its case first. Thereafter the parent or legal guardian shall be allowed to present its case. Witnesses may be called to testify, and documentary evidence may be admitted; however, witnesses will not be subject to cross-examination, and the Montana Rules of Evidence will not apply. The hearing officer shall make all decisions relating to the relevancy of all evidence intended to be presented by the parties. Once all evidence has been received, the hearing officer shall close the hearing. The hearing officer may request that both parties submit proposed findings of fact, conclusions, and decision;
  - L. Within twenty (20) days of the hearing, the hearing examiner should issue a written report of his/her decision to the parties;

M. Appeals may be taken as provided by law. The parent or legal guardian may contact the Office of Civil Rights, 912 2nd Avenue, Seattle, WA 9814-1099; (206) 220-7900.

2. Uniform Complaint Procedure. If a parent or legal guardian of the student alleges that the District and/or any employee of the District has engaged in discrimination or harassment of the student, the parent or legal guardian will be required to proceed through the District's Uniform Complaint Procedure.

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**United States Code References**

29 USC 701, et seq

42 USC 12101, et seq.

**Description**

Section 504 of the Rehabilitation Act

Title II of the Americans with Disabilities Act of 1990

**Code of Federal Regulations References**

34 CFR 104

**Description**

Section 504 of Rehabilitation Act

**Policy 2166: Gifted Program**

**Status:** DRAFT

**Original Adopted Date:** Pending

To the extent possible with available resources, all gifted and talented students will have the opportunity to participate in appropriate educational programs. "Gifted and talented students" are students of outstanding abilities, who are capable of high performance and who require differentiated educational programs beyond those normally offered in public schools, in order to fully achieve their potential contribution to self and society.

The District shall:

- Provide educational services to gifted and talented students that are commensurate to their needs and foster a positive self-image.
- Comply with all federal and state laws and regulations regarding addressing gifted education.
- Provide structured support and assistance to teachers in identifying and meeting the diverse student needs of gifted and talented students and shall provide a framework for considering a full range of alternatives for addressing student needs.

The \_\_\_\_\_ will establish procedures consistent with state guidelines for nominating, assessing, and selecting children of demonstrated achievement, or potential ability in terms of general intellectual ability and academic aptitude.

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**Administrative Rules of Montana References**

10.55.804

**Description**

Gifted and talented

**Montana Code Annotated References**

Title 20, Chapter 7, part 9

**Description**

Gifted and Talented Children

**Policy 2221: School Emergency and Closure**

**Status:** DRAFT

**Original Adopted Date:** Pending

The \_\_\_\_\_ may order closure of schools in the event of extreme weather or other emergency, in compliance with established procedures for notifying parents, students, and staff.

The Board of Trustees is authorized to declare that a state of emergency exists within the community. A declaration issued by the Board of Trustees is distinct from any declaration in effect or previously issued by local, state, or federal authorities. An emergency declaration issued by the Board of Trustees authorizes the School District to take extraordinary measures to protect students and staff while delivering education services in a manner authorized by law. The method and location of instruction and related educational services shall be implemented in a manner that serves the needs of students, their families, and staff and preserves the School District's full entitlement of funding.

The trustees may order the emergency closure of schools for one (1) school day each year, without the need to reschedule the lost pupil instruction time when the closure is the result of an emergency. The 1-school-day closure under this subsection is not subject to the reduction in BASE aid pursuant to Section 20-9-805, MCA.

In the event of a declared emergency, the School District shall avail itself of all flexibilities allowed by law, rule, or regulation and shall be otherwise governed by the school finance laws and rules of the state of Montana. The School District shall comply with auditing requirements and reserves the authority to assert its rights to manage school district funds or seek state and federal funds in a manner consistent with the full flexibility available under all applicable laws.

If a declaration of emergency is declared by the Board of Trustees, it may later adopt a resolution that a reasonable effort has been made to reschedule the pupil-instruction time lost because of the unforeseen emergency. If the trustees adopt the resolution, the pupil-instruction time lost during the closure need not be rescheduled to meet the minimum requirement for aggregate hours that a school district must conduct during the school year in order to be entitled to full BASE aid. At least 75% of the pupil-instruction time lost due to the unforeseen emergency must have been made up before the trustees can declare that a reasonable effort has been made.

For the purposes of this and related policies, "reasonable effort" means the rescheduling or extension of the school district's instructional calendar to make up at least 75% of the hours of pupil instruction lost due to an unforeseen emergency through any combination of the following as outlined in accordance with Policies 2050 and 2100:

- a. extending the school year beyond the last scheduled day;
- b. the use of scheduled vacation days in the district's adopted school calendar
- c. the conduct of pupil instruction on Saturdays;
- d. extending instructional hours during the school day.

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**Montana Code Annotated References**

Title 20, Chapter 9, part 8

**Description**

Emergency School Closure

Policy 2250: Community and Adult Education

Status: DRAFT

Original Adopted Date: Pending

Efforts will be made to maximize the use of public school facilities and resources, realizing that education is a lifelong process involving the whole community. The District may make its resources available to adults and other non-students, within limits of budget, staff, and facilities, provided there is no interference with or impairment of the regular school program. Community and adult education and other offerings may be developed in cooperation with community representatives, subject to approval and authorization by the Board.

Montana Code Annotated References	Description
20-7-703	Trustees' policies for adult education

Policy 2309: Library Materials

Status: DRAFT

Original Adopted Date: Pending

School library and classroom library books are primarily for use by District students and staff. Library books may be checked out by either students or staff. Individuals who check out books are responsible for the care and timely return of those materials. The building principal may assess fines for damaged or unreturned books.

District residents and parents or guardians of non-resident students attending the District may be allowed use of library books, at the discretion of the building principal. However, such access shall not interfere with regular school use of those books. Use of library books outside of the District is prohibited except for inter-library loan agreements with other libraries.

Any individual may challenge the selection of materials for the library/media center. The Uniform Complaint Procedure will be utilized to determine if challenged material is properly located in the library.

Montana Code Annotated References	Description
20-4-402	Duties of district superintendent or county high school principal
20-7-203	Trustees' policies for school library
20-7-204	School library book selection
American Library Association References	Description
Library Bill of Rights	Library Bill of Rights

**Policy 2310: Selection of Library Materials**

**Status:** DRAFT

**Original Adopted Date:** Pending

The District has libraries in every school, with the primary objective of implementing and supporting the educational program in the schools. It is the objective of these libraries to provide a wide range of materials on all appropriate levels of difficulty, with diversity of appeal and the presentation of different points of view.

The provision of a wide variety of library materials at all reading levels supports the District's basic principle that the school in a free society assists all students to develop their talents fully so that they become capable of contributing to the further good of that society.

In support of these objectives, the Board reaffirms the principles of intellectual freedom inherent in the First Amendment of the Constitution of the United States and guided by the principles set forth in the American Library Association's Library Bill of Rights and its interpretation for school libraries.

Although the \_\_\_\_\_ is responsible for selection of library materials, ultimate responsibility rests with the Board.

The Board, acting through the \_\_\_\_\_, thereby delegates authority for selection of library materials to the principal in each of the schools. The principal further delegates that authority to the librarian in the school.

(NOTE: BY STATUTE, THE SUPERINTENDENT, or a principal if there is no district superintendent, HAS AUTHORITY AND IS RESPONSIBLE FOR SELECTION OF LIBRARY MATERIALS, SUBJECT TO BOARD APPROVAL. THE SUPERINTENDENT AND BOARD MAY NOT WANT TO DELEGATE THIS RESPONSIBILITY.)

**Montana Code Annotated References**

20-4-402

20-7-203

20-7-204

**Description**

Duties of district superintendent or county high school principal

Trustees' policies for school library

School library book selection

**American Library Association References**

Library Bill of Rights

**Description**

Library Bill of Rights



**Procedure 2310-P(1): Selection of Library Materials - Procedure**

**Status:** DRAFT

**Original Adopted Date:** Pending

Selection of library materials is a professional task conducted by library staff. In selecting library materials, the librarian will evaluate the existing collection; assess curricula needs; examine materials; and consult reputable, professionally prepared selection aids.

Weeding

When materials no longer meet criteria for selection, they will be weeded. Weeding is a necessary aspect of selection, since every library will contain works which may have answered a need at the time of acquisition, but which, with the passage of time, have become obsolete, dated, unappealing, or worn out.

Discarded materials will be clearly stamped:

“WITHDRAWAL FROM \_\_\_\_\_ PUBLIC SCHOOL LIBRARY”

Materials will be discarded in compliance with § 20-6-604, MCA. When the decision to sell or dispose of library materials is made, the Board will adopt a resolution to sell or otherwise dispose of the material because it is or is about to become abandoned, obsolete, undesirable, or unsuitable for the school purposes of the District. The Board will publish a notice of the resolution in the newspaper of general circulation in \_\_\_\_\_. The resolution may not become effective for fourteen (14) days after notice is published.

Gifts

Gift materials may be accepted with the understanding they must meet criteria set for book selection.

**Montana Code Annotated References**

20-4-402

20-7-203

20-7-204

**Description**

Duties of district superintendent or county high school principal

Trustees' policies for school library

School library book selection

**American Library Association References**

Library Bill of Rights

**Description**

Library Bill of Rights

**Policy 2311: Instructional Materials**

**Status:** DRAFT

**Original Adopted Date:** Pending

The Board is legally responsible to approve and to provide the necessary instructional materials used in the District. Textbooks and instructional materials should provide quality learning experiences for students and:

- Enrich and support the curriculum;
- Stimulate growth in knowledge, literary appreciation, aesthetic value, and ethical standards;
- Provide background information to enable students to make intelligent judgments;
- Present opposing sides of controversial issues;
- Be representative of the many religious, ethnic, and cultural groups and their contributions to our American heritage;
- Depict in an accurate and unbiased way the cultural diversity and pluralistic nature of American society.

Basic instructional course material in the fundamental skill areas of language arts, mathematics, science, and social studies should be reviewed at intervals not exceeding five (5) years, or consistent with the state's standards revision schedule that are consistent with the goals of the continuous school improvement plan. All instructional materials must be sequential and must be compatible with previous and future offerings.

Instructional materials may be made available for loan to students when the best interest of the District and student will be served by such a decision. Students will not be charged for normal wear. They will be charged replacement cost, however, as well as for excessive wear, unreasonable damage, or lost materials. The professional staff will maintain records necessary for the proper accounting of all instructional materials.

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**Administrative Rules of Montana References**

10.55.603

**Description**

Curriculum and Assessment

**Montana Code Annotated References**

20-4-402

**Description**

Duties of district superintendent or county high school principal

20-7-601

Free textbook

20-7-602

Textbook selection and adoption

**Procedure 2311-P(1): Instructional Materials - Procedure**

**Status:** DRAFT

**Original Adopted Date:** Pending

Selection, Adoption, and Removal of Textbooks and Instructional Materials

Curriculum committees will generally be responsible to recommend textbooks and major instructional materials purchases. Recommendations will be made to the \_\_\_\_\_. The function of the committee is to ensure that materials are selected in conformance with stated criteria and established District goals and objectives. A curriculum committee may consist of only those members in a particular department. The same basic selection procedures should be followed as with District-wide committees.

Selection and Adoption

Textbooks shall be selected by a curriculum committee representing the various staff who will likely be using the text. In most, but not all, cases an \_\_\_\_\_ will chair the committee. Each committee should develop, prior to selection, a set of selection criteria against which textbooks will be evaluated. The criteria should include the following, along with other appropriate criteria. Textbooks shall:

- Be congruent with identified instructional objectives;
- Present more than one viewpoint on controversial issues;
- Present minorities realistically;
- Present non-stereotypic models;
- Facilitate the sharing of cultural differences;
- Be priced appropriately.

Removal

Textbooks may be removed when they no longer meet the criteria for initial selection, when they are worn out, or when they have been judged inappropriate through the Learning Materials Review Process.

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**Administrative Rules of Montana References**

10.55.603

**Description**

Curriculum and Assessment

**Montana Code Annotated References**

20-4-402

**Description**

Duties of district superintendent or county high school principal

20-7-601

Free textbook

20-7-602

Textbook selection and adoption

**Policy 2312: Copyright**

**Status:** DRAFT

**Original Adopted Date:** Pending

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

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

Under the fair use doctrine, each of the following four standards must be met in order to use the printed copyrighted document:

- Purpose and Character of the Use – The use must be for such purposes as teaching or scholarship.
- Nature of the Copyrighted Work – The type of work to be copied.
- Amount and Substantiality of the Portion Used – Copying the whole of a work cannot be considered fair use; copying a small portion may be if these guidelines are followed.
- Effect of the Use Upon the Potential Market for or value of the Copyrighted Work – If resulting economic loss to the copyright holder can be shown, even making a single copy of certain materials may be an infringement, and making multiple copies presents the danger of greater penalties.

While the District encourages its staff to enrich learning programs by making proper use of supplementary materials, it is the responsibility of staff to abide by District copying procedures and obey requirements of law. Under no circumstances will it be necessary for staff to violate copyright requirements in order to properly perform their duties. The District cannot be responsible for any violations of the copyright law by its staff.

The display of dramatic performances, musical works, motion pictures or television programming to students may only occur for educational purposes under the following standards:

- During onsite instruction
- When viewed in a classroom or designated place of instruction
- With a lawfully made copy or via an authorized account
- As a regular part of instruction and directly related to the curriculum

Employees should contact the administration with inquiries about accessing lawful copies of materials or accounts to access materials available via online platforms to ensure compliance with copyright laws.

Any staff member who is uncertain as to whether reproducing or using copyrighted material complies with District procedures or is permissible under the law should consult the \_\_\_\_\_. The \_\_\_\_\_ will assist staff in obtaining proper authorization to copy or use protected materials, when such authorization is required.

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**United States Code References**

17 USC 101 - 1332

**Description**

Federal Copyright Law of 1976

**Policy 2314: Learning Materials Review**

**Status:** DRAFT

**Original Adopted Date:** Pending

Citizens objecting to specific materials used in the District are encouraged to submit a complaint in writing using the Uniform Complaint Procedure (Policy 1700) and discuss the complaint with the building principal prior to pursuing a formal complaint.

Learning materials, for the purposes of this policy, are considered to be any material used in classroom instruction, library materials, or any materials to which a teacher might refer a student as part of the course of instruction

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**Policy 2330: Controversial Issues and Academic Freedom**

**Status:** DRAFT

**Original Adopted Date:** Pending

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

Teachers will guide discussions and procedures with thoroughness and objectivity to acquaint students with the need to recognize various points of view, importance of fact, value of good judgment, and the virtue of respect for conflicting opinions.

The Board encourages and supports the concept of academic freedom, recognizing it as a necessary condition to aid in maintaining an environment conducive to learning and to the free exchange of ideas and information.

In a study or discussion of controversial issues or materials, however, the Board directs teaching staff to take into account the following criteria:

1. Relative maturity of students;
2. District philosophy of education;
3. Community standards, morals, and values;
4. Necessity for a balanced presentation; and
5. Necessity to seek administrative counsel and guidance in such matters.

**Montana Code Annotated References**

20-3-324

**Description**

Powers and duties

**Policy 2332: Religion and Religious Activities**

**Status:** DRAFT

**Original Adopted Date:** Pending

Religion and Religious Activities

In keeping with the United States and Montana Constitutions and judicial decisions, the District may not support any religion or endorse religious activity. At the same time, the District may not prohibit private religious expression by students. This policy provides direction to students and staff members about the application of these principles to student religious activity at school.

Student Prayer and Discussion

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

Staff Members

Staff members may not encourage, discourage, persuade, dissuade, sponsor, participate in, or discriminate against a religious activity or an activity because of its religious content when in the course of completing official duties.

Graduation Ceremonies

Graduation is an important event for students and their families. In order to assure the appropriateness and dignity of the occasion, the District sponsors and pays for graduation ceremonies and retains ultimate control over their structure and content.

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

Baccalaureate Ceremonies

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

Assemblies, Extracurricular and Athletic Events

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

Student Religious Expression and Assignments

Students may express their individual religious beliefs in reports, tests, homework, and projects. Staff members should judge their work by ordinary academic standards, including substance, relevance, appearance, composition, and grammar. Student religious expression should neither be favored nor penalized.

Religion in the Curriculum

Staff members may teach students about religion in history, art, music, literature, and other subjects in which

religious influence has been and continues to be felt. However, staff members may not teach religion or advocate religious doctrine or practice. The prohibition against teaching religion extends to curricular decisions which promote religion or religious beliefs.

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

Student Religious Groups-

Students may gather as non-curricular groups to discuss or promote religion in accordance with District Policy 3233.

Distribution of Religious Literature

Students may distribute religious literature to their classmates, subject to the same constitutionally acceptable restrictions the District imposes on distribution of other non-school literature. Outsiders may not distribute religious or other literature to students on school property, consistent with and pursuant to the District policy on solicitations (Policy 4321).

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.

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**Montana Code Annotated References**

20-1-308

**Description**

Religious instruction released time program

20-7-112

Sectarian publications prohibited and prayer permitted

**Montana Constitution References**

Article X, section 1

**Description**

Educational Goals and Duties

Article X, Section 7

Nondiscrimination in Education

Article, Section 5

Freedom of Religion

**United States Constitution References**

First Amendment

**Description**

Freedom of Religion

First Amendment

Establishment Clause

**Montana Session Laws References**

Chapter 280 (2023) Pending Codification

**Description**

Religious materials and prayer in schools

Chapter 281 (2023) Pending Codification

Religious expression for students and teachers



**Policy 2333: Participation in Commencement Exercises**

**Status:** DRAFT

**Original Adopted Date:** Pending

Statement of Policy

A student's right to participate in the promotion exercise is an honor. As such, participation in this exercise is reserved for those members who have completed all state and local requirements for promotion before the date of the ceremony.

Organization and Content of Commencement Exercises

The school district will permit students to honor their American Indian heritage through the display of culturally significant tribal regalia at commencement ceremonies. Any item that promotes drug use, weapon use, threats of violence, sexual harassment, bullying, or other intimidation, or violates another district policy, state, or federal law may not be worn during graduation.

The school administrators will review presentations and specific content, and may advise participants about appropriate language for the audience and occasion. Students selected to participate may choose to deliver an address, poem, reading, song, musical presentation, or any other pronouncement of their choosing.

The printed program for a commencement exercise will include the following paragraphs:

*Any presentation by participants of graduation exercises is the private expression of an individual participant and does not necessarily reflect any official position of the District, its Board, administration, or employees, nor does it necessarily indicate the views of any other graduates. The Board recognizes that at graduation time and throughout the course of the educational process, there will be instances when religious values, religious practices, and religious persons will have some interaction with the public schools and students. The Board, while not endorsing any religion, recognizes the rights of individuals to have the freedom to express their individual political, social, or religious views.*

**Montana Code Annotated References**

20-1-308	Religious instruction released time program
20-5-201	Duties and Sanctions
20-7-112	Sectarian publications prohibited and prayer permitted

**Montana Constitution References**

Article X, section 1	Educational Goals and Duties
Article X, Section 7	Nondiscrimination in Education
Article, Section 5	Freedom of Religion

**United States Constitution References**

First Amendment	Freedom of Religion
First Amendment	Establishment Clause

**Policy 2413: Credit Transfer and Assessment for Placement**

**Status:** DRAFT

**Original Adopted Date:** Pending

Grades 1-8

Requests from parents of students in non-accredited, nonpublic schools for placement in the District school system will be evaluated by an assessment-for-placement team. That team will include:

1. A school principal;
2. One (1) teacher of the grade in which the student is being considered for enrollment; and
3. One (1) counselor (grades 6-8 only) (OPTIONAL).

The assessment-for-placement team will cause the District-adopted norm-referenced test and/or the end-of-the-year subject-matter test to be administered and scored. The assessment-for-placement team will take into account the following in its recommendation for grade placement:

1. Documentation that the non-accredited, nonpublic school has provided a comparable number of hours as the child would have attended in a public or private school;
2. That the child followed a similar curriculum as would have been provided in an accredited public or private school;
3. That the result of the end-of-the-year test indicates the student has mastered most prerequisite skills; and
4. That the child achieved an NCE score of forty (40) or above on the Standard Achievement Test.

Parents of students in home schools are encouraged to maintain a log documenting dates of instruction, content of instruction, amount of time spent on that instruction, scores on tests, and grades in all activities.

The District is not obligated to provide instructional materials for other public or private schools.

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

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**Montana Code Annotated References**

20-5-110

**Description**

School district assessment for placement of a child who enrolls from a nonaccredited, nonpublic school

**Policy 2450: Indian Education for All**

**Status:** DRAFT

**Original Adopted Date:** Pending

Recognition of Native American Cultural Heritage

The District recognizes the distinct and unique cultural heritage of Native Americans and is committed in the District's educational goals to the preservation of such heritage consistent with Article X, Section 1 (2) of the Montana Constitution.

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

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

The Board requires certified staff to satisfy the requirements for instruction in American Indian studies, set forth in § 20-1-503, MCA, if an Indian Education for All payment is issued to the District under Section 20-9-329, MCA.

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<b>Administrative Rules of Montana References</b>	<b>Description</b>
10.55.603	Curriculum and Assessment
10.55.701	Board of Trustees
<b>Montana Code Annotated References</b>	<b>Description</b>
20-1-501	Indian Education For All
<b>Montana Constitution References</b>	<b>Description</b>
Article X, section 1	Educational Goals and Duties
<b>Montana Session Laws References</b>	<b>Description</b>
Chapter 718 (2023) Pending Codification	Indian Education for All

**Policy 2510: School Wellness**

**Status:** DRAFT

**Original Adopted Date:** Pending

**School Wellness**

The Cooke City School District is committed to providing a school environment that promotes and protects children's health, well-being, and ability to learn by supporting healthy eating and physical activity. Therefore it is the policy of the Cooke City School District to include:

1. Community involvement, including input from parents, students, school food service, the school board, educators and the public in the development of the school wellness program.
2. Goals for nutrition education designed to promote student wellness including:
  1. All students shall receive nutrition education that teaches the knowledge and skills needed to adopt healthy eating behaviors.
  2. Nutrition education shall be integrated into the curriculum.
  3. Nutrition information and education shall be offered throughout the school based on the U.S. Dietary Guidelines for Americans.
3. Nutritional guidelines for all foods available at school during the school day with the objective of promoting student health and nutrient-rich meals and snacks including food and beverages used for classroom rewards and fundraising efforts.
4. A plan for measuring implementation of this policy.

**Health Enhancement and Physical Activity Opportunities**

The District shall offer health enhancement opportunities that include the components of a quality health enhancement program. Health enhancement instruction shall be aligned with the Montana Health Enhancement Content Standards and Benchmarks. All students shall have the opportunity to participate regularly in supervised, organized-or unstructured, physical activities, to maintain physical fitness, and to understand the short-and long-term benefits of a physically active and healthy lifestyle.

**Maintaining Student Wellness**

The School Board shall develop and implement procedures consistent with this policy utilizing community involvement before implementation. The School Board shall measure how well this policy is being implemented, managed, and enforced. The Supervising Teacher or Principal shall report to the Board, as requested on the District's programs and efforts to meet the purpose and intent of this policy.

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**United States Code References**

PL 108-265

PL 111-296

**Description**

The Child Nutrition and WIC Reauthorization Act of 2004

The Healthy, Hunger-Free Kids Act of 2010

**Policy 3110: Entrance, Placement, and Transfer**

**Status:** DRAFT

**Original Adopted Date:** Pending

Entrance, Date, and Age

The trustees will enroll and admit a child to a school in the district when the child is 5 years of age or older on or before the tenth (10th) day of September of the school year in which the child is to enroll but is not yet 19 years of age who is a resident of the District. Parents may request a waiver of the age requirement. All waivers are granted in the sole discretion of the Trustees.

Non-resident students may be admitted at the discretion of the Trustees. Children will be enrolled in the grade identified in accordance with District policy or at the discretion of the of the administration in consultation with the student's parents or guardians. The District requires proof of identity and an immunization record for every child to be admitted to District schools.

The trustees may at their discretion assign and admit a child to a school in the district who is under 5 years of age or an adult who is 19 years of age or older if there are exceptional circumstances that merit waiving the age provision. The trustees may also admit an individual who has graduated from high school but is not yet 19 years of age even though no special circumstances exist for waiver of the age provision of this Policy.

The trustees shall assign and admit a child who is enrolled in a nonpublic or home school and who meets the age and residency requirement of this policy on a part-time basis at the request of the child's parent or guardian consistent with the provisions of Policy 3150. A part time enrollee shall be calculated for purposes of ANB consistent with Policy 3121.

School Entrance

1. The District requires that a student's parents, legal guardian, or legal custodian present proof of identity of the child1 to the school within forty (40) days of enrollment, as well as proof of residence in the District. Students who are not residents of the District may apply for admission pursuant to Policy 3141.
2. To be admitted to District schools, in accordance with the Montana Immunization Law, a child must have been immunized against varicella, diphtheria, pertussis, tetanus, poliomyelitis, rubella, mumps, and measles in the manner and with immunizing agents approved by the department. Immunizations may not be required if a child qualifies for conditional attendance or an exemption is filed as provided by Montana law.
3. The above requirements are not to serve as barriers to immediate enrollment of students designated as homeless or foster children as required by the Every Student Succeeds Act (ESSA) and the McKinney-Vento Act as amended by ESSA. The District shall work with the local child welfare agency, the school last attended, or other relevant agencies to obtain necessary enrollment documentation and ensure a student receives education services in the best interests of the child. The \_\_\_\_\_ shall serve as point of contact with all applicable agencies to review records, facilitate services and resolve disputes.

Placement

The District goal is to place students at levels and in settings that will increase 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 the Board.

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 will be placed in student data management system as soon as enrolled under this provision. The student will attend classes during preliminary enrollment and the Board authorizes the administration to provide offsite instruction to the student if not present in the District. The District will include a student enrolled under this

provision as part of the calculation of ANB.

### Transfer

District policies regulating the enrollment of students from other accredited elementary and secondary schools are designed to protect the educational welfare of children.

### Elementary Grades (K-8)

A student transferring into the District will be admitted and placed subject to observation by appropriate teachers and a building principal during a probation period of two (2) weeks. Thereafter, should doubt arise as to initial grade and level placement of a student, school personnel will conduct an educational assessment to determine appropriate grade and level placement.

### Secondary Grades (9-12) Credit Transfer

A transfer of credits from any secondary school is subject to a satisfactory examination of the following:

1. Appropriate certificates of school accreditation;
2. Length of course, school day, and school year;
3. Content of applicable courses;
4. School building as it relates to credit earned (i.e., lab areas for appropriate science or vocational instruction);
5. Appropriate evaluation of student performance leading toward credit issuance.

The District will follow Montana Accreditation Rules and Standards, along with local alternate procedures for earning credit, in reviewing requests for transfer of credits. High school principals have authority for approving credit transfers, subject to review by the Board.

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<b>Administrative Rules of Montana References</b>	<b>Description</b>
10.16.3122	Local Educational Agency Responsibility for Students with Disabilities
Title 10, Chapter 55	Accreditation Standards
<b>Montana Code Annotated References</b>	<b>Description</b>
20-1-101	Definitions
20-5-101	Admittance of child to school
20-5-403	Immunization required – release and acceptance of immunization records
20-5-404	Conditional Attendance
20-5-405	Medical or religious exemption
20-5-406	Immunization record
44-2-511	School enrollment procedure
Title 20, Chapter 5, Part 5	Enrollment of Pupil by Caretaker Relative

**Form 3110-F(1): Entrance, Placement, and Transfer - Educational Authorization Affidavit**

**Status:** DRAFT

**Original Adopted Date:** Pending

*See PDF on the next page.*

## EDUCATIONAL AUTHORIZATION AFFIDAVIT

### \_\_\_\_\_ Elementary

*The completion and signing of the affidavit before a notary public are sufficient to authorize educational enrollment and services and school-related medical care for the named child. Please print clearly.*

The child named below lives in my home, and I am eighteen (18) years of age or older.

Name of child: \_\_\_\_\_

Child's date of birth: \_\_\_\_\_

My name (caretaker relative): \_\_\_\_\_

My date and year of birth: \_\_\_\_\_

My home address: \_\_\_\_\_

My relationship to the child: \_\_\_\_\_

*(The caretaker relative must be an individual related by blood, marriage, or adoption by another individual to the child whose care is undertaken by the caretaker relative, but who is not a parent, foster parent, stepparent, or legal guardian of the child.)*

I hereby certify that this affidavit is not being used for the purpose of circumventing school residency laws, to take advantage of a particular academic program or athletic activity, or for an otherwise unlawful purpose.

- ☐ The child was subject to formal disciplinary action, including suspension or expulsion, at the child's previous school. The school may either implement the previous school district's disciplinary action without further due process or hold a hearing and determine whether the student's conduct in the previous school district merits denial of enrollment. If the district decides to enroll the child, then the school may require the child to comply with a behavior contract as a condition of enrollment.

*Check the following if true (all must be checked for this affidavit to apply):*

- ☐ A parent of the child identified above has left the child with me and has expressed no definite time period when the parent will return for the child.
- ☐ The child is now residing with me on a full-time basis.
- ☐ No adequate provision, such as appointment of a legal custodian or guardian or execution of a notarized power of attorney, has been made for enrollment of the child in school, other educational services, or educationally related medical services.

**DO NOT SIGN THIS FORM IF ANY OF THE ABOVE STATEMENTS ARE INCORRECT, OR YOU WILL BE COMMITTING A CRIME PUNISHABLE BY A FINE, IMPRISONMENT, OR BOTH.**

I declare under penalty of false swearing under the laws of Montana that the foregoing is true



and correct.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(Signature of caretaker relative)

STATE OF MONTANA     )  
                                      : ss.  
County of \_\_\_\_\_)

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, a Notary Public for the state of Montana, personally appeared \_\_\_\_\_, known to me to be the person named in the foregoing Educational Authorization Affidavit, and acknowledged to me that \_\_\_\_\_ executed the same as \_\_\_\_\_ free act and deed for the purposes therein mentioned. IN WITNESS THEREOF, I have hereunto set my hand and affixed my notarial seal the day and year in this certificate first above written.

(SEAL)

\_\_\_\_\_  
\_\_\_\_\_[name]  
NOTARY PUBLIC for the state of Montana  
Residing at \_\_\_\_\_, Montana  
My commission expires: \_\_\_\_\_

**NOTES:**

1. Completion of this affidavit does not affect the rights of the child's parents or legal guardian regarding the care, custody, and control of the child and does not mean that the caretaker relative has legal custody of the child.
2. A person who relies on this affidavit has no obligation to make any further inquiry or investigation.
3. The completed affidavit is effective for the earlier of:
  - a. The end of the first school year after delivery of the affidavit to a school district;
  - b. Until it has been revoked by the caretaker relative; or
  - c. Until the child no longer resides with the caretaker relative.
4. If the child stops living with you, you shall notify anyone to whom you have given this affidavit.

**Administrative Rules of Montana  
References**

10.16.3122

Title 10, Chapter 55

**Description**Local Educational Agency Responsibility for Students with  
Disabilities

Accreditation Standards

**Montana Code Annotated References**

20-1-101

20-5-101

20-5-403

20-5-404

20-5-405

20-5-406

44-2-511

Title 20, Chapter 5, Part 5

**Description**

Definitions

Admittance of child to school

Immunization required – release and acceptance of immunization  
records

Conditional Attendance

Medical or religious exemption

Immunization record

School enrollment procedure

Enrollment of Pupil by Caretaker Relative

**Policy 3120: Compulsory Attendance**

**Status:** DRAFT

**Original Adopted Date:** Pending

Compulsory Attendance

To reach the goal of maximum educational benefits for every child requires a regular continuity of instruction, classroom participation, learning experiences, and study. Regular interaction of students with one another in classrooms and their participation in instructional activities under the tutelage of competent teachers are vital to the entire process of education. This established principle of education underlies and gives purpose to the requirement of compulsory schooling in every state in the nation. A student's regular attendance also reflects dependability and is a significant component of a student's permanent record.

Parents or legal guardians or legal custodians are responsible for seeing that their children who are age seven (7) or older before the first (1<sup>st</sup>) day of school attend school until the later of the following dates:

1. Child's sixteenth (16<sup>th</sup>) birthday; or
2. The date the child completes the eighth (8<sup>th</sup>) grade.

The provisions above do not apply in the following cases:

- (a) The child has been excused under one of the conditions specified in 20-5-102.
- (b) The child is absent because of illness, bereavement, or other reason prescribed by the policies of the trustees.
- (c) The child has been suspended or expelled under the provisions of 20-5-202.
- (d) The child is excused pursuant to Section 2 of 20-5-103.
- (e) The child is excused pursuant to 40-6-701(1) or Policy 2158.

Compulsory attendance stated above will not apply when children:

1. Are provided with supervised correspondence or home study; or
2. Are excused because of a determination by a district judge that attendance is not in the best interests of the child; or
3. Are enrolled in a non-public or home school; or
4. Are enrolled in a school in another district or state; or
5. Are excused by the Board on a determination that attendance after age of sixteen (16) is not in the best interests of the child and the school.

1. .

**Montana Code Annotated References**

**Description**

20-1-308	Religious instruction released time program
20-5-101	Admittance of child to school
20-5-102	Compulsory enrollment and excuses
20-5-103	Compulsory Attendance and Excuses
20-5-104	Attendance officer
20-5-106	Truancy
20-5-107	Incapacitated and indigent child attendance
20-5-108	Tribal agreement with district for Indian child compulsory attendance and other agreements
20-5-202	Suspension and expulsion

**Policy 3121: Enrollment and Attendance Records**

**Status:** DRAFT

**Original Adopted Date:** Pending

Enrollment and Attendance Records

Since accurate enrollment and attendance records are essential both to obtain state financial reimbursement and to fulfill the District's responsibilities under the attendance laws, staff shall be diligent in maintaining such records.

A district may only include, for ANB purposes, any student who participates in pupil instruction as defined in Section 20-1-101(17), MCA and for whom ANB may be claimed under Title 20, including but not limited to an enrolled student who is:

- A resident of the district or a nonresident student admitted by trustees under a student attendance agreement and who is attending a school of the district, offsite instructional setting or remote instruction from the public schools of the district;
- Unable to attend school due to a medical reason certified by a medical doctor and receiving individualized educational services supervised by the district, at district expense, at a home or facility that does not offer an educational program;
- Unable to attend school due to the student's incarceration in a facility, other than a youth detention center, and who is receiving individualized educational services supervised by the district, at district expense, at a home or facility that does not offer an educational program;
- Living with a caretaker relative under Section 1-1-215, MCA;
- Receiving special education and related services, other than day treatment, under a placement by the trustees at a private nonsectarian school or private program if the student's services are provided at the district's expense under an approved individual education plan supervised by the district;
- Participating in the Running Start Program at district expense under Section 20-9-706, MCA;
- Receiving education services, provided by the district, using appropriately licensed district staff at a private residential program or private residential facility licensed by the Department of Public Health and Human Services;
- Enrolled in an educational program or course provided at district expense using remote instruction consistent with Policies 2050, 2168, and 2170. The student:
  - must meet the residency requirements for that district as provided in 1-1-215;
  - shall live in the district and must be eligible for educational services under the Individuals With Disabilities Education Act or under 29 U.S.C. 794; or
  - attend school in the district must be enrolled in the educational program or course under a mandatory attendance agreement as provided in 20-5-321; or
  - must be receiving remote instruction under 20-7-118(1)(c).
- A student enrolled on a part time basis consistent with Policy 3110, 3150, 3121P;
- A student of the district completing work on a proficiency basis in accordance with Sections 20-9-311(4)(d) and 20-9-324(18)(b), MCA;
- A student enrolled by the Board for exceptional circumstances as defined in applicable District policies and in accordance with Section 20-5-101, MCA.
- A student gaining credit for participating in a work-based learning program pursuant to Section 20-7-1510, MCA, and Policy 2600;

- A student participating in an “innovative educational program” as defined in Section 15-30-3102, MCA;
- A resident of the district attending a Montana job corps program under an interlocal agreement with the district under Section 20-9-707, MCA; or
- A resident of the district attending a Montana Youth Challenge Program under an interlocal agreement with the district under Section 20-9-707, MCA.

In order for a student who is served through distance learning or offsite delivery methods to be included in the calculation of average number belonging, the student must meet one or more of the conditions for participating in offsite instruction pursuant to Section 20-7-118, MCA.

#### Enrollment for Purposes of Participation in Extracurricular Activities By an Unenrolled Child or Part Time Enrolled Student

The District shall include for ANB purposes a child who during the prior school year:

- resided in the District;
- was not enrolled in the District or was not enrolled full time; and
- completed an extracurricular activity with a duration of at least 6 weeks in accordance with Policy 3510.

Each completed extracurricular activity that, inclusive of practices and post-season tournaments, lasts 6 weeks or longer shall be counted as one-sixteenth enrollment. Each completed extracurricular activity lasting longer than 18 weeks may be counted as one-eighth enrollment. A child may not be counted as more than one full-time enrollment for ANB purposes.

For purposes of calculating ANB under this section, "extracurricular activity" means:

- a sport or activity sanctioned by an organization having jurisdiction over interscholastic activities, contests, and tournaments;
- an approved career and technical student organization, pursuant to Section 20-7-306, MCA; or
- a school theater production.

#### Homeless Youth and Foster Children

Assignment to schools shall be subject to modification when federal law applicable to students placed in foster care or students who are homeless requires that such students be educated in a “school of origin” that differs from the assigned school.

#### **Administrative Rules of Montana References**

10.20.102

#### **Description**

Calculation of Average Number Belonging

#### **Montana Code Annotated References**

1-1-215

#### **Description**

Residence - rules for determining

20-1-101

Definitions

20-3-324

Powers and duties

20-5-101

Admittance of child to school

20-5-112

Participation in extracurricular activities

20-7-1510

Credit for participating in work based learning partnerships

20-9-311

Calculation of Average Number Belonging

20-9-706

Running start program

20-9-707

Agreement with Montana youth challenge program or accredited Montana job corps program

**Code of Federal Regulations References**

34 CFR 300.1, et seq.

**Description**

Individuals with Disabilities Education Act

**Procedure 3121-P(1): Enrollment and Attendance Records - Procedure**

**Status:** DRAFT

**Original Adopted Date:** Pending

Average Number Belonging

Average Number Belonging (ANB) is the enrollment measure used for the State Foundation Program calculations as defined in § 20-9-311, MCA. The ANB of one year is based on the attendance records of the preceding year. Funding for districts is based on ANB, which is based on “aggregate hours” per year and must be accurate. “Aggregate hours” means the hours of pupil instruction for which a school course or program is offered or for which a pupil is enrolled.

For a child to be counted for ANB purposes:

- a. The child must meet the definition of pupil as found in § 20-1-101(11), MCA;
- b. Attending 180 to 359 aggregate hours = One-quarter time enrollment
- c. Attending 360 to 539 aggregate hours = One-half time enrollment
- d. Attending 540 to 719 aggregate hours = Three-quarter time enrollment
- e. Attending 720 aggregate hours or more = Full-time enrollment

A school district may include in its calculation of ANB a pupil who is enrolled in a program providing fewer than the required aggregate hours of pupil instruction required under subsection 20-9-311(4)(a) or (4)(b) if the pupil had demonstrated proficiency in the content ordinarily covered by the instruction as determined by the school board using district assessments. The ANB must be converted to an hourly equivalent based on the hours of instruction ordinarily provided for the content over which the student has demonstrated proficiency.

A pupil in kindergarten through grade 12 who is concurrently enrolled in more than one public school, program, or district may not be counted as more than one full-time pupil for ANB purposes. When a pupil is concurrently enrolled in more than one district, any fractional enrollment under 20-9-311(4)(a) must be attributed first to a pupil's nonresident district.

Homebound Students

Students who are receiving instructional services, who were in the education program and, due to medical reasons certified by a medical doctor, are unable to be present for pupil instruction, may be counted as enrolled for ANB purposes, if the student:

- a. Is enrolled and is currently receiving organized and supervised pupil instruction;
- b. Is in a home or facility which does not offer a regular educational program; and
- c. Has instructional costs during the absence, which are financed by the District's general fund.

If a homebound student does not meet the criteria set forth above, the District may request a variance through the Office of Public Instruction, for consideration of the student in the enrollment count for ANB purposes beyond the tenth (10<sup>th</sup>) day of absence.

Attendance Accounting

Days present and absent for every student are to be recorded in each building, for the purpose of informing parents of a student's attendance record.

On the first (1<sup>st</sup>) Monday in October and the first (1<sup>st</sup>) Monday in February, the number of all enrolled students (whether present or absent) by grade level and class will be recorded on the forms provided by the District. Special education children who are enrolled in special programs sixteen (16) hours or more a week will be listed separately. The Director of Special Education should be contacted to verify this count. Monthly student counts of enrolled

children by grade and classroom will be provided by the office.

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**Administrative Rules of Montana References**

10.20.102

**Description**

Calculation of Average Number Belonging

**Montana Code Annotated References**

1-1-215

**Description**

Residence - rules for determining

20-1-101

Definitions

20-3-324

Powers and duties

20-5-101

Admittance of child to school

20-5-112

Participation in extracurricular activities

20-7-1510

Credit for participating in work based learning partnerships

20-9-311

Calculation of Average Number Belonging

20-9-706

Running start program

20-9-707

Agreement with Montana youth challenge program or accredited Montana job corps program

**Code of Federal Regulations References**

34 CFR 300.1, et seq.

**Description**

Individuals with Disabilities Education Act



**Policy 3123: Attendance Policy Procedure-Truancy**

**Status:** DRAFT

**Original Adopted Date:** Pending

Students are expected to attend all assigned classes each day. Teachers shall keep a record of absence and tardiness. Before the end of the school day, each school shall attempt to contact every parent, guardian, or custodian whose child is absent from school but who has not reported the child as absent for the school day, to determine whether the parent, guardian, or custodian is aware of the child's absence from school.

For the purpose of this policy "truant" or "truancy" means the persistent non-attendance without excuse, as defined by this policy, for all or any part of a school day equivalent to the length of one class period of a child required to attend a school under 20-5-103. "Habitual truancy" means recorded unexcused absences of 9 or more days or 54 or more parts of a day, whichever is less, in 1 school year.

[school district inserts their definition of non-attendance without excuse] or [school districts may insert sample language as such: **The \_\_\_\_\_ school district's definition of non-attendance without excuse is stated in the respective student handbooks**]

**OPT. 1** (1<sup>st</sup> class district) The \_\_\_\_\_ School district has appointed [name/position of district staff] as the attendance officer(s) of the district.

**OPT. 2** (2<sup>nd</sup> class district with a dropout rate higher than the statewide average dropout rate as calculated by the office of public instruction shall appoint an attendance officer) The \_\_\_\_\_ School district has appointed [name/position of district staff] as the attendance officer(s).

**OPT. 3** (2<sup>nd</sup> class district with a dropout rate at or below the statewide average dropout rate as calculated by the office of public instruction may appoint an attendance officer) The \_\_\_\_\_ School district has appointed [name/position of district staff] as the attendance officer(s). If the district does not appoint an attendance officer, the county superintendent must be the attendance officer.

**OPT. 4** (3<sup>rd</sup> class districts with a dropout rate at or below the statewide average dropout rate as calculated by the office of public instruction may appoint an attendance officer) The \_\_\_\_\_ School district has appointed [name/position of district staff] as the attendance officer. If the district does not appoint an attendance officer, the county superintendent must be the attendance officer.

Upon the board designating one or more of its staff as the attendance officer(s), the attendance officer(s) shall have the powers and duties as stated in 20-5-105, MCA.

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**Montana Code Annotated References**

**Description**

20-5-103	Compulsory Attendance and Excuses
20-5-104	Attendance officer
20-5-105	Attendance officer - power and duties
20-5-106	Truancy
20-5-107	Incapacitated and indigent child attendance
41-4-103(2)	Definitions

**Policy 3124: Military Compact Waiver**

**Status:** DRAFT

**Original Adopted Date:** Pending

The State of Montana is one of numerous states across the country that is a member of the Interstate Compact on Educational Opportunity for Military Children. As a school district within the State of Montana subject to the laws of the State of Montana, the District shall follow the requirements of the Compact for students who enroll at the District for whom the Compact applies.

Purpose

The purpose of the Interstate Compact on Educational Opportunity for Military Children is to remove barriers to educational success for children of military families due to frequent relocation and deployment of their parents. The Compact facilitates educational success by addressing timely student enrollment, student placement, qualification and eligibility for programs (curricular, co-curricular, and extra-curricular), timely graduation, and the facilitation of cooperation and communication between various member states' schools.

Applicability

This Compact applies only to children of:

1. Active duty members of the uniformed services as defined in the Compact, including member of the national guard and reserve on active duty orders pursuant to 10 U.S.C., 12301(d) and 12304;
2. Members of the veterans of the uniformed services who are severely injured and medically discharged or retired for a period of 1 year after medical discharge or retirement; and
3. Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of 1 year after death.

Educational Records and Enrollment

1. **Hand Carried/Unofficial Educational Records:** In the event that official educational records cannot be released to a parent for the purpose of school transfer, the custodian of records from the sending school shall prepare and furnish to the parent a complete set of unofficial educational records containing uniform information as determined by the Interstate Commission.

Upon receipt of the unofficial educational records, the District shall enroll and appropriately place the student based upon the information the school receives in the unofficial educational records, pending validation by the official records, as soon as possible.

2. **Official Educational Records/Transcripts:** At the time of enrollment and conditional placement of a qualifying student at the District, the District shall request the student's official educational records from their last school of attendance.

A school receiving such a request shall process the official educational records request and furnish such within a period of ten (10) days, or within the timeline determined to be reasonable by the Interstate Commission.

3. **Immunizations:** The District shall provide a period of thirty (30) days from the date of enrollment, or such other time frame as determined by the rules of the Interstate Commission, within which students may obtain any immunizations required by the District. Where the District's requirements include a series of immunizations, initial vaccinations must be obtained within thirty (30) days, or within the timeline determined to be reasonable by the Interstate Commission.

4. **Kindergarten and First Grade Entrance Age:** Students shall be allowed to continue their enrollment at grade level at the District, commensurate with their grade level from their receiving school, including kindergarten, at the time of transition. However, the provisions of Montana Code 20-5-101 regarding trustees enrolling a child in kindergarten or in first grade whose fifth (5<sup>th</sup>) or sixth (6<sup>th</sup>) birthday occurs on or before the tenth (10<sup>th</sup>) day of September of the school year in which the child is to enroll but is not yet 19 years of age, shall continue to apply.

A student who has satisfactorily completed the prerequisite grade level in the sending school shall be eligible for enrollment in the next highest grade level in the District, at the receiving school, regardless of age.

A student who is transferring into the District after the start of the school year shall enter the District on the student's validated grade level from an accredited school in the sending state.

#### Placement and Attendance

1. **Course Placement:** Upon transfer of a qualifying student, the receiving District shall place the student in courses consistent with the student's courses in the sending school and/or the school's educational assessments.

Course placement includes, but is not limited to honors, international baccalaureate, advanced placement, vocational, technical, and career pathways courses.

Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. This requirement does not preclude the District from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the course(s).

2. **Educational Program Placement:** The District shall initially honor placement of the student in educational programs based on current educational assessments conducted at the sending school or participation/placement in similar programs at the sending school.

Educational program placement includes, but is not limited to, gifted and talented programs and English as a second language. This requirement does not preclude the District from performing subsequent evaluations to ensure appropriate placement of the student.

3. **Special Education Services:** In compliance with the federal requirements of the Individuals with Disabilities Education Act, the District, as the receiving school, shall initially provide comparable services to a student with disabilities based on his or her current Individual Education Plan.

In compliance with Section 504 of the Rehabilitation Act and with Title II of the Americans with Disabilities Act, the District, as the receiving school, shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities consistent with his or her existing 504 or Title II Plan.

This does not preclude the District, as the receiving school, from performing subsequent evaluations to ensure appropriate placement and/or accommodations are made for the student.

4. **Placement Flexibility:** The District's \_\_\_\_\_ shall have the flexibility to waive course/program prerequisites or other preconditions for placement in courses/programs offered by the receiving District.
5. **Absences Relating to Deployment Activities:** A student whose parent/legal guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or immediately returned from deployment in a combat zone or combat support position, shall be granted additional excused absences at the discretion of the District's \_\_\_\_\_ to visit with his or her parent/legal guardian relative to such leave or deployment of the parent/guardian.

#### Eligibility

1. **Eligibility for Enrollment:** A Special Power of Attorney pertaining to the guardianship of a student of a military family and executed under applicable law shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.

The receiving District shall not charge tuition to a transitioning military student placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent.

A transitioning military student, placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which he or she was enrolled when residing with the custodial parent.

2. **Eligibility for Extra-Curricular Activity Participation:** The District shall facilitate the opportunity for transitioning military students' inclusion in extracurricular activities, regardless of application deadlines, to the extent the student is otherwise qualified.

### Graduation

In order to facilitate the on-time graduation of children of military families, the receiving District shall incorporate the following procedure:

1. **Graduation Course Requirements – Waiver:** The receiving District's \_\_\_\_\_, through the \_\_\_\_\_ or designee, shall waive specific courses that are required for graduation if similar coursework has been satisfactorily completed at another school.

If the District does not waive the specific course requirement for graduation, the District shall provide a reasonable justification for the denial. This justification shall be provided to the parent/legal guardian in writing.

If the receiving District does not waive the specific course requirement for graduation and the student would have otherwise qualified to graduate from the sending school, the receiving District shall provide an alternative means of acquiring required course work to ensure that the student's graduation will occur on time.

2. **Exit Exams:** In lieu of testing requirements required for graduation at the receiving District, the District and the State of Montana shall accept any or all of the following:

- A. Exit exams or end-of-course exams required for graduation from the sending school;
- B. National norm-referenced achievement tests; or
- C. Alternative testing.

In the event the above alternatives cannot be accommodated by the receiving District for a student transferring during his or her senior year, subsection 3, below, shall apply.

3. **Transfer During Senior Year of High School:** Should a military student transferring at the beginning of or during the senior year be ineligible to graduate from the receiving District after all alternatives have been considered, the sending school and the receiving District shall ensure the receipt of a diploma from the sending school if the student meets the graduation requirements of the sending school.

In the event that one of the states in question is not a member of this Compact, the member state shall use best efforts to facilitate the on-time graduation of the student.

### Conflicts

All state laws and District policies that conflict with this policy and/or in conflict with the Compact are superseded to the extent of the conflict.

### Cooperation

The receiving District, through its \_\_\_\_\_, shall timely cooperate with all state agency inquiries and other District/school inquiries relating to a student who is covered by the Compact.

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### **Montana Code Annotated References**

20-1-230

### **Description**

Interstate Compact on Educational Opportunity for Military Children

**Policy 3125: Education of Homeless Children**

**Status:** DRAFT

**Original Adopted Date:** Pending

Every child of a homeless individual and every homeless child are entitled to equal access to the same free, appropriate public education as provided to children with permanent housing. The District must assign and admit a child who is homeless to a District school regardless of residence and irrespective of whether the homeless child is able to produce records normally required for enrollment. The District may not require an out-of-District attendance agreement and tuition for a homeless child.

Should a child become homeless over the course of the school year, the child must be able to remain at the school of origin, or be eligible to attend another school in the district.

The \_\_\_\_\_ will review and revise as necessary rules or procedures that may be barriers to enrollment of homeless children and youths. In reviewing and revising such procedures, the \_\_\_\_\_ will consider issues of transportation, immunization, residence, birth certificates, school records, and other documentation.

Homeless students will have access to services comparable those offered to other students, including but not limited to:

1. Transportation services;
2. Educational services for which a student meets eligibility criteria (e.g., Title I);
3. Educational programs for children with disabilities and limited English proficiency;
4. Programs in vocational and technical education;
5. Programs for gifted and talented students; and
6. School nutrition program.

The \_\_\_\_\_ will give special attention to ensuring the enrollment and attendance of homeless children and youths not currently attending school. The \_\_\_\_\_ will appoint a liaison for homeless children. A "homeless individual" is defined as provided in the McKinney Homeless Assistance Act.

Anyone having a concern or complaint regarding placement or education of a homeless child will first present it orally and informally to the District homeless liaison. To further ensure that the District is removing barriers to the educational access and success of children and youths who are homeless, and to ensure that Title 1 funding is expended in an appropriate manner, the District has adopted the dispute resolution form at 3125F.

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**Montana Code Annotated References**

20-5-101

**Description**

Admittance of child to school

**United States Code References**

42 U.S.C. 11301

**Description**

McKinney-Vento Homeless Educational Assistance Act

**Form 3125-F(1): Education of Homeless Children - McKinney-Vento Homeless Education  
Assistance Dispute Resolution Form**

**Status:** DRAFT

**Original Adopted Date:** Pending

*See PDF on the next page.*

\_\_\_\_\_ **Elementary**

**STUDENTS**

3125F

**MCKINNEY-VENTO HOMELESS EDUCATION ASSISTANCE  
DISPUTE RESOLUTION FORM**

School District \_\_\_\_\_ Liaison \_\_\_\_\_  
Telephone \_\_\_\_\_

Date of first contact by homeless individual, guardian, or representative \_\_\_\_\_

Homeless Student's Name \_\_\_\_\_

Describe the issue(s) in question \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

School District Contact \_\_\_\_\_ Telephone \_\_\_\_\_  
(Superintendent/Principal)

Date \_\_\_\_\_ (within 7 business days)  
Resolution of Liaison/School District Level (*describe below*) \_\_\_\_\_ or  
Forwarded to OPI Homeless Coordinator [*please contact at (406) 444-2036*] \_\_\_\_\_

Date \_\_\_\_\_ (within 15 business days)  
Resolution to OPI Homeless Coordinator Level (*describe below*) \_\_\_\_\_ or  
Forwarded to Superintendent of Public Instruction \_\_\_\_\_

Describe Resolution Results \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Homeless Coordinator Signature \_\_\_\_\_

This form must be filed with

Homeless Coordinator  
Office of Public Instruction  
Po Box 202501  
Helena, MT 59620-2501

**Montana Code Annotated References**

20-5-101

**Description**

Admittance of child to school

**United States Code References**

42 U.S.C. 11301

**Description**

McKinney-Vento Homeless Educational Assistance Act



**Policy 3141: Discretionary Nonresident Student Attendance Policy**

**Status:** DRAFT

**Original Adopted Date:** Pending

1. Discretionary Nonresident Student Attendance Policy

This policy shall terminate and expire on June 30, 2024, to be replaced in its entirety by a policy governing non-resident student enrollment consistent with Chapter 368 (2023).

1. Except as required by § 20-5-321, MCA, the District will admit nonresident students at its discretion.
2. The \_\_\_\_\_ will recommend to the Board any nonresident student admission in accordance with this policy, with the Board making the final decision on admission.
3. The District will examine a student's records from this district and other school districts before any Board approval for admission. Review of the records and decisions regarding admission cannot be inconsistent with district policies regarding nondiscrimination. Any priority among the applications shall be on a rational basis that prioritizes the quality of education for students who are residents of the district of attendance and the obligations of resident taxpayers.
4. The District will not admit nonresident students when doing so would cause the district to exceed the class size standards under 10.55.712 and 10.55.713, ARM.
5. Every nonresident student who attends District schools must reapply for admission for the succeeding school year by June 15. Admission in one school year does not infer or guarantee admission in subsequent years.
6. Nonresident students enrolled under this policy are subject to all district policies, rules, regulations on the same basis as resident students.
7. All resident students who become nonresidents because their parents or guardians move out of the District may continue attendance for the school year, barring registration in another District. At the completion of the school year, a student must apply as a nonresident student in accordance with #5.
8. **[OPTIONAL]** The Board will not admit any student who is expelled from another school district.
9. **( OPTIONAL – Use only if the district currently charges tuition)** The Board reserves the right to charge tuition for nonresident students. At its discretion, the Board may charge or waive tuition for all students whose tuition is required to be paid by one kind of entity, defined as either a parent or guardian or a school district. Any waiver of tuition will be applied equally to all students whose tuition is paid by the same kind of entity (i.e., if the District charges tuition in those circumstances where a resident district pays but waives tuition in those circumstances where a parent or guardian is responsible for tuition, the tuition waiver will be applicable to all students whose parents or guardians bear the responsibility for payment).
10. All nonresident students will be considered ineligible transportees for school transportation services (§ 20-10-101, MCA).
11. **(Optional)** As part of the District's strategic planning process, the Board of Trustees may adopt provisions within the plan of continuous improvement related to the following aspects of the District's facilities, operations, and compliance with accreditation standards:
  - (A) building construction standards pursuant to Title 50, chapter 60;
  - (B) capacity and ingress and egress elements, either by individual room or by school building, of any fire code authorized by Title 50, chapter 3;
  - (C) evacuation elements of the district's adopted school safety plan;
  - (D) and establish goals, standards and objectives of quality for delivery of education and related services;
  - (E) educational quality within the district for expectations related to truancy, expulsion, or suspension, as specified in state law;

**Administrative Rules of Montana References**

10.10.301B

**Description**

Out-of-District Attendance Agreements

10.55.712

Class Size Elementary

10.55.713

Teacher load and class size

**Montana Code Annotated References**

20-5-314

**Description**

Reciprocal attendance agreement with adjoining state or province

20-5-320

Attendance with discretionary approval

20-5-321

Attendance with mandatory approval – tuition and transportation

20-5-322

Residency determination – notification – appeal for attendance agreement

20-5-323

Tuition and transportation rates

**Montana Session Laws References**

Chapter 368 (2023) Pending Codification

**Description**

Non-Resident Enrollment

**Policy 3150: Part-Time Enrollment**

**Status:** DRAFT

**Original Adopted Date:** Pending

Part-Time Enrollment

In accordance with Policy 3110, the District will review requests for part-time enrollment of resident students for purposes of academic courses on a case-by-case basis, with a building principal making a preliminary decision pursuant to the criteria set forth in this Policy. Denial of part-time enrollment may be appealed pursuant to Policy 1700. Admission of non-resident students on a part-time basis shall be governed in accordance with Policy 3141.

Criteria for accepting students for part-time enrollment are the following:

1. Accepting a student will not create excess student enrollment in a requested class;
2. Accepting a student will not create need for an additional staff member;
3. Accepting a student will not cause a new section of a course to be created.

The District will accept on a first-come, first-served basis students wishing to enroll in the same course. Whenever the enrollment position of a part-time student is needed for a regular, full-time student during the year, a full-time student has priority for the position beginning with the next semester. The District may secure ANB for part time enrollees in accordance with Policy 3121.

Participation in District Extracurricular Activities by Unenrolled Children

This policy does not restrict or limit the ability of unenrolled children to seek to participate in extracurricular activities in accordance with Policy 3510. The District may secure ANB for unenrolled children participating in identified extracurricular activities in accordance with Policy 3121.

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**Montana Code Annotated References**

20-5-112

20-9-311

**Description**

Participation in extracurricular activities

Calculation of Average Number Belonging

**Montana Session Laws References**

Chapter 617 (2023) Pending Codification

**Description**

Enrollment on Part Time Basis

**Policy 3200: Student Rights and Responsibilities**

**Status:** DRAFT

**Original Adopted Date:** Pending

The District recognizes fully that all students are entitled to enjoy the rights protected under federal and state constitutions and law for persons of their age and maturity in a school setting. The District expects students to exercise these rights reasonably and to avoid violating the rights of others. The District may impose disciplinary measures whenever students violate the rights of others or violate District policies or rules.

**Montana Code Annotated References**

20-4-302

**Description**

Discipline and punishment of pupils – definition of corporal punishment – penalty – defense

20-5-201

Duties and Sanctions

**United States Constitution References**

First Amendment

**Description**

Freedom of Speech

Fourth Amendment

Unreasonable Search and Seizure

**United States Supreme Court References**

393 U.S. 503 (1969)

**Description**

Tinker v. Des Moines Ind. Sch. Dist.

**Policy 3210: Equal Educational Opportunity, Nondiscrimination and Sex Equity**

**Status:** DRAFT

**Original Adopted Date:** Pending

The District will make equal educational opportunities available for all students without regard to race, color, national origin, ancestry, sex, ethnicity, language barrier, religious belief, physical or mental handicap or disability, economic or social condition, actual or potential marital or parental status, **(OPTIONAL - additional optional provision noted below if not previously adopted)** No student will be denied equal access to programs, activities, services, or benefits or be limited in the exercise of any right, privilege, or advantage, or denied equal access to educational and extracurricular programs and activities.

Inquiries regarding sexual harassment, sex discrimination, or sexual intimidation should be directed to the District Title IX Coordinator, to the Assistant Secretary for Civil Rights of the Department of Education, or both. The Board designates the following individual to serve as the District's Title IX Coordinator:

Title: \_\_\_\_\_  
Office address: \_\_\_\_\_  
Email: \_\_\_\_\_  
Phone number: \_\_\_\_\_

Inquiries regarding discrimination on the basis of disability or requests for accommodation should be directed to the District Section 504 Coordinator. The Board designates the following individual to serve as the District's Section 504 Coordinator:

Title: \_\_\_\_\_  
Office address: \_\_\_\_\_  
Email: \_\_\_\_\_  
Phone number: \_\_\_\_\_

Any individual may file a complaint alleging violation of this policy, Policy 3200-Student Rights and Responsibilities, Policy 3225/3225P-Sexual Harassment, or Policy 3226-Bullying/Harassment/Intimidation/Hazing by following those policies or Policy 1700-Uniform Complaint Procedure.

The District, in compliance with federal regulations, will notify annually all students, parents, staff, and community members of this policy and the designated coordinator to receive inquiries. This annual notification will include the name and location of the coordinator and will be included in all handbooks.

The District will not tolerate hostile or abusive treatment, derogatory remarks, or acts of violence against students, staff, or volunteers with disabilities. The District will consider such behavior as constituting discrimination on the basis of disability, in violation of state and federal law.

***Additional Optional Provision:***

*"gender identity, sexual orientation, or failure to conform to stereotypical notions of masculinity or femininity"*

**Administrative Rules of Montana References**

24.9.1001, et seq.

**Description**

Sex Discrimination in Education

**Montana Code Annotated References**

49-2-307

**Description**

Discrimination in education

**Montana Constitution References**

Article X, Section 7

**Description**

Nondiscrimination in Education

**United States Code References**

20 U.S.C. 1681, et seq.

**Description**

Title IX of the Education Amendments of 1972

**Code of Federal Regulations References**

34 CFR Part 106

**Description**

Nondiscrimination on the basis of sex in education programs or activities receiving Federal financial assistance

Policy 3224: Student Dress

Status: DRAFT

Original Adopted Date: Pending

The District recognizes that a student's choice of dress and grooming habits demonstrate personal style and preference. The District has the responsibility to ensure proper and appropriate conditions for learning, along with protecting the health and safety of its student body. Even though the schools will allow a wide variety of clothing styles, dress and grooming must not materially or substantially disrupt the educational process of the school or create a health or safety hazard for students, staff, or others.

\_\_\_\_\_ shall establish procedures for the monitoring of student dress and grooming in school or while engaging in extracurricular activities. Students attending public events sponsored by the school district are permitted to honor their American Indian heritage through the display of culturally significant tribal regalia at a public event sponsored by the school district. Any item that promotes drug use, weapon use, threats of violence, sexual harassment, bullying, or other intimidation, or violates another district policy, state, or federal law may not be worn at a public event sponsored by the school district. Specific regulations shall be published annually in student handbooks.

Montana Code Annotated References	Description
2-1-315	Tribal regalia and objects of cultural significance - allowed at public events

**Policy 3225: Sexual Harassment of Students**

**Status:** DRAFT

**Original Adopted Date:** Pending

The District does not discriminate on the basis of sex in any education program or activity that it operates. The District is required by Title IX of the Education Amendments of 1972 and the regulations promulgated through the U.S. Department of Education not to discriminate in such a manner. Inquiries about the application of Title IX to the District may be referred to the District's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the Department of Education, or both.

The Board designates the following individual to serve as the District's Title IX Coordinator:

Title: \_\_\_\_\_  
Office address: \_\_\_\_\_  
Email: \_\_\_\_\_  
Phone number: \_\_\_\_\_

Any person may report sex discrimination, including sexual harassment, at any time, including during non-business hours. Such a report may be made in person, by mail, by telephone or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

For purposes of this policy and the grievance process, "sexual harassment" means conduct on the basis of sex that satisfies one or more of the following:

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

When the harassment or discrimination on the basis of sex does not meet the definition of sexual harassment, the Title IX Coordinator directs the individual to the applicable sex discrimination process for investigation.

An individual is not required to submit a report of sexual harassment involving the Title IX coordinator. In the event the Title IX Coordinator is responsible for or a witness to the alleged harassment, the individual may report the allegations to another unbiased school official.

Retaliation Prohibited

The District prohibits intimidation, threats, coercion or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation proceeding or hearing, if applicable. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this part, constitutes retaliation.

Confidentiality

The District must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any individual who has been alleged to be the victim or perpetrator of conduct that could constitute sexual harassment, and any witness, except as may be permitted by Family Educational Rights and Privacy Act (FERPA) or as required by law, or to carry out the purposes of the Title IX regulations, including the conduct of any investigation, hearing or judicial proceeding arising thereunder.



### Notice Requirements

The District provides notice to applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, employees and the union(s) with the name or title, office address, email address and telephone number of the Title IX Coordinator and notice of the District grievance procedures and process, including how to report or file a complaint of sex discrimination, how to file a formal complaint of sexual harassment and how the District will respond. The District also posts the Title IX Coordinator's contact information and Title IX policies and procedures in a prominent location on the District website and in all handbooks made available by the District.

### Training Requirements

The District ensures that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receives training on the definition of sexual harassment, the scope of the District's education program or activity, how to conduct an investigation and grievance process including hearings, appeals and informal resolution processes, when applicable, and how to serve impartially including by avoiding prejudgment of the facts at issue, conflicts of interest and bias. The District also ensures that decision-makers and investigators receive training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant as set forth in the formal procedures that follow, and training on any technology to be used at a live hearing, if applicable. Investigators also receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. All materials used to train individuals who receive training under this section must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment and are made publicly available on the District's website.

### Conflict of Interest and Bias

The District ensures that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process do not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

### Determination of Responsibility

The individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment is presumed not responsible for alleged conduct. A determination regarding responsibility will be made by the decision-maker at the conclusion of the investigation in accordance with the process outlined in Policy 3225P. No disciplinary sanctions will be imposed unless and until a final determination of responsibility is reached.

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#### **Administrative Rules of Montana References**

	<b>Description</b>
10.55.701	Board of Trustees
10.55.719	Student Protection Procedures
10.55.801	School Climate

#### **Montana Code Annotated References**

	<b>Description</b>
20-5-201	Duties and Sanctions
20-5-202	Suspension and expulsion
20-7-118	Offsite Provision of Educational Services
49-3-101, et seq.	Montana Human Rights Act

#### **Montana Constitution References**

	<b>Description</b>
Article X, section 1	Educational Goals and Duties

#### **United States Code References**

	<b>Description</b>
20 U.S.C. 1681, et seq.	Title IX of the Education Amendments of 1972

42 USC 2000d et seq.

Civil Rights Act, Title VI

42 USC 2000e et seq.

Civil Rights Act, Title VII

**Code of Federal Regulations References**

**Description**

34 CFR Part 106

Nondiscrimination on the basis of sex in education programs or activities receiving Federal financial assistance

**Form 3225-F(1): Sexual Harassment of Students - Reporting/Intake Form**

**Status:** DRAFT

**Original Adopted Date:** Pending

*See PDF on the next page.*

\_\_\_\_\_ **Elementary**

3225F

## **Sexual Harassment Reporting/Intake Form for Students**

This form is not required. Complaints may be submitted in any manner noted in Policy 3225. The form may be used by the Title IX Coordinator to document allegations.

School \_\_\_\_\_ Date \_\_\_\_\_

Student's name \_\_\_\_\_

• Who was responsible for the harassment or incident(s)? \_\_\_\_\_

• Describe the incident(s). \_\_\_\_\_

• Date(s), time(s), and place(s) the incident(s) occurred. \_\_\_\_\_

• Were other individuals involved in the incident(s)? ☐ yes ☐ no

If so, name the individual(s) and explain their roles. \_\_\_\_\_

• Did anyone witness the incident(s)? ☐ yes ☐ no

If so, name the witnesses. \_\_\_\_\_

• Did you take any action in response to the incident? ☐ yes ☐ no

If yes, what action did you take? \_\_\_\_\_

• Were there any prior incidents? ☐ yes ☐ no

If so, describe any prior incidents. \_\_\_\_\_

Signature of complainant \_\_\_\_\_

Signatures of parents/legal guardians \_\_\_\_\_

*Retaliation is prohibited by federal law and district policy. The identity of the individual signing this form will remain confidential in accordance with law and policy.*

**Administrative Rules of Montana  
References**

10.55.701	Board of Trustees
10.55.719	Student Protection Procedures
10.55.801	School Climate

**Montana Code Annotated References****Description**

20-5-201	Duties and Sanctions
20-5-202	Suspension and expulsion
20-7-118	Offsite Provision of Educational Services
49-3-101, et seq.	Montana Human Rights Act

**Montana Constitution References****Description**

Article X, section 1	Educational Goals and Duties
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**United States Code References****Description**

20 U.S.C. 1681, et seq.	Title IX of the Education Amendments of 1972
42 USC 2000d et seq.	Civil Rights Act, Title VI
42 USC 2000e et seq.	Civil Rights Act, Title VII

**Code of Federal Regulations References****Description**

34 CFR Part 106	Nondiscrimination on the basis of sex in education programs or activities receiving Federal financial assistance
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**Policy 3226: Bullying/Harassment/Intimidation/Hazing**

**Status:** DRAFT

**Original Adopted Date:** Pending

The Board will strive to provide a positive and productive learning and working environment. Bullying, harassment, intimidation, or hazing, by students, staff, or third parties, is strictly prohibited and shall not be tolerated.

Definitions

1. "Third parties" include but are not limited to coaches, school volunteers, parents, school visitors, service contractors or others engaged in District business, such as employees of businesses or organizations participating in cooperative work programs with the District, and others not directly subject to District control at inter-district and intra-District athletic competitions or other school events.
2. "District" includes District facilities, District premises, and non-District property if the student or employee is at any District-sponsored, District-approved, or District-related activity or function, such as field trips or athletic events, where students are under the control of the District or where the employee is engaged in District business.
3. "Hazing" includes but is not limited to any act that recklessly or intentionally endangers the mental or physical health or safety of a student for the purpose of initiation or as a condition or precondition of attaining membership in or affiliation with any District-sponsored activity or grade-level attainment, including but not limited to forced consumption of any drink, alcoholic beverage, drug, or controlled substance, forced exposure to the elements, forced prolonged exclusion from social contact, sleep deprivation, or any other forced activity that could adversely affect the mental or physical health or safety of a student; requires, encourages, authorizes, or permits another to be subject to wearing or carrying any obscene or physically burdensome article, assignment of pranks to be performed, or other such activities intended to degrade or humiliate.
4. "Bullying" means any harassment, intimidation, hazing, or threatening, insulting, or demeaning gesture or physical contact, including any intentional written, verbal, or electronic communication ("cyberbullying") or threat directed against a student that is persistent, severe, or repeated, and that substantially interferes with a student's educational benefits, opportunities, or performance, that takes place on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation, at any official school bus stop, or anywhere conduct may reasonably be considered to be a threat or an attempted intimidation of a student or staff member or an interference with school purposes or an educational function, and that has the effect of:
  - a. Physically harming a student or damaging a student's property;
  - b. Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student's property;
  - c. Creating a hostile educational environment, or;
  - d. Substantially and materially disrupts the orderly operation of a school.
5. "Electronic communication device" means any mode of electronic communication, including but not limited to computers, cell phones, PDAs, or the internet.

Reporting

All complaints about behavior that may violate this policy shall be promptly investigated. Any student, employee, or third party who has knowledge of conduct in violation of this policy or feels he/she has been a victim of hazing, harassment, intimidation, or bullying in violation of this policy is encouraged to immediately report his/her concerns to the building principal or the District Administrator, who have overall responsibility for such investigations. A student may also report concerns to a teacher or counselor, who will be responsible for notifying the appropriate District official.

The complainant shall be notified of the findings of the investigation and, as appropriate, that remedial action has been taken.

### Exhaustion of administrative remedies

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

### Responsibilities

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

When an employee has actual knowledge that behavior in violation of this policy is sexual harassment, the employee must contact the Title IX Coordinator. The Title IX sexual harassment grievance process will be followed, if applicable, prior to imposing any discipline that cannot be imposed without resolution of the Title IX process.

### Consequences

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

### Retaliation and Reprisal

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

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#### **Administrative Rules of Montana References**

10.55.701

#### **Description**

Board of Trustees

10.55.719

Student Protection Procedures

10.55.801

School Climate

#### **Montana Code Annotated References**

20-5-207, et seq

#### **Description**

Bully Free Montana Act

20-7-118

Offsite Provision of Educational Services

#### **Montana Session Laws References**

Chapter 256 (2023) Pending Codification

#### **Description**

Discrimination in Education

**Policy 3231: Searches and Seizure**

**Status:** DRAFT

**Original Adopted Date:** Pending

The goal of search and seizure with respect to students is meeting the educational needs of children and ensuring their security. The objective of any search and/or seizure is not the eradication of crime in the community. Searches may be carried out to recover stolen property, to detect illegal substances or weapons, or to uncover any matter reasonably believed to be a threat to the maintenance of an orderly educational environment. The Board authorizes school authorities to conduct reasonable searches of school property and equipment, as well as of students and their personal effects, to maintain order and security in the schools.

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

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

1. A "pat down" of the exterior of the student's clothing;
2. A search of the student's clothing, including pockets;
3. A search of any container or object used by, belonging to, or otherwise in the possession or control of a student; and/or
4. Devices or tools identified in school district policy or the student handbook or deemed necessary by the \_\_\_\_\_ or designee.

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

School Property and Equipment and Personal Effects of Students

School authorities may inspect and search school property and equipment owned or controlled by the District (such as lockers, desks, and parking lots).

The \_\_\_\_\_ may request the assistance of law enforcement officials, including their use of specially trained dogs, to conduct inspections and searches of lockers, desks, parking lots, and other school property and equipment for illegal drugs, weapons, or other illegal or dangerous substances or material.

Students

School officials may search any individual student, his/her property, or District property under his/her control, when there is a reasonable suspicion that the search will uncover evidence that he/she is violating the law, Board policy, administrative regulation, or other rules of the District or the school. Reasonable suspicion shall be based on specific and objective facts that the search will produce evidence related to the alleged violation. The types of student property that may be searched by school officials include but are not limited to lockers, desks, purses, backpacks, student vehicles parked on District property, cellular phones, or other electronic communication devices.

Students may not use, transport, carry, or possess illegal drugs or any weapons in their vehicles on school property. While on school property, vehicles may be inspected at any time by staff, or by contractors employed by the District utilizing trained dogs, for the presence of illegal drugs, drug paraphernalia, or weapons. In the event the school has reason to believe that drugs, drug paraphernalia, or weapons are present, including by alert-trained dogs, the student's vehicle will be searched, and the student expressly consents to such a search.

Also, by parking in the school parking lots, the student consents to having his/her vehicle searched if the school authorities have any other reasonable suspicion to believe that a violation of school rules or policy has occurred.

Seizure of Property

When a search produces evidence that a student has violated or is violating either a law or



District policies or rules, such evidence may be seized and impounded by school authorities and disciplinary action may be taken. As appropriate, such evidence may be transferred to law enforcement authorities.

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**United States Constitution References**

Fourth Amendment

**Description**

Unreasonable Search and Seizure

**United States Supreme Court References**

469 U.S. 325 (1985)

**Description**

New Jersey v. T.L.O.

557 U.S. 364 (2009)

Safford Unified School Dist. No. 1 v. Redding

**Procedure 3231-P(1): Searches and Seizure - Procedure**

**Status:** DRAFT

**Original Adopted Date:** Pending

The following rules shall apply to any searches and the seizure of any property by school personnel:

1. The \_\_\_\_\_, principal, and the authorized assistants of either shall be authorized to conduct any searches or to seize property on school premises, as further provided in this procedure.
2. If the authorized \_\_\_\_\_ has reasonable suspicion to believe that any locker, car, or other container of any kind on school premises contains any item or substance which constitutes an imminent danger to the health and safety of any person or to the property of any person or the District, the \_\_\_\_\_ is authorized to conduct a search of any car, locker, or container and to seize any such item or substance of any kind on school premises without notice or consent.
3. No student shall hinder, obstruct, or prevent any search authorized by this procedure.
4. Whenever circumstances allow, any search or seizure authorized in this procedure shall be conducted in the presence of at least one (1) adult witness, and a written record of the time, date, and results shall be made by the \_\_\_\_\_. A copy shall be forwarded to the \_\_\_\_\_ as soon as possible.
5. In any instance where an item or substance is found which would appear to be in violation of the law, the circumstance shall be reported promptly to the appropriate law enforcement agency.

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**United States Constitution References**

Fourth Amendment

**Description**

Unreasonable Search and Seizure

**United States Supreme Court References**

469 U.S. 325 (1985)

**Description**

New Jersey v. T.L.O.

557 U.S. 364 (2009)

Safford Unified School Dist. No. 1 v. Redding

**Policy 3300: Suspension and Expulsion**

**Status:** DRAFT

**Original Adopted Date:** Pending

Suspension and Expulsion - Corrective Actions and Punishment

The Board recognizes that every student is entitled to due process rights that are provided by law.

Suspension

- “Suspension” means the exclusion of a student from attending individual classes or school and participating in school activities for an initial period not exceed ten (10) school days. An \_\_\_\_\_ may order suspension of a student.

The procedure set forth below will be followed when a proposed punishment of a student is to include denial of the right of school attendance from any single class or from a full schedule of classes for at least one (1) day.

Before any suspension is ordered, a building \_\_\_\_\_ will meet with a student to explain charges of misconduct, and the student will be given an opportunity to respond to the charges.

When a student’s presence poses a continuing danger to persons or property or poses an ongoing threat of disruption to the educational process, a pre-suspension conference will not be required, and an \_\_\_\_\_ may suspend a student immediately. In such cases, a building \_\_\_\_\_ will provide notice of and schedule a conference as soon as practicable following the suspension.

A building \_\_\_\_\_ will report any suspension immediately to a student’s parent or legal guardian. An \_\_\_\_\_ will provide a written report of suspension that states reasons for a suspension, including any school rule that was violated, and a notice to a parent or guardian of the right to a review of a suspension. An \_\_\_\_\_ will send a copy of the report and notice to the \_\_\_\_\_.

The \_\_\_\_\_ will conduct a review of any suspension on request of a parent or legal guardian. A student and parent or legal guardian may meet with the \_\_\_\_\_ to discuss suspension. After the meeting and after concluding a review, the \_\_\_\_\_ will take such final action as appropriate.

Upon a finding by a school \_\_\_\_\_ that the immediate return to school by a student would be detrimental to the health, welfare, or safety of others or would be disruptive of the educational process, a student may be suspended for one (1) additional period not to exceed ten (10) school days, if the student is granted an informal hearing with the school \_\_\_\_\_ prior to the additional suspension, and if the decision to impose the additional suspension does not violate the Individuals with Disabilities Education Act (IDEA) or Rehabilitation Act.

Students who are suspended from any class or from school entirely have the right to make up any work missed according to the student handbook.

Expulsion

- “Expulsion” is any removal of a student for more than twenty (20) school days without the provision of educational services. Expulsion is a disciplinary action available only to the Board.

The Board, and only the Board, may expel a student from school and may do so only after following due process procedures set forth below.

The Board will provide written notice to a student and parent or legal guardian of a hearing to consider a recommendation for expulsion, which will be sent by registered or certified mail at least five (5) school days before the date of the scheduled hearing. The notice will include time and place of hearing, information describing the process to be used to conduct the hearing, and notice that the Board intends to conduct the hearing in closed session unless a parent or legal guardian waives the student’s right to privacy.

Within the limitation that a hearing must be conducted during a period of student suspension, a hearing to consider expulsion may be rescheduled when a parent or legal guardian submits a request showing good cause to the \_\_\_\_\_ at least two (2) school days before a hearing date as originally scheduled. The \_\_\_\_\_ will determine if a request shows good cause to reschedule a hearing.

The student has the right to be present for the duration of the hearing. At hearing the student may be represented by counsel and ask questions, present perspectives, and provide witnesses or documentation. The Board is not bound by formal rules of evidence in conducting the hearing.

Each school shall maintain a record of any disciplinary action that is educationally related, with explanation, taken against the student. When the Board of Trustees takes disciplinary action against a student, the Board must keep a written record of the action taken, with detailed explanation, even if the disciplinary action is decided during a closed session. A disciplinary action that is educationally related is an action that results in the expulsion or out-of-school suspension of the student. This record must be maintained/destroyed consistent with Montana Local Government Records Schedule 7, and is subject to transfer to a local educational agency, accredited school, or nonpublic school pursuant to 20-1-213, MCA.

#### Procedures for Suspension and Expulsion of Students With Disabilities

The District will comply with provisions of the Individuals with Disabilities Education Act (IDEA) and Rehabilitation Act when disciplining students. The Board will not expel any special education student when the student's particular act of gross disobedience or misconduct is a manifestation of the student's disability. The Board may expel pursuant to its expulsion procedures any special education student whose gross disobedience or misconduct is not a manifestation of the student's disability. A disabled student will continue to receive education services as provided in the IDEA or Rehabilitation Act during a period of expulsion.

A building \_\_\_\_\_ may suspend a child with a disability from the child's current placement for not more than ten (10) consecutive school days for any violation of school rules, and additional removals of not more than ten (10) consecutive school days in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement under 34 CFR 300.519(b), whether or not a student's gross disobedience or misconduct is a manifestation of a student's disabling condition. Any special education student who has exceeded or who will exceed ten (10) days of suspension may temporarily be excluded from school by court order or by order of a hearing officer, if the District demonstrates that maintaining the student in the student's current placement is substantially likely to result in injury to the student or to others. After a child with a disability has been removed from his or her placement for more than ten (10) school days in the same school year, during any subsequent days of removal the public agency must provide services to the extent required under 34 CFR 300.121(d).

An \_\_\_\_\_ may remove from current placement any special education student who has carried a weapon to school or to a school function or who knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function or inflicts serious bodily injury on another person while at school on school premises, or at a school function under the jurisdiction. A serious bodily injury is one that involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or faculty. The District will place such student in an appropriate interim alternative educational setting for no more than forty-five (45) school days in accordance with the IDEA or Rehabilitation Act.

#### **Administrative Rules of Montana References**

10.55.910

#### **Description**

Student Discipline Records

#### **Montana Code Annotated References**

20-1-213

#### **Description**

Transfer of School Records

20-4-302

Discipline and punishment of pupils – definition of corporal punishment – penalty – defense

20-4-402

Duties of district superintendent or county high school principal

20-5-105

Attendance officer - power and duties

20-5-106

Truancy

20-5-201

Duties and Sanctions

20-5-202

Suspension and expulsion

**United States Code References**

29 USC 701, et seq

Title 20, Chapter 33, Subchapter I

**Description**

Section 504 of the Rehabilitation Act

Individuals with Disabilities Education Act

**Code of Federal Regulations References**

34 CFR 300.1, et seq.

**Description**

Individuals with Disabilities Education Act

**Policy 3305: Seclusion and Restraint**

**Status:** DRAFT

**Original Adopted Date:** Pending

Use of Restraint, Seclusion, and Aversive Techniques for Students

Conduct of Employees Directed Toward Students

The use by appropriately trained District personnel towards or directed at any student of any form of restraint or seclusion as defined in this policy, is prohibited except in circumstances where proportional restraint or seclusion of a student is necessary when a student's conduct creates a reasonable belief in the perspective of a District employee, that the conduct of the student has placed the student, the employee, or any other individual in imminent danger of serious bodily harm.

The employee or any employee who is a witness to this event shall immediately seek out the assistance of the school's administration or, if such administrator is not available, a certified or classified employee with special training in seclusion and restraint, if available. Upon the arrival of such individual, the administrator or if no administrator is available, the most senior trained individual on seclusion or restraint shall take control over the situation.

Seclusion or restraint of a student shall immediately be terminated when it is decided that the student is no longer an immediate danger to him or herself or to any other third person or if it is determined that the student is exhibiting extreme distress or at such time that appropriate administrative personnel have taken custody of the child or upon such time that the parent/legal guardian of the child has retaken custody of the child.

Regardless of employee training status, no District personnel shall use any form of aversive technique or corporal punishment against any student. All seclusion will be in compliance with a student's IEP or Section 504 Plan.

If a situation occurs where a properly trained District employee must use acts of restraint or seclusion against a school student, the following shall occur:

1. The employee shall immediately report to their building principal, in writing, the following information:
  - A. The date the event occurred;
  - B. The circumstances leading to the event;
  - C. The student involved; and
  - D. Other witnesses or participants to the event.
2. The building principal shall notify the Superintendent's office of the event, providing the Superintendent's office with a copy of the report of events.
3. The building principal shall ascertain if any of the school's video equipment captured the event on a recording. If such event was captured on recording, the principal shall take all best efforts to maintain a copy of the recording and provide such to the Superintendent's Office for the Superintendent's official records of the event.
4. The Superintendent or designee shall ascertain the special needs status of the student involved in the seclusion or restraint and shall ascertain and maintain documentation as to whether or not such events were consistent with or contraindicated due to the student's psychiatric, medical, or physical condition(s).
5. The Superintendent or designee of the Superintendent shall notify the parent or legal guardian of the subject student of the situation and the event of restraint or seclusion via telephone and provide the parent/legal guardian with the name and telephone contact information of the building principal where the parent may obtain additional information regarding the event.
6. The Superintendent or designee of the Superintendent shall provide the parent/legal guardian of the student with written notice of the event of restraint or seclusion of their student.

7. The Superintendent's office shall maintain documentation as to events of restraint and seclusion and shall prepare any and all necessary reports to legal entities upon whom such reports are or may become due pursuant to State and federal regulations.

### Training of School Personnel

As part of the training and preparation of each certified administrator, certified teacher, and in-building classified employee of the District, the following shall occur:

1. Training to personnel as to proper situations and events leading to student seclusion and intervention, including possible preventative alternatives to seclusion and restraint, safe physical escort, de-escalation of student crisis situations, and positive behavioral intervention techniques and supports;
2. Training of personnel in crisis/conflict management and emergency situations which may occur in the school setting, including examples and demonstrations of proper activities and techniques and trainers observing employee use of proper activities and techniques in the training setting;
3. Techniques to utilize to limit the possibility of injury to the student, the employee and any other third party in the area;
4. Information as to the school's student seclusion areas in each respective school building to which the employee is assigned;
5. Training in CPR and basic first aid; and
6. Provision of the employee with a copy of this policy.

It is a goal that all new employees are trained in the area of student restraint and seclusion during their first week of employment. However, this may not be possible due to realities of the operation of a school district. If an employee has not yet undergone training and a situation necessitating student restraint or seclusion occurs, and another properly trained employee of the District is present at the event, the properly trained employee shall take the lead in addressing the student crisis.

### Designated Locations

Each school building for which students are present must have a building designated location for student seclusion. It is the responsibility of the building's principal, or designee of the principal, to assure that the building's designated seclusion location is a safe and clean location and that such location has appropriate supervision when any student has been placed into seclusion pursuant to this policy. All seclusion will be in compliance with a student's IEP or Section 504 Plan. Appropriate supervision shall include an adult in the seclusion location which has continuous visual observation of the secluded student.

### Definitions

For the purposes of this policy, the following definitions shall apply:

**Restraint:** The immobilization or reduction of a student's freedom of movement for the purpose of preventing harm to students or others through chemical, manual method, physical, or mechanical device, material, or equipment.

**Seclusion:** Involuntary confinement in a room or other space during which a student is prevented from leaving or reasonably believes that he or she can leave or be prevented from leaving through manually, mechanically, or electronically locked doors that, when closed, cannot be opened from the inside; blocking or other physical interference by staff; or coercive measures, such as the threat of restraint, sanctions, or the loss of privileges that the student would otherwise have, used for the purpose of keeping the student from leaving the area of seclusion.

**Aversive Technique:** Physical, emotional, or mental distress as a method of redirecting or controlling behavior including but not limited to corporal punishment.

**Policy 3310: Student Discipline**

**Status:** DRAFT

**Original Adopted Date:** Pending

Student Discipline

The Board grants authority to a teacher or principal to hold a student to strict accountability for disorderly conduct in a school building, on property owned or leased by a school district, on a school bus, on the way to or from school, or during intermission or recess.

Disciplinary action may be taken against any student guilty of gross disobedience or misconduct, including but not limited to instances set forth below:

- Using, possessing, distributing, purchasing, or selling tobacco products, and alternative nicotine and vapor products as defined in 16-11-302, MCA.
- Using, possessing, distributing, purchasing, or selling alcoholic beverages, including powdered alcohol. Students who may be under the influence of alcohol will not be permitted to attend school functions and will be treated as though they had alcohol in their possession.
- Using, possessing, distributing, purchasing, or selling drug paraphernalia, illegal drugs, marijuana, controlled substances, or any substance which is represented to be or looks like a narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, stimulant, depressant, or intoxicant of any kind, including such substances that contain chemicals which produce the same effect of illegal substances including but not limited to Spice and K2. Students who may be under the influence of such substances will not be permitted to attend school functions and will be treated as though they had drugs in their possession.
- Using, possessing, controlling, or transferring a firearm or other weapon in violation of Policy 3311.
- Using, possessing, controlling, or transferring any object that reasonably could be considered or used as a weapon as referred to in Policy 3311.
- Disobeying directives from staff members or school officials or disobeying rules, violating state or federal law, or not honoring regulations governing student conduct.
- Using violence, force, noise, coercion, threats, intimidation, fear, or other comparable conduct toward anyone or urging other students to engage in such conduct unless such force is determined, following investigation, to be for self-defense or defense of others as defined by law.
- Causing or attempting to cause damage to, or stealing or attempting to steal, school property or another person's property.
- Engaging in any activity that constitutes an interference with school purposes or an educational function or any other disruptive activity.
- Unexcused absenteeism. Truancy statutes and Board policy will be utilized for chronic and habitual truants.
- Intimidation, harassment, sexual harassment, sexual misconduct, hazing or bullying; or retaliation against any person who alleged misconduct under Policy 3225 or 3226 or participated in an investigation into alleged misconduct under Policy 3225 or 3226.
- Defaces or damages any school building, school grounds, furniture, equipment, or book belonging to the district.
- Forging any signature or making any false entry or attempting to authorize any document used or intended to be used in connection with the operation of a school.
- Records or causes to be recorded a conversation by use of a hidden electronic or mechanical device which may include any combination of audio or video that reproduces a human conversation without the knowledge of all parties to the conversation.



- Engaging in academic misconduct which may include but is not limited to: cheating, unauthorized sharing of exam responses or graded assignment work; plagiarism, accessing websites or electronic resources without authorization to complete assigned coursework, and any other act designed to give unfair academic advantage to the student.

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

- On school grounds before, during, or after school hours or at any other time when school is being used by a school group.
- Off school grounds at a school-sponsored activity or event or any activity or event that bears a reasonable relationship to school.
- Travel to and from school or a school activity, function, or event.
- Anywhere conduct may reasonably be considered to be a threat or an attempted intimidation of bullying of a staff member or student, or an interference with school purposes or an educational function.

### Disciplinary Measures

Disciplinary measures include but are not limited to:

- Expulsion
- Suspension
- Detention, including Saturday school
- Clean-up duty
- Loss of student privileges
- Loss of bus privileges
- Notification to juvenile authorities and/or police
- Restitution for damages to school property

No District employee or person engaged by the District may inflict or cause to be inflicted corporal punishment on a student. Corporal punishment does not include reasonable force District personnel are permitted to use as needed to maintain safety for other students, school personnel, or other persons or for the purpose of self-defense.

### Non-Disciplinary Measures

The Superintendent or designee is authorized to assign a student to non-disciplinary offsite instruction pending the results of an investigation or for reasons related to the safety or well-being of students and staff. During the period of non-disciplinary offsite instruction, the student will be permitted to complete all assigned schoolwork for full credit. The assignment of non-disciplinary offsite instruction does not preclude the Superintendent or designee from disciplining a student who has, after investigation, been found to have violated a School District policy, rule, or handbook provision.

### Delegation of Authority

The Board grants authority to any teacher and to any other school personnel to impose on students under their charge any disciplinary measure, other than suspension or expulsion, corporal punishment, or in-school suspension, that is appropriate and in accordance with policies and rules on student discipline. The Board authorizes teachers to remove students from classrooms for disruptive behavior.

**Montana Code Annotated References**

16-11-302

16-12-108

20-4-302

20-5-202

20-7-118

45-5-624

45-5-637

45-8-213

45-8-361

**Description**

Definition of tobacco and vapor products

Limitations of Marijuana Regulation Act

Discipline and punishment of pupils – definition of corporal punishment – penalty – defense

Suspension and expulsion

Offsite Provision of Educational Services

Possession of intoxicating substance

Possession of tobacco products

Privacy in communications

Possession of weapon in a school building

**United States Code References**

29 USC 701, et seq

**Description**

Section 504 of the Rehabilitation Act

**Montana Session Laws References**

Chapter 266 (2023) Pending Codification

Chapter 608 (2023) Pending Codification

**Description**

Self-defense in schools

Targeted interventions to support 3rd grade reading proficiency

**Policy 3311: Firearms and Weapons**

**Status:** DRAFT

**Original Adopted Date:** Pending

Firearms and Other Weapons

Firearms

It is the policy of the School District to comply with the federal Gun Free Schools Act of 1994 and Section 20-5-202 (2), MCA, pertaining to students who bring a firearm to, or possess a firearm at, any setting that is under the control and supervision of the school district.

The District does not allow students to possess firearms on District property or at any setting that is under the control and supervision of the District. In accordance with Section 20-5-202 (3), MCA, a teacher, superintendent, or a principal shall suspend immediately for good cause a student who is determined to have brought a firearm to, or possess a firearm at, any setting that is under the control and supervision of the District. The Policy does not govern conduct in a student's home, a locked vehicle, a parking lot, or a commercial business when the student is participating in an online, remote, or distance-learning setting. In accordance with Montana law, a student who is determined to have brought a firearm to, or possess a firearm at, any setting that is under the control and supervision of the school district must be expelled from school for a period of not less than 1 year.

For the purposes of the firearms section of this policy, the term "firearm" means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device pursuant to 18 U.S.C. 921 (4). Such term does not include an antique firearm pursuant to 18 U.S.C. 921 (16).

**CHOOSE ONE OF THE FOLLOWING OPTIONS:**

**OPTION 1** – However, on a case-by-case basis, the Board of Trustees will convene a hearing to review the underlying circumstances and, in the discretion of the Board, may authorize the school administration to modify the requirement for expulsion of a student.

**OPTION 2** – However, on a case-by-case basis, the Board of Trustees will convene a hearing to review the underlying circumstances and, in the discretion of the Board, the Board may itself either modify the requirement for expulsion or delegate to the County Superintendent the authority to carry out the Board's decision regarding any modification of the expulsion requirement. Note: This Option is specifically for those smaller districts that have no employed administrator.

**OPTION 3** – However, the Board of Trustees through this policy authorizes the Superintendent, or principal of a school without a Superintendent, to use his/her discretion on a case-by-case basis and modify the requirement of expulsion of a student if he/she deems such modification to be warranted under the circumstances. Note: Under this Option, there is no expulsion hearing unless the administration determines that the circumstances warrant a recommendation of expulsion of the student for a period of one (1) year to the Board.

A decision to change the placement of a student with a disability who has been expelled pursuant to this section must be made in accordance with the Individuals with Disabilities Education Act.

Before holding a hearing to determine if a student has violated this Policy, the Board shall, in a clear and timely manner, notify the student if the student is an adult or notify the parent or guardian of a student if the student is a minor that the student may waive the student's privacy interest by requesting that the hearing be held in public and invite other individuals to attend the hearing.

Before expelling a student under this Policy, the Board shall hold a due process hearing that includes presentation of a summary of the information leading to the allegations and an opportunity for the student to respond to the allegations. The student may not be expelled unless the trustees find that the student knowingly, as defined in Section 1-1-204, MCA, brought a firearm to school or possessed a firearm at school.

When a student subject to a hearing is found to have not violated this Policy, the student's school record must be expunged of the incident.

The provisions of this Policy do not require the Board to expel a student who has brought a firearm to school or possesses a firearm at school if the firearm is secured in a locked container approved by the school district or in a locked motor vehicle the entire time the firearm is at school, except while the firearm is in use for a school-sanctioned instructional activity.

#### Possession of Weapons other than Firearms

The District does not allow students to possess other weapons on District property or at any setting that is under the control and supervision of the District. Any student found to have possessed, used or transferred a weapon on school property will be subject to discipline in accordance with the District's discipline policy. For purposes of this section, "weapon" means any object, device, or instrument designed as a weapon or through its use is capable of threatening or producing bodily harm or which may be used to inflict self-injury, including but not limited to air guns; pellet guns; BB guns; fake (facsimile) weapons; all knives; blades; clubs; metal knuckles; numchucks (also known as nunchucks); throwing stars; explosives; fireworks; mace or other propellants; stun guns; ammunition; poisons; chains; arrows; and objects that have been modified to serve as a weapon.

No student shall possess, use, or distribute any object, device, or instrument having the appearance of a weapon, and such objects, devices, or instruments shall be treated as weapons, including but not limited to weapons listed above which are broken or non-functional, look-alike guns; toy guns; and any object that is a facsimile of a real weapon. No student shall use articles designed for other purposes (i.e., lasers or laser pointers, belts, combs, pencils, files, scissors, etc.) to inflict bodily harm and/or intimidate, and such use will be treated as the possession and use of a weapon.

#### Definitions, Exceptions and Referral to Law Enforcement

The District may refer to law enforcement for immediate prosecution any student who possesses, carries, or stores a weapon in a school building as specified in Section 45-8-361, MCA. In addition the District will refer for possible prosecution a parent or guardian of any minor violating this policy on grounds of allowing a minor to possess, carry, or store a weapon in a school building. For the purposes of this section of the policy, "school property" means within school buildings, in vehicles used for school purposes, or on owned or leased school land or grounds. "Building" specifically means a combination of any materials, whether mobile, portable, or fixed, to form a structure and the related facilities for the use or occupancy by persons or property owned or leased by a local school district that are used for instruction or for student activities as specified in Section 50-60-101(2), MCA and Section 45-8-361, MCA. The term is construed as though followed by the words "or part or parts of a building" and is considered to include all stadiums, bleachers, and other similar outdoor facilities, whether temporary or permanently fixed.

The Board of Trustees may grant persons and entities advance permission to possess, carry, or store a weapon in a school building. All persons who wish to possess, carry, or store a weapon in a school building must request permission of the Board at a regular meeting. The Board has sole discretion in deciding whether to allow a person to possess, carry, or store a weapon in a school building.

This section does not apply to a law enforcement officer acting in the officer's official capacity or an individual previously authorized by the Board of Trustees to possess a firearm or weapon in a school building.

The Board of Trustees shall annually review this policy and update this policy as determined necessary by the trustees based on changing circumstances pertaining to school safety.

*Note may be deleted from final adopted policy: Section (g) of the ESSA Section 4141 – Gun Free Requirements, carves out a very significant exception to the Gun Free Schools Act in that it allows a student to have "a firearm that is lawfully stored inside a locked vehicle on school property. . ." Montana law (20-5-202,MCA), on the other hand, does not provide for any exception to the expulsion requirement if a student has a firearm that is lawfully stored inside a locked vehicle on school property. The only reference to federal law in 20-5-202(2), MCA is the federal definition of a firearm. As you well know 20-5-202(2), MCA provides that:*

*(2) The trustees of a district shall adopt a policy for the expulsion of a student who is determined to have brought a firearm, as defined in 18 U.S.C. 921, to school and for referring the matter to the appropriate local law enforcement agency. A student who is determined to have brought a firearm to school under this subsection must be expelled from school for a period of not less than 1 year, except that the trustees may authorize the school administration to modify the requirement for expulsion of a student on a case-by-case basis.*

*So, Montana schools are required, by state law, to expel a student from school for a period of not less than 1 year if it is determined that the student brought a firearm to school, subject to the case-by-case exception noted in the statute. Based*

*upon the exception noted in federal law and in circumstances where a student is found to have a firearm on school property in a locked vehicle, Montana schools should be citing state law (20-5-202, MCA) and district policy to support any recommendation for expulsion.*

*There is one significant inconsistency between the Federal Gun Free Schools Act and Montana is that under federal law it provides that "State law shall allow the chief administering officer of a local educational agency to modify such expulsion requirement for a student on a case-by-case basis if such modification is in writing," whereas 20-5-202(2), MCA, provides that the trustees may authorize the school administration to modify the requirement for expulsion of a student on a case-by-case basis.*

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**Montana Code Annotated References**

20-5-202

**Description**

Suspension and expulsion

45-8-361

Possession of weapon in a school building

**United States Code References**

18 USC 921

**Description**

Definitions

20 uSc 7151

Gun Free Schools Act

20 usc 7961

Gun Free Requirements

Title 20, Chapter 33, Subchapter I

Individuals with Disabilities Education Act

**Policy 3413: Student Immunization**

**Status:** DRAFT

**Original Adopted Date:** Pending

Student Immunization

The Board requires all students to present evidence of their having been immunized against the following diseases: varicella, diphtheria, pertussis (whooping cough), poliomyelitis, measles (rubeola), mumps, rubella, and tetanus in the manner and with immunizing agents approved by the department. Haemophilus influenza type "b" immunization is required for students under age five (5). Upon initial enrollment, an immunization status form shall be completed by the student's parent or guardian. The certificate shall be made a part of the student's permanent record.

A student who transfers into the District may photocopy immunization records in the possession of the school of origin. The District will accept the photocopy as evidence of immunization. Within thirty (30) days after a transferring student ceases attendance at the school of origin, the school shall retain a certified copy for the permanent record and send the original immunization records for the student to the school district to which the student transfers.

Exemptions from one or more vaccines shall be granted for medical reasons upon certification by a licensed or certified health care provider in a manner provided by Section 20-5-405, MCA. Exemptions for religious reasons must be filed in a manner provided by Section 20-5-405, MCA. The statement for an exemption shall be maintained as part of the student's immunization record in accordance with FERPA as specified in Policy 3600P.

All students who are enrolled under an exemption and have a disease listed in this Policy, have been exposed to a disease listed in this Policy, or may be exposed to a disease listed in this Policy while attending school may be excluded from the school by the local health officer or the DPHHS until the excluding authority is satisfied that the student no longer risks contracting or transmitting that disease.

The administrator may allow the commencement of attendance in school by a student who has not been immunized against each disease listed in Section 20-5-403, MCA, if that student has received one or more doses of varicella, polio, measles (rubeola), mumps, rubella, diphtheria, pertussis, and tetanus vaccine, except that Haemophilus influenza type "b" vaccine is required only for children under 5 years of age.

The District shall exclude a student for noncompliance with the immunization laws and properly notify the parent or guardian. The local health department may seek an injunction requiring the parent to submit an immunization status form, take action to fully immunize the student, or file an exemption for personal or medical reasons.

This policy and related forms shall be made available to all interested individuals upon request and posted on the District's website to provide parents and families opportunity to be informed about immunizations required and available exemptions under state law.

This policy does not apply to or govern vaccinations against COVID-19. The Board does not require immunization against COVID-19 in order to enroll in the District in accordance with Montana law. District officials shall not inquire about the COVID-19 vaccination status of students, employees, or visitors. District officials shall not make decisions regarding access to District services for students, employees, or visitors based upon an individual's COVID-19 vaccination status. Students enrolled in dual credit courses in accordance with District policies may be subject to distinct immunization requirements of the applicable post-secondary institution.

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**Montana Code Annotated References**

**Description**

20-3-324	Powers and duties
20-5-403	Immunization required – release and acceptance of immunization records
20-5-404	Conditional Attendance
20-5-405	Medical or religious exemption
20-5-406	Immunization record
20-5-407	Rulemaking
20-5-408	Enforcement

20-5-409	Failure to immunize or claim exemption -- injunction
20-5-410	Civil penalty
49-2-312	Discrimination Based On Vaccination Status

**Montana Session Laws References**

Chapter 534 (2023) Pending Codification

**Description**

Revise Immunization laws

**Form 3413-F(1): Student Immunization - Medical Exemption**

**Status:** DRAFT

**Original Adopted Date:** Pending

*See PDF on the next page.*



# Medical Exemption Statement

Form HES 101A  
Montana Schools



For questions, contact the Montana Department of Immunizations at (406) 444-5580

A prospective student seeking to enroll in a Montana school is not required to receive any immunizations for which they are medically contraindicated. The Medical Exemption Statement, may be completed by a qualifying healthcare provider and utilized as an exemption. In lieu of this form, a written and signed statement from a qualifying healthcare provider will also be accepted under the conditions outlined in ARM 37.114.715.

Pursuant to HB 334 (Ch. 294, L. 2021), a qualifying healthcare provider means a person who: (1) is licensed, certified, or authorized in any U.S. State or Canada to provide health care; (2) is authorized within the person's scope of practice to administer the immunization(s) to which the exemption applies; and (3) has previously provided health care to the student *or* has administered a vaccine to which the student has had an adverse reaction. Once completed, this form should be filed at the student's school along with their most current immunization record.

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

Parent/Guardian Name: \_\_\_\_\_

Student Address: \_\_\_\_\_

Student Date of Birth: \_\_\_\_\_

Select the vaccine(s) needing medical exemption, then provide a brief description of the contraindication or precaution for each vaccine:

- ☐ DTaP (Diphtheria, Tetanus, and Pertussis)
- ☐ Tdap (Diphtheria, Tetanus, and Pertussis)
- ☐ Varicella (Chickenpox)
- ☐ Hib (*Haemophilus influenzae* type b)

- ☐ MMR (Measles, Mumps, and Rubella)
- ☐ IPV (Polio)
- ☐ Other: \_\_\_\_\_

Contraindication/Precaution:

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A complete list of medical contraindications and precautions can be found on the Centers for Disease Control and Prevention's website:  
<https://www.cdc.gov/vaccines/hcp/acip-recs/general-recs/contraindications.html>.

Duration of exemption: \_\_\_\_\_

Provider's Name (print): \_\_\_\_\_

Title: \_\_\_\_\_

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

Address: \_\_\_\_\_

Provider's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

<b>Montana Code Annotated References</b>	<b>Description</b>
20-3-324	Powers and duties
20-5-403	Immunization required – release and acceptance of immunization records
20-5-404	Conditional Attendance
20-5-405	Medical or religious exemption
20-5-406	Immunization record
20-5-407	Rulemaking
20-5-408	Enforcement
20-5-409	Failure to immunize or claim exemption -- injunction
20-5-410	Civil penalty
49-2-312	Discrimination Based On Vaccination Status

<b>Montana Session Laws References</b>	<b>Description</b>
Chapter 534 (2023) Pending Codification	Revise Immunization laws

**Form 3413-F(2): Student Immunization - Religious Exemption**

**Status:** DRAFT

**Original Adopted Date:** Pending

*See PDF on the next page.*

**Affidavit of Exemption on Religious Grounds**

Form HES 113

Montana Schools



For questions, contact the Montana Department of Immunizations at (406) 444-5580

**Student's Full Name****Birth Date****Age****Sex**

School: \_\_\_\_\_

If student is under 18, name of parent, guardian, or other person responsible for student's care and custody:

\_\_\_\_\_

Street address and city: \_\_\_\_\_

Telephone: \_\_\_\_\_

I, the undersigned, declare under penalty of perjury that immunization against the following is contrary to my religious tenets and practices (check all that apply):

☐ *Diphtheria, Pertussis, Tetanus (DTaP, DT, Tdap)*☐ *Polio*☐ *Measles, Mumps and Rubella (MMR)*☐ *Varicella (chickenpox)*☐ *Haemophilus Influenzae type b (Hib)*☐ *Other: \_\_\_\_\_*

I also understand that:

Pursuant to section 20-5-405, MCA, in the event of an outbreak of one of the diseases listed above, the above-exempted student may be excluded from school by the local health officer or the Department of Public Health and Human Services until the student is no longer at risk for contracting or transmitting that disease.

\_\_\_\_\_  
Signature of parent, guardian, or other person  
responsible for the above student's care and  
custody; or of the student, if 18 or older.

Date

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
**Signature:** Notary Public for the State of Montana

Seal

\_\_\_\_\_  
**Print Name:** Notary Public for the State of Montana

Residing in \_\_\_\_\_

My commission expires \_\_\_\_\_

<b>Montana Code Annotated References</b>	<b>Description</b>
20-3-324	Powers and duties
20-5-403	Immunization required – release and acceptance of immunization records
20-5-404	Conditional Attendance
20-5-405	Medical or religious exemption
20-5-406	Immunization record
20-5-407	Rulemaking
20-5-408	Enforcement
20-5-409	Failure to immunize or claim exemption -- injunction
20-5-410	Civil penalty
49-2-312	Discrimination Based On Vaccination Status

<b>Montana Session Laws References</b>	<b>Description</b>
Chapter 534 (2023) Pending Codification	Revise Immunization laws

**Policy 3416: Administering Medicines to Students**

**Status:** DRAFT

**Original Adopted Date:** Pending

"Medication" means prescribed drugs and medical devices that are controlled by the U.S. Food and Drug Administration and are ordered by a healthcare provider. It includes over-the-counter medications prescribed through a standing order by authorized physician or prescribed by the student's healthcare provider.

Except in an emergency situation, only a qualified healthcare professional may administer a drug or a prescription drug to a student under this policy. Diagnosis and treatment of illness and the prescribing of drugs are never the responsibility of a school employee and should not be practiced by any school personnel.

Administering Medication

The Board shall permit administration of medication to students in schools in its jurisdiction. A school nurse or other employee who has successfully completed specific training in administration of medication, pursuant to written authorization of a physician or dentist and that of a parent, an individual who has executed a caretaker relative educational authorization affidavit, or guardian, may administer medication to any student in the school or may delegate this task pursuant to Montana law.

Emergency Administration of Medication

In the event of an emergency, a school nurse or trained staff member, exempt from the nursing license requirement under § 37-8-103(1)(c), MCA, may administer emergency medication to any student in need thereof on school grounds, in a school building, at a school function, or on a school bus according to a standing order of an authorized physician or a student's private physician. In the event that emergency medication is administered to a student, the school nurse or staff member shall call emergency responders and notify the student's parents/guardians. A building administrator or school nurse shall enter any medication to be administered in an emergency on an individual student medication record and retain the documentation.

Assisting Students with Self-Administration of Medication

A building principal or other school administrator may authorize, in writing, any school employee:

To assist in self-administration of any drug that may lawfully be sold over the counter without a prescription to a student in compliance with the written instructions and with the written consent of a student's parent or guardian; and

To assist in self-administration of a prescription drug to a student in compliance with written instructions or standing order of an authorized physician or a student's private physician and with the written consent of a student's parent or guardian.

A school employee authorized, in writing, assist students with self-administration of medications, may only rely on the following techniques:

- Making oral suggestions, prompting, reminding, gesturing, or providing a written guide for self-administering medications;
- Handing to a student a prefilled, labeled medication holder or a labeled unit dose container, syringe, or original marked and labeled container from a pharmacy;
- Opening the lid of a container for a student;
- Guiding the hand of a student to self-administer a medication;
- Holding and assisting a student in drinking fluid to assist in the swallowing of oral medications; and
- Assisting with removal of a medication from a container for a student with a physical disability that prevents independence in the act.

- Other guidance or restrictions previously provided in writing to the school by a student's parent, an individual who has executed a caretaker relative educational authorization affidavit, or guardian is on file.

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

Students with allergies or asthma may be authorized by the building principal or Superintendent, in consultation with medical personnel, to possess and self-administer emergency medication during the school day, during field trips, school-sponsored events, or while on a school bus. The student shall be authorized to possess and self-administer medication if the following conditions have been met:

- A written and signed authorization from the parents, an individual who has executed a caretaker relative educational authorization affidavit, or guardians for self-administration of medication, acknowledging that the District or its employees are not liable for injury that results from the student self-administering the medication.
- The student shall have the prior written approval of his/her primary healthcare provider. The written notice from the student's primary care provider shall specify the name and purpose of the medication, the prescribed dosage, frequency with which it may be administered, and the circumstances that may warrant its use.
- Documentation that the student has demonstrated to the healthcare practitioner and the school nurse, if available, the skill level necessary to use and administer the medication.
- Documentation of a doctor-formulated written treatment plan for managing asthma, severe allergies, or anaphylaxis episodes of the student and for medication use by the student during school hours.

Authorization granted to a student to possess and self-administer medication shall be valid for the current school year only and shall be renewed annually. A student's authorization to possess and self-administer medication may be limited or revoked by the building principal or other administrative personnel.

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

Immediately after using epinephrine during school hours, a student shall report to the school nurse or other adult at the school who shall provide follow up care, including making a call to emergency responders.

#### Self-Administration of Other Medication

The District shall permit students who are able to self-administer specific medication to do so provided that all of the following have occurred:

- A physician, dentist, or other licensed health care provider provides a written order for self-administration of said medication;
- Written authorization for self-administration of medication from a student's parent, an individual who has executed a caretaker relative educational authorization affidavit, or guardian is on file; and
- A principal and appropriate teachers are informed that a student is self-administering prescribed medication.

#### Administration of Glucagons

School employees may voluntarily agree to administer glucagons to a student pursuant to § 20-5-412, MCA, only under the following conditions: (1) the employee may administer glucagon to a diabetic student only in an emergency situation; (2) the employee has filed the necessary designation and acceptance documentation with the District, as required by § 20-5-412(2), MCA, and (3) the employee has filed the necessary written documentation of training with the District, as required by § 20-5-412(4), MCA. Designation of staff is to be made by a parent, and individual who has executed a caretaker relative authorization affidavit, or guardian of a diabetic student, and school employees are under no obligation to agree to designation. Glucagon is to be provided by the parent or guardian. All documentation shall be kept on file.

### Handling and Storage of Medications

The Board requires that all medications, including those approved for keeping by students for self-medication, be first delivered by a parent, an individual who has executed a caretaker relative educational authorization affidavit, or other responsible adult to a nurse or employee assisting with self-administration of medication. A nurse or assistant:

- Shall examine any new medication to ensure it is properly labeled with dates, name of student, medication name, dosage, and physician's name;
- Shall develop a medication administration plan, if administration is necessary for a student, before any medication is given by school personnel;
- Shall record on the student's individual medication record the date a medication is delivered and the amount of medication received;
- Shall store medication requiring refrigeration at 36° to 46° F;
- Shall store prescribed medicinal preparations in a securely locked storage compartment; and
- Shall store controlled substances in a separate compartment, secured and locked at all times.
- All non-emergency medication shall be kept in a locked, nonportable container, stored in its original container with the original prescription label. Epinephrine, naloxone, and student emergency medication may be kept in portable containers and transported by the school nurse or other authorized school personnel.
- Food is not allowed to be stored in refrigeration unit with medications.
- Shall notify the building administrator, school district nurse, and parent or guardian of any medication error and document it on the medication administration record.

The District shall permit only a forty-five-(45)-school-day supply of a medication for a student to be stored at a school; and all medications, prescription and nonprescription, shall be stored in their original containers.

The District shall limit access to all stored medication to those persons authorized to administer medications or to assist in the self-administration of medications. The District requires every school to maintain a current list of those persons authorized by delegation from a licensed nurse to administer medications.

The District may maintain a stock supply of auto-injectable epinephrine to be administered by a school nurse or other authorized personnel to any student or nonstudent as needed for actual or perceived anaphylaxis. If the district intends to obtain an order for emergency use of epinephrine in a school setting or at related activities, the district shall adhere to the requirements stated in law.

The District may maintain a stock supply of an opioid antagonist to be administered by a school nurse or other authorized personnel to any student or nonstudent as needed for an actual or perceived opioid overdose. A school that intends to obtain an order for emergency use of an opioid antagonist in a school setting or at related activities shall adhere to the requirements in law.

### Disposal of Medication, Medical Equipment, Personal Protective Equipment

The District requires school personnel either to return to a parent, an individual who has executed a caretaker relative educational authorization affidavit, or guardian or, with permission of the parent, an individual who has executed a caretaker relative educational authorization affidavit, or guardian, to destroy any unused, discontinued, or obsolete medication. A school nurse, in the presence of a witness, shall destroy any medicine not repossessed by a parent or guardian within a seven-(7)-day period of notification by school authorities.

Medical sharps shall be disposed of in an approved sharps container. Building administrators should contact the school nurse or designated employee when such a container is needed. Sharps containers are to be kept in a secure location in the school building. Disposal of sharps container, medical equipment, and personal protective equipment is the responsibility of the school nurse or designated employee in accordance with the Montana Infectious Waste Management Act and the manufacture guidelines specific to the container or equipment.



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**Administrative Rules of Montana References**

24.159.1601, et seq

37.111.812

**Description**

Delegation of Nurse Duties

Safety Requirements

**Montana Code Annotated References**

20-5-412

20-5-420

20-5-421

20-5-426

37-8-103(1)(c)

75-10-1001, et seq

**Description**

Definition – parent-designated adult administration of glucagons

Self-administration or possession of asthma, allergy, anaphylaxis medication

Emergency use of epinephrine in school setting

Emergency use of an opioid antagonist in

Exemptions – limitations on authority

Infectious Waste Management Act

**Form 3416-F(1): Administering Medicines to Students - Designation and Acceptance to Administer Glucagon**

**Status:** DRAFT

**Original Adopted Date:** Pending

*See PDF on the next page.*

**DESIGNATION AND ACCEPTANCE TO ADMINISTER  
GLUCAGON**

As a parent, an individual who has executed a caretaker relative educational authorization affidavit, an individual who has executed a caretaker relative medical authorization affidavit, or a guardian of a diabetic student, I have designated \_\_\_\_\_ to administer glucagon to \_\_\_\_\_ only in emergency situations. I understand the designee must be an adult.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

As the parent-designated adult, I agree to administer glucagon only in emergency situations to \_\_\_\_\_. I understand the glucagon must be provided by the parent, an individual who has executed a caretaker relative educational authorization affidavit, an individual who has executed a caretaker relative medical authorization affidavit, or the guardian of the student. I confirm that I have been trained in recognizing hypoglycemia and the proper method of administering glucagon. I have been trained by \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature of parent-designated adult

\_\_\_\_\_  
Date

**Administrative Rules of Montana  
References**

24.159.1601, et seq

37.111.812

**Description**

Delegation of Nurse Duties

Safety Requirements

**Montana Code Annotated References**

20-5-412

20-5-420

20-5-421

20-5-426

37-8-103(1)(c)

75-10-1001, et seq

**Description**

Definition – parent-designated adult administration of glucagons

Self-administration or possession of asthma, allergy, anaphylaxis medication

Emergency use of epinephrine in school setting

Emergency use of an opioid antagonist in

Exemptions – limitations on authority

Infectious Waste Management Act

**Form 3416-F(2): Administering Medicines to Students - MT Authorization to Possess or Self-Administer Asthma, Severe Allergy, or Anaphylaxis Medication**

**Status:** DRAFT

**Original Adopted Date:** Pending

*See PDF on the next page.*

**Montana Authorization to Possess or Self-Administer  
Asthma, Severe Allergy, or Anaphylaxis Medication**

For this student to possess or self-administer asthma, severe allergy, or anaphylaxis medication while in school, while at a school sponsored activity, while under the supervision of school personnel, before or after normal school activities (such as while in before-school or after-school care on school-operated property), or while in transit to or from school or school-sponsored activities, this form must be fully completed by: 1) the prescribing physician/physician assistant/advanced practice registered nurse, and 2) an authorizing parent, an individual who has executed a caretaker relative educational or medical authorization affidavit, or legal guardian.

Student's Name: \_\_\_\_\_  
Sex: (Please circle) Female/Male  
Birth Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

School: \_\_\_\_\_  
City/Town: \_\_\_\_\_  
School Year: \_\_\_\_\_ (Must be renewed annually)

**Physician's Authorization:**

The above named student has my authorization to carry and self administer the following medication:

Medication: (1) \_\_\_\_\_ Dosage: (1) \_\_\_\_\_  
(2) \_\_\_\_\_ (2) \_\_\_\_\_

Reason for prescription(s): \_\_\_\_\_

Medication(s) to be used under the following conditions (times or special circumstances): \_\_\_\_\_

I confirm that this student has been instructed in the proper use of this medication and is able to self-administer this medication without school personnel supervision. I have formulated and provided to the parent/guardian or caretaker relative a written treatment plan for managing asthma, severe allergies, or anaphylaxis episodes and for medication use by this student during school hours and school activities.

\_\_\_\_\_  
Signature of Physician/PA/APRN

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Date

**Authorization by Parent, an individual who has executed a caretaker relative educational or medical authorization affidavit, or Guardian**

As the parent, individual who has executed a caretaker relative educational or medical authorization affidavit, or guardian of the above named student, I confirm that this student has been instructed by his/her health care provider on the proper use of this/these medication(s). He/she has demonstrated to me that he/she understands the proper use of this medication. He/she is physically, mentally, and behaviorally capable to assume this responsibility. He/she has my permission to self-medicate as listed above, if needed. If he/she has used epinephrine during school hours, he/she understands the need to alert the school nurse or other adult at the school who will provide follow-up care, including making a 9-1-1 emergency call.

I acknowledge that the school district or nonpublic school and its employees and agents are not liable as a result of any injury arising from the self-administration of medication by the student, and I indemnify and hold them harmless for such injury, unless the claim is based on an act or omission that is the result of gross negligence, willful and wanton conduct, or an intentional tort.

I agree to work with the school in establishing a plan for use and storage of backup medication. This will include a predetermined location to keep backup medication to which my child has access in the event of an asthma, severe allergy, or anaphylaxis emergency. I have provided the following backup medication: \_\_\_\_\_

I understand that in the event the medication dosage is altered, a new "self-administration form" must be completed, or the health care provider may rewrite the order on his/her prescription pad, and I, the parent/caretaker relative/guardian, will sign the new form and assure the new order is attached.

I understand it is my responsibility to pick up any unused medication at the end of the school year, and the medication that is not picked up will be disposed of.

I authorize the school administration to release this information to appropriate school personnel and classroom teachers.

Parent/Guardian, Caretaker Relative Signature: \_\_\_\_\_ Date: \_\_\_\_\_

(Original signed authorization to the school; a copy of the signed authorization to the parent/guardian and health care provider) See, generally, Mont. Code Ann. § 20-5-420.

**Administrative Rules of Montana  
References**

24.159.1601, et seq

37.111.812

**Description**

Delegation of Nurse Duties

Safety Requirements

**Montana Code Annotated References**

20-5-412

20-5-420

20-5-421

20-5-426

37-8-103(1)(c)

75-10-1001, et seq

**Description**

Definition – parent-designated adult administration of glucagons

Self-administration or possession of asthma, allergy, anaphylaxis medication

Emergency use of epinephrine in school setting

Emergency use of an opioid antagonist in

Exemptions – limitations on authority

Infectious Waste Management Act

**Policy 3417: Communicable Diseases**

**Status:** DRAFT

**Original Adopted Date:** Pending

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

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

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

The District shall provide soap and disposable towels or other hand-drying devices shall be available at all handwashing sinks. Common-use cloth towels are prohibited. Sanitary napkin disposal shall be provided for girls of age ten or older and in teachers’ toilet rooms and nurses’ toilet rooms. The District shall provide either sanitary napkin dispensers in the girls’, nurses’, and teachers’ toilet rooms or some other readily available on-site access to sanitary napkins.

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

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

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

Students who express feelings of illness at school may be referred to a school nurse or other responsible person designated by the Board and may be sent home as soon as a parent or person designated on a student’s emergency medical authorization form has been notified. The District may temporarily exclude from onsite school attendance a student who exhibits symptoms of a communicable disease that is readily transmitted in a school setting. Offsite instruction will be provided during the period of absence in accordance with Policy 2050. The District reserves the right to require a statement from a student’s primary care provider authorizing a student’s return to onsite instruction.

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

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

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



Healthy Hand Hygiene Behavior

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

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

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

Staff members shall supervise children when they use hand sanitizer and soap to prevent ingestion. Staff members shall place grade level appropriate posters describing handwashing steps near sinks.

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<b>Administrative Rules of Montana References</b>	<b>Description</b>
37.111.825	Health Supervision and Maintenance
37.114.101, et seq.	Communicable Disease Control

**Policy 3431: Emergency Treatment**

**Status:** DRAFT

**Original Adopted Date:** Pending

The Board recognizes that schools are responsible for providing first aid or emergency treatment to a student in case of sudden illness or injury; however, further medical attention is the responsibility of a parent or guardian.

The District requires that every parent or guardian provide a telephone number where a parent or designee of a parent may be reached in case of an emergency.

When a student is injured, staff will provide immediate care and attention until relieved by a superior, a nurse, or a doctor. The District will employ its normal procedures to address medical emergencies without regard to the existence of a do not resuscitate (DNR) request. A principal or designated staff member will immediately call a parent or parental designee so that the parent may arrange for care or treatment of an injured student. A principal or designated staff member will call a parent or parental designee so that the parent may arrange for care or treatment of an injured student.

When a student develops symptoms of illness while at school, a responsible school official will do the following:

Isolate the student from other children to a room or area segregated for that purpose;

Inform a parent or guardian as soon as possible about the illness and request the parent or guardian to pick up the child; and

Report each case of suspected communicable disease the same day by telephone to a local health authority or as soon as possible thereafter if a health authority cannot be reached the same day.

When a parent or guardian cannot be reached, and it is the judgment of a principal or other person in charge that immediate medical attention is required, an injured student may be taken directly to a hospital. Once located, a parent or a guardian is responsible for continuing treatment or for making other arrangements.

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**Administrative Rules of Montana References**

**Description**

37.111.825

Health Supervision and Maintenance

**Form 3431-F(1): Emergency Treatment - Accident Report Form**

**Status:** DRAFT

**Original Adopted Date:** Pending

*See PDF on the next page.*

**This form is to be completed by the appropriate employee(s) as soon as possible after an accident occurs.  
Please Print or Type.**

Claimant's Name _____			
<i>Last Name</i>		<i>First Name</i>	<i>Middle Initial</i>
Claimant's Address _____			
<i>City</i>		<i>State</i>	<i>ZIP Code</i>
Claimant's SS # _____		Home Phone Number (____) _____	
Claimant's Age _____	Date of Birth _____	Sex _____	Grade _____
Parent's Name (if student) _____		Work Phone Number (____) _____	

*Describe accident and injury in detail (attach additional description as necessary):* \_\_\_\_\_

Date \_\_\_\_\_

**Administrative Rules of Montana  
References**

**Description**

37.111.825

Health Supervision and Maintenance

**Policy 3440: Removal of Student During School Day**

**Status:** DRAFT

**Original Adopted Date:** Pending

The Board recognizes its responsibility for the proper care of students during a school day. In accordance with District procedures, only a duly authorized person may remove a student from school grounds, any school building, or school function during a school day. A person seeking to remove a student from school must present evidence satisfactory to the \_\_\_\_\_ of having proper authority to remove the student. A teacher should not excuse a student from class to confer with anyone, unless a request is approved by the \_\_\_\_\_. The \_\_\_\_\_ will establish procedures for removal of a student during a school day.

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**Procedure 3440-P(1): Removal of Student During School Day - Procedure**

**Status:** DRAFT

**Original Adopted Date:** Pending

Schools must exercise a high order of responsibility for the care of students while in school. The removal of a student during the school day may be authorized in accordance with the following procedures:

1. Law enforcement officers, upon proper identification, may remove a student from school as provided in Policies 4410 and 4411.
  2. Any other agencies must have a written administrative or court order directing the District to give custody to them. However, employees of the Department of Public Health and Human Services may take custody of a student under provisions of § 41-3-301, MCA, without a court order. Proper identification is required before the student shall be released.
  3. A student shall be released to the custodial parent. When in doubt as to custodial rights, school enrollment records must be relied upon, as the parents (or guardians) have the burden of furnishing schools with accurate, up-to-date information.
  4. The school should always check with the custodial parent before releasing the student to a non-custodial parent.
  5. Prior written authorization from the custodial parent or guardian is required before releasing a student into someone else's custody, unless an emergency situation justifies a waiver.
  6. Police should be called if a visitor becomes disruptive or abusive.
-

**Policy 3520: Student Fees, Fines, and Charges**

**Status:** DRAFT

**Original Adopted Date:** Pending

Within the concept of free public education, the District will provide an educational program for students as free of costs as possible.

Fees

The Board may require fees for actual cost of breakage and for excessive supplies used in commercial, industrial arts, music, domestic science, science, or agriculture courses. The Board may also charge a student a reasonable fee for any course or activity not reasonably related to a recognized academic and educational goal of the District or for any course or activity taking place outside normal school functions. The Board may waive fees in cases of financial hardship.

The Board delegates authority to the \_\_\_\_\_ to establish appropriate fees and procedures governing collection of fees and asks the \_\_\_\_\_ to make annual reports to the Board regarding fee schedules. The Board also may require fees for actual cost of breakage and for excessive supplies used in commercial, industrial arts, music, domestic science, science, or agriculture courses.

Fines

The District holds a student responsible for the cost of replacing materials or property that are lost or damaged because of negligence. A \_\_\_\_\_ will notify a student and parent regarding the nature of violation or damage, how restitution may be made, and how an appeal may be instituted.

Withholding and Transferring Records for Unpaid Fines or Fees

The District may not refuse to transfer files to another district because a student owes fines or fees. The District may not withhold the school schedule of a student because the student owes fines or fees. The District may withhold the grades, diploma, or transcripts of a current or former student who is responsible for the cost of school materials or the loss or damage of school property until the student or the student's parent or guardian pays the owed fines or fees.

In the event a student is responsible for the cost of school materials or the loss or damage of school property transfers to another school district in the state and the District has decided to withhold the student's grades, diploma, or transcripts from the student and the student's parent or guardian, the District shall:

1. upon receiving notice that the student has transferred to another school district in the state, notify the student's parent or guardian in writing that the school district to which the student has transferred will be requested to withhold the student's grades, diploma, or transcripts until any obligation has been satisfied;
2. forward appropriate grades or transcripts to the school district to which the student has transferred;
3. at the same time, notify the school district to which the student has transferred of any financial obligation of the student and request the withholding of the student's grades, diploma, or transcripts until any obligations are met;
4. when the student or the student's parent or guardian satisfies the obligation, inform the school district to which the student has transferred.

A student or parent may appeal the imposition of a charge for damages to the Board.

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**Montana Code Annotated References**

**Description**

20-1-213	Transfer of School Records
20-5-201	Duties and Sanctions
20-7-601	Free textbook
20-9-214	Fees



**Policy 3600: Student Records**

**Status:** DRAFT

**Original Adopted Date:** Pending

Student Records

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

The District will ensure information contained in student records is current, accurate, clear, and relevant. All information maintained concerning a student receiving special education services will be directly related to the provision of services to that child. The District may release directory information as permitted by law, but parents will have the right to object to release of information regarding their child. Military recruiters and institutions of higher education may request and receive the names, addresses, and telephone numbers of all high school students, unless the parent(s) notifies the school not to release this information.

The \_\_\_\_\_ will implement this policy and state and federal law with administrative procedures. The \_\_\_\_\_ or designee will inform staff members of this policy and inform students and their parents of it, as well as of their rights regarding student school records.

Each student's permanent file, as defined by the board of public education, must be permanently kept in a secure location. Other student records must be maintained and destroyed as provided in 20-1-212, MCA.

**Administrative Rules of Montana References**

**Description**

10.55.909	Student Records
10.55.910	Student Discipline Records

**Montana Code Annotated References**

**Description**

20-1-212	Destruction of Records by school officer
20-5-201	Duties and Sanctions
20-7-104	Transparency and public availability of public school performance data
20-7-1317	Electronic directory photograph repository
40-4-225	Access to records by parent
41-3-201	Reports
41-5-215	Youth court and department records

**United States Code References**

**Description**

20 U.S.C. § 1232g, et seq.	Family Education Rights and Privacy Act
34 C.F.R. 99 et seq.	Family Education Rights and Privacy Act

**Procedure 3600-P(1): Student Records - Maintenance of School Student Records**

**Status:** DRAFT

**Original Adopted Date:** Pending

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

The permanent record will include:

- Basic identifying information
- Academic work completed (transcripts)
- Level of achievement (grades, standardized achievement tests)
- Immunization records (per § 20-5-406, MCA)
- Attendance record
- Statewide student identifier assigned by the Office of Public Instruction
- Record of any disciplinary action taken against the student, which is educationally related

Each student's permanent file, as defined by the board of public education, must be permanently kept in a secure location.

The cumulative record may include:

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

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

The building principal will be responsible for maintenance, retention, or destruction of a student's permanent or cumulative records, in accordance with District procedure established by the \_\_\_\_\_.

**Access to Student Records**

The District will grant access to student records as follows:

1. The District or any District employee will not release, disclose, or grant access to information found in any student record except under the conditions set forth in this document.
2. The parents of a student under eighteen (18) years of age will be entitled to inspect and copy information in the child's school records. Such requests will be made in writing and directed to the records custodian. Access to the records will be granted within fifteen (15) days of the District's receipt of such request. Parents are not entitled to records of other students. If a record contains information about two students, information related to the student of the non-requesting parent will be redacted from the record.

In situations involving a record containing video footage, a parent of a student whose record contains the footage is allowed to view the footage contained in the record but is not permitted to receive a copy unless the parents of the other involved students provide consent. The footage is not a record of students in the background of the image or not otherwise involved in the underlying matter.

Where the parents are divorced or separated, both will be permitted to inspect and copy the student's school records, unless a court order indicates otherwise. The District will send copies of the following to both parents at either one's request, unless a court order indicates otherwise:

- a. Academic progress reports or records;
- b. Health reports;
- c. Notices of parent-teacher conferences;
- d. School calendars distributed to parents/guardians; and
- e. Notices about open houses and other major school events, including student-parent interaction.

A student that attains the age of legal majority is an "eligible student" under FERPA. An eligible student has the right to access and inspect their student records. An eligible student may not prevent their parents from accessing and inspecting their student records if they are a dependent of their parents in accordance with Internal Revenue Service regulations.

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

3. The District may grant access to or release information from student records without prior written consent to school officials with a legitimate educational interest in the information. A school official is a person employed by the District in an administrative, supervisory, academic, or support staff position (including, but not limited to administrators, teachers, counselors, paraprofessionals, coaches, and bus drivers), and the board of trustees. A school official may also include a volunteer or contractor not employed by the District but who performs an educational service or function for which the District would otherwise use its own employees and who is under the direct control of the District with respect to the use and maintenance of personally identifying information from education records, or such other third parties under contract with the

District to provide professional services related to the District's educational mission, including, but not limited to, attorneys and auditors. A school official has a legitimate educational interest in student education information when the official needs the information in order to fulfill his or her professional responsibilities for the District. Access by school officials to student education information will be restricted to that portion of a student's records necessary for the school official to perform or accomplish their official or professional duties.

4. The District may grant access to or release information from student records without parental consent or notification to any person, for the purpose of research, statistical reporting, or planning, provided that no student or parent can be identified from the information released, and the person to whom the information is released signs an affidavit agreeing to comply with all applicable statutes and rules pertaining to school student records.
5. The District may grant release of a child's education records to child welfare agencies without the prior written consent of the parents.

6. The District will grant access to or release information from a student's records pursuant to a court order.
7. The District will grant access to or release information from any student record, as specifically required by federal or state statute.
8. The District will grant access to or release information from student records to any person possessing a written, dated consent, signed by the parent or eligible student, with particularity as to whom the records may be released, the information or record to be released, and reason for the release. One (1) copy of the consent form will be kept in the records, and one (1) copy will be mailed to the parent or eligible student by the \_\_\_\_\_. Whenever the District requests consent to release certain records, the records custodian will inform the parent or eligible student of the right to limit such consent to specific portions of information in the records.
9. The District may release student records to the \_\_\_\_\_ or an official with similar responsibilities in a school in which the student has enrolled or intends to enroll, upon written request from such official. School officials may also include those listed in #3 above.
10. Prior to release of any records or information under items 5, 6, 7, 8, and 9, above, the District will provide prompt written notice to the parents or eligible student of this intended action. This notification will include a statement concerning the nature and substance of the records to be released and the right to inspect, copy, and challenge the contents.
11. The District may release student records or information in connection with an emergency, without parental consent, if the knowledge of such information is necessary to protect the health or safety of the student or other persons. The records custodian will make this decision, taking into consideration the nature of the emergency, the seriousness of the threat to the health and safety of the student or other persons, the need for such records to meet the emergency, and whether the persons to whom such records are released are in a position to deal with the emergency. The District will notify the parents or eligible student, as soon as possible, of the information released, date of the release, the person, agency, or organization to whom the release was made, and the purpose of the release.
12. The District may disclose, without parental consent, student records or information to the youth court and law enforcement authorities, pertaining to violations of the Montana Youth Court Act or criminal laws by the student.
13. The District will comply with an ex parte order requiring it to permit the U.S. Attorney General or designee to have access to a student's school records without notice to or consent of the student's parent(s)/guardian(s).
14. The District charges a nominal fee for copying information in the student's records. No parent or student will be precluded from copying information because of financial hardship.
15. A record of all releases of information from student records (including all instances of access granted, whether or not records were copied) will be kept and maintained as part of such records. This record will be maintained for the life of the student record and will be accessible only to the parent or eligible student, records custodian, or other person. The record of release will include:
  - a. Information released or made accessible.
  - b. Name and signature of the records custodian.
  - c. Name and position of the person obtaining the release or access.
  - d. Date of release or grant of access.
  - e. Copy of any consent to such release.

#### Directory Information

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

Student's name

Address

Telephone listing

Electronic mail address

Photograph (including electronic version)

Date and place of birth

Major field of study

Dates of attendance

Grade level

Enrollment status (e.g., undergraduate or graduate; full-time or part-time)

Participation in officially recognized activities and sports

Weight and height of members of athletic teams

Degrees

Honors and awards received

Most recent educational agency or institution attended

The notification to parents and students concerning school records will inform them of their right to object to the release of directory information. The School District will specifically include information about the missing children electronic directory photograph repository permitting parents or guardians to choose to have the student's photograph included in the repository for that school year; information about the use of the directory photographs if a student is identified as a missing child; and information about how to request the student's directory photograph be removed from the repository.

#### Military Recruiters/Institutions of Higher Education/Government Agencies

Pursuant to federal law, the District is required to release the names, addresses, and telephone numbers of all high school students to military recruiters and institutions of higher education upon request.

The Montana Superintendent of Public Instruction may release student information to the Montana Commissioner of Higher Education and Montana Department of Labor and Industry for research purposes after entering into agreement with Commissioner and Department. If the Superintendent of Public Instruction offers a statewide assessment that serves as a college entrance exam, the student's personally identifiable information may be released to colleges, state-contracted testing agencies, and scholarship organizations with student consent.

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

#### Student Record Challenges

The District shall give a parent or eligible student, on request, an opportunity for a hearing to challenge content of the student's education records on the grounds that the information contained in the education records is inaccurate, misleading, or in violation of the privacy rights of the student.

The hearing required by 34 C.F.R. 99.21 must meet, at a minimum, the following requirements:

- The District shall hold the hearing within a reasonable time after it has received the request for the hearing

from the parent or eligible student.

- The District shall give the parent or eligible student notice of the date, time, and place, reasonably in advance of the hearing.
- The hearing may be conducted by any individual including an official of the District who does not have direct interest in the outcome of the hearing.
- The District shall make its decision in writing within a reasonable amount of time after the hearing.
- The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.

The parent or eligible student has:

- The right to present evidence and to call witnesses;
- The right to cross-examine witnesses;
- The right to counsel;
- The right to a written statement of any decision and the reasons therefor;

The parents may insert a written statement of reasonable length describing their position on disputed information.

The school will maintain the statement with the contested part of the record for as long as the record is maintained and will disclose the statement whenever it discloses the portion of the record to which the statement relates.

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#### **Administrative Rules of Montana References**

10.55.909

#### **Description**

Student Records

10.55.910

Student Discipline Records

#### **Montana Code Annotated References**

20-1-212

#### **Description**

Destruction of Records by school officer

20-5-201

Duties and Sanctions

20-7-104

Transparency and public availability of public school performance data

20-7-1317

Electronic directory photograph repository

40-4-225

Access to records by parent

41-3-201

Reports

41-5-215

Youth court and department records

#### **United States Code References**

20 U.S.C. § 1232g, et seq.

#### **Description**

Family Education Rights and Privacy Act

34 C.F.R. 99 et seq.

Family Education Rights and Privacy Act

**Notice Form 3600-NF(1): Student Records - Notification to Parents and Students of Rights Concerning a Student's School Records**

**Status:** DRAFT

**Original Adopted Date:** Pending

*This notification may be distributed by any means likely to reach the parent(s)/guardian(s).*

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

- Basic identifying information
- Academic work completed (transcripts)
- Level of achievement (grades, standardized achievement tests)
- Immunization records (per § 20-5-506, MCA)
- Attendance record
- Statewide student identifier assigned by the Office of Public Instruction
- Record of any disciplinary action taken against the student, which is educationally related

The cumulative record may include:

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

The Family Educational Rights and Privacy Act (FERPA) affords parents/guardians and students over eighteen (18) years of age ("eligible students") certain rights with respect to the student's education records. They are:

- 1. The right to inspect and copy the student's education records, within a reasonable time from the day the District receives a request for access.**

"Eligible" students, who are eighteen (18) years of age or older, have the right to inspect and copy their permanent record. Parents/guardians or "eligible" students should submit to the school principal (or appropriate school official) a written request identifying the record(s) they wish to inspect. The principal will make, within forty-five (45) days, arrangements for access and notify the parent(s)/ guardian(s) or eligible student of the time and place the records may be inspected. The District charges a nominal fee for copying, but no one will be denied their right to copies of their records for inability to pay this cost.

The rights contained in this section are denied to any person against whom an order of protection has been entered concerning a student.

**2. The right to request amendment of the student's education records which the parent(s)/guardian(s) or eligible student believes are inaccurate, misleading, irrelevant, or improper.**

Parents/guardians or eligible students may ask the District to amend a record they believe is inaccurate, misleading, irrelevant, or improper. They should write the school principal or records custodian, clearly identifying the part of the record they want changed, and specify the reason.

If the District decides not to amend the record as requested by the parent(s)/guardian(s) or eligible student, the District will notify the parent(s)/guardian(s) or eligible student of the decision and advise him or her of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent(s)/guardian(s) or eligible student when notified of the right to a hearing.

**3. The right to permit disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA or state law authorizes disclosure without consent.**

Disclosure is permitted without consent to school officials with legitimate educational or administrative interests. A school official is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board; a person or company with whom the District has contracted to perform a special task (such as contractors, attorneys, auditors, consultants, or therapists); volunteers; other outside parties to whom an educational agency or institution has outsourced institutional services or functions that it would otherwise use employees to perform; or a parent(s)/guardian(s) or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest, if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the District discloses education records, without consent, to officials of another school district in which a student has enrolled or intends to enroll, as well as to any person as specifically required by state or federal law. Before information is released to individuals described in this paragraph, the parent(s)/guardian(s) will receive written notice of the nature and substance of the information and an opportunity to inspect, copy, and challenge such records. The right to challenge school student records does not apply to: (1) academic grades of their child, and (2) references to expulsions or out-of-school suspensions, if the challenge is made at the time the student's school student records are forwarded to another school to which the student is transferring.

Disclosure is also permitted without consent to: any person for research, statistical reporting, or planning, provided that no student or parent(s)/guardian(s) can be identified; any person named in a court order; and appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons.

**4. The right to a copy of any school student record proposed to be destroyed or deleted.**

**5. The right to prohibit the release of directory information concerning the parent's/ guardian's child.**

Throughout the school year, the District may release directory information regarding students, limited to:

Student's name

Address

Telephone listing

Electronic mail address

Photograph (including electronic version)

Date and place of birth

Major field of study



Dates of attendance

Grade level

Enrollment status (e.g., undergraduate or graduate; full-time or part-time)

Participation in officially recognized activities and sports

Weight and height of members of athletic teams

Degrees

Honors and awards received

Most recent educational agency or institution attended

*Any parent(s)/guardian(s) or eligible student may prohibit the release of all of the above information by delivering written objection to the building principal within ten (10) days of the date of this notice. No directory information will be released within this time period, unless the parent(s)/guardian(s) or eligible student are specifically informed otherwise. When a student transfers, leaves the District, or graduates, the school must continue to honor a decision to opt-out, unless the parent or student rescinds the decision.*

A parent or student 18 years of age or an emancipated student, may not opt out of directory information to prevent the district from disclosing or requiring a student to disclose their name [identifier, institutional email address in a class in which the student is enrolled] or from requiring a student to disclose a student ID card or badge that exhibits information that has been properly designated directory information by the district in this policy.

**6. The right to request that information not be released to military recruiters and/or institutions of higher education.**

Pursuant to federal law, the District is required to release the names, addresses, and telephone numbers of all high school students to military recruiters and institutions of higher education upon request.

Parent(s)/guardian(s) or eligible students may request that the District not release this information, and the District will comply with the request.

**7. The right to file a complaint with the U.S. Department of Education, concerning alleged failures by the District to comply with the requirements of FERPA.**

The name and address of the office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-4605

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**Administrative Rules of Montana References**

10.55.909

**Description**

Student Records

10.55.910

Student Discipline Records

**Montana Code Annotated References**

20-1-212

**Description**

Destruction of Records by school officer

20-5-201

Duties and Sanctions

20-7-104

Transparency and public availability of public school performance data

20-7-1317

Electronic directory photograph repository

40-4-225

Access to records by parent

41-3-201

Reports

41-5-215

Youth court and department records

**United States Code References**

**Description**

20 U.S.C. § 1232g, et seq.

Family Education Rights and Privacy Act

34 C.F.R. 99 et seq.

Family Education Rights and Privacy Act

**Policy 3606: Transfer of Student Records**

**Status:** DRAFT

**Original Adopted Date:** Pending

The District will forward by mail or by electronic means a certified copy of a permanent or cumulative file of any student and a file of special education records of any student to a local educational agency or accredited school in which a student seeks to or intends to enroll within five (5) working days after receipt of a written or electronic request. The files to be forwarded must include education records in a permanent file – that is, name and address of a student, name of parent or legal guardian, date of birth, academic work completed, level of achievement (grades, standardized tests), immunization records, special education records, and any disciplinary actions taken against a student that are educationally related.

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

**Montana Code Annotated References**

20-1-213

**Description**

Transfer of School Records

**Policy 3608: Receipt of Confidential Records**

**Status:** DRAFT

**Original Adopted Date:** Pending

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

The Board authorizes the individuals listed below to receive information with respect to a District student who is a client of the Department of Public Health and Human Services:

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When the District receives information pursuant to law, the \_\_\_\_\_ will prevent unauthorized dissemination of that information.

**Montana Code Annotated References**

41-3-205

**Description**

Confidentiality - disclosure exceptions

**Policy 3612: District-Provided Access to Electronic Information, Services, Equipment, and Networks**

**Status:** DRAFT

**Original Adopted Date:** Pending

General

The District makes Internet access and interconnected computer systems and equipment available to District students and faculty. The District provides equipment and electronic networks, including access to the Internet, as part its instructional program and to promote educational excellence by facilitating resource sharing, innovation, and communication.

The District expects all students to take responsibility for appropriate and lawful use of this access, including good behavior online. The District may withdraw student access to its equipment, network and to the Internet when any misuse occurs. District teachers and other staff will make reasonable efforts to supervise use of equipment, network, and Internet access; however, student cooperation is vital in exercising and promoting responsible use of this access.

Curriculum

Use of District equipment and electronic networks will be consistent with the curriculum adopted by the District, as well as with varied instructional needs, learning styles, abilities, and developmental levels of students, and will comply with selection criteria for instructional materials and library materials. Staff members may use the Internet throughout the curriculum, consistent with the District's educational goals.

Acceptable Uses

1. Educational Purposes Only. All use of the District's equipment and electronic network must be: (1) in support of education and/or research, and in furtherance of the District's stated educational goals; or (2) for a legitimate school business purpose. Use is a privilege, not a right. Students and staff members have no expectation of privacy in any materials that are stored, transmitted, or received via the District's electronic network or District computers. The District reserves the right to monitor, inspect, copy, review, and store, at any time and without prior notice, any and all usage of the equipment and computer network, and Internet access and any and all information transmitted or received in connection with such usage.
2. Unacceptable Uses of Equipment and Network. The following are considered unacceptable uses and constitute a violation of this policy:
  - A. Uses that violate the law or encourage others to violate the law, including but not limited to transmitting offensive or harassing messages; offering for sale or use any substance the possession or use of which is prohibited by the District's student discipline policy; viewing, transmitting, or downloading pornographic materials or materials that encourage others to violate the law; intruding into the networks or computers of others; and downloading or transmitting confidential, trade secret information, or copyrighted materials.
  - B. Uses that cause harm to others or damage to their property, including but not limited to engaging in defamation (harming another's reputation by lies); employing another's password or some other user identifier that misleads message recipients into believing that someone other than you is communicating, or otherwise using his/her access to the network or the Internet; uploading a worm, virus, other harmful form of programming or vandalism; participating in "hacking" activities or any form of unauthorized access to other computers, networks, or other information.
  - C. Uses that jeopardize the security of student access and of the computer network or other networks on the Internet.
  - D. Uses that are commercial transactions. Students and other users may not sell or buy anything over the Internet. Students and others should not give information to others, including credit card numbers and social security numbers.

Warranties/Indemnification

The District makes no warranties of any kind, express or implied, in connection with its provision of access to and

use of its equipment, computer networks and the Internet provided under this policy. The District is not responsible for any information that may be lost, damaged, or unavailable when using the equipment, network, or for any information that is retrieved or transmitted via the Internet. The District will not be responsible for any unauthorized charges or fees resulting from access to the Internet. Any user is fully responsible to the District and will indemnify and hold the District, its trustees, administrators, teachers, and staff harmless from any and all loss, costs, claims, or damages resulting from such user's access to its equipment, computer network, and the Internet, including but not limited to any fees or charges incurred through purchase of goods or services by a user. The District expects a user or, if a user is a minor, a user's parents or legal guardian to cooperate with the District in the event of its initiating an investigation of a user's use of access to its equipment, computer network, and the Internet.

Violations

Violation of this policy will result in a loss of access and may result in other disciplinary or legal action. The principal will make all decisions regarding whether a user has violated this policy and any related rules or regulations and may deny, revoke, or suspend access at any time, with that decision being final.

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**Montana Code Annotated References**

20-5-201

**Description**

Duties and Sanctions

**United States Code References**

47 U.S.C. 254(h) and (l)

P.L. 106-554

P.L. 110-385

**Description**

Universal service

Children's Internet Protection Act,

Broadband Data Services Improvement Act/Protecting Children in the 21st Century Act of 2008

**Procedure 3612-P(1): District-Provided Access to Electronic Information, Services, Equipment, and Networks**

**Status:** DRAFT

**Original Adopted Date:** Pending

All use of equipment and electronic networks shall be consistent with the District's goal of promoting educational excellence by facilitating resource sharing, innovation, and communication. These procedures do not attempt to state all required or proscribed behaviors by users. **However, some specific examples are provided. The failure of any user to follow these procedures will result in the loss of privileges, disciplinary action, and/or appropriate legal action.**

Terms and Conditions

1. Acceptable Use – Access to the District's equipment and electronic networks must be: (a) for the purpose of education or research and consistent with the educational objectives of the District; or (b) for legitimate business use.
2. Privileges – The use of the District's equipment and electronic networks is a privilege, not a right, and inappropriate use will result in cancellation of those privileges. The system administrator (and/or principal) will make all decisions regarding whether or not a user has violated these procedures and may deny, revoke, or suspend access at any time. That decision is final.
3. Unacceptable Use – The user is responsible for his or her actions and activities involving the equipment and network. Some examples of unacceptable uses are:
  - a. Using the equipment and network for any illegal activity, including violation of copyright or other contracts, or transmitting any material in violation of any federal or state law;
  - b. Unauthorized downloading of software, regardless of whether it is copyrighted or devirused;
  - c. Downloading copyrighted material for other than personal use;
  - d. Using the equipment or network for private financial or commercial gain;
  - e. Wastefully using resources, such as file space;
  - f. Hacking or gaining unauthorized access to files, resources, or entities;
  - g. Invading the privacy of individuals, which includes the unauthorized disclosure, dissemination, and use of information of a personal nature about anyone;
  - h. Using another user's account or password;
  - i. Posting material authored or created by another, without his/her consent;
  - j. Posting anonymous messages;
  - k. Using the equipment or network for commercial or private advertising;
  - l. Accessing, submitting, posting, publishing, or displaying any defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, harassing, or illegal material; and
  - m. Using the equipment or network while access privileges are suspended or revoked.
4. Network Etiquette – The user is expected to abide by the generally accepted rules of network etiquette. These include but are not limited to the following:
  - a. Be polite. Do not become abusive in messages to others.
  - b. Use appropriate language. Do not swear or use vulgarities or any other inappropriate language.

- c. Do not reveal personal information, including the addresses or telephone numbers, of students or colleagues.
  - d. Recognize that electronic mail (e-mail) is not private. People who operate the system have access to all mail. Messages relating to or in support of illegal activities may be reported to the authorities.
  - e. Do not use the network in any way that would disrupt its use by other users.
  - f. Consider all communications and information accessible via the network to be private property.
5. No Warranties – The District makes no warranties of any kind, whether expressed or implied, for the service it is providing. The District will not be responsible for any damages the user suffers. This includes loss of data resulting from delays, non-deliveries, missed deliveries, or service interruptions caused by its negligence or the user's errors or omissions. Use of any information obtained via the Internet is at the user's own risk. The District specifically denies any responsibility for the accuracy or quality of information obtained through its services.
  6. Indemnification – The user agrees to indemnify the District for any losses, costs, or damages, including reasonable attorney fees, incurred by the District, relating to or arising out of any violation of these procedures.
  7. Security – Network security is a high priority. If the user can identify a security problem on the Internet, the user must notify the system administrator or building principal. Do not demonstrate the problem to other users. Keep your account and password confidential. Do not use another individual's account without written permission from that individual. Attempts to log on to the Internet as a system administrator will result in cancellation of user privileges. Any user identified as a security risk may be denied access to the network.
  8. Vandalism – Vandalism will result in cancellation of privileges, and other disciplinary action. Vandalism is defined as any malicious attempt to harm or destroy equipment, data of another user, the Internet, or any other network. This includes but is not limited to uploading or creation of computer viruses.
  9. Telephone Charges – The District assumes no responsibility for any unauthorized charges or fees, including telephone charges, long-distance charges, per-minute surcharges, and/ or equipment or line costs.
  10. Copyright Web Publishing Rules – Copyright law and District policy prohibit the republishing of text or graphics found on the Web or on District Websites or file servers, without explicit written permission.
    - a. For each republication (on a Website or file server) of a graphic or text file that was produced externally, there must be a notice at the bottom of the page crediting the original producer and noting how and when permission was granted. If possible, the notice should also include the Web address of the original source.
    - b. Students and staff engaged in producing Web pages must provide library media specialists with e-mail or hard copy permissions before the Web pages are published. Printed evidence of the status of "public domain" documents must be provided.
    - c. The absence of a copyright notice may not be interpreted as permission to copy the materials. Only the copyright owner may provide the permission. The manager of the Website displaying the material may not be considered a source of permission.
    - d. The "fair use" rules governing student reports in classrooms are less stringent and permit limited use of graphics and text.
    - e. Student work may only be published if there is written permission from both the parent/guardian and the student.

#### Internet Safety

1. Internet access is limited to only those "acceptable uses," as detailed in these procedures. Internet safety is almost assured if users will not engage in "unacceptable uses," as detailed in these procedures, and will otherwise follow these procedures.



2. Staff members shall supervise students while students are using District Internet access, to ensure that the students abide by the Terms and Conditions for Internet access, as contained in these procedures.
3. Each District computer with Internet access has a filtering device that blocks entry to visual depictions that are: (1) obscene; (2) pornographic; or (3) harmful or inappropriate for students, as defined by the Children's Internet Protection Act and determined by the Superintendent or designee.
4. The district shall provide age-appropriate instruction to students regarding appropriate online behavior. Such instruction shall include, but not be limited to: positive interactions with others online, including on social networking sites and in chat rooms; proper online social etiquette; protection from online predators and personal safety; and how to recognize and respond to cyberbullying and other threats.
5. The system administrator and principal shall monitor student Internet access.

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**Montana Code Annotated References**

20-5-201

**Description**

Duties and Sanctions

**United States Code References**

47 U.S.C. 254(h) and (l)

P.L. 106-554

P.L. 110-385

**Description**

Universal service

Children's Internet Protection Act,

Broadband Data Services Improvement Act/Protecting Children in the 21st Century Act of 2008

**Notice Form 3612-NF(1): District-Provided Access to Electronic Information, Services, Equipment, and Networks - Student Internet Access and Equipment Use Conduct Agreement**

**Status:** DRAFT

**Original Adopted Date:** Pending

*Every student, regardless of age, must read and sign below:*

I have read, understand, and agree to abide by the terms of the \_\_\_\_\_ School District's policy regarding District-Provided Access to Electronic Information, Services, Equipment, and Networks (Policy No. 3612). Should I commit any violation or in any way misuse my access to the District's equipment, computer network and/or the Internet, I understand and agree that my access privilege may be revoked and school disciplinary action may be taken against me including payment of costs associated with damaged equipment.

User's Name (Print): \_\_\_\_\_ Home Phone: \_\_\_\_\_  
User's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Address: \_\_\_\_\_

**Parent or Legal Guardian.** (If applicant is under 18 years of age, a parent/legal guardian must also read and sign this agreement.) As the parent or legal guardian of the above-named student, I have read, understand, and agree that my child shall comply with the terms of the District's policy regarding District-Provided Access to Electronic Information, Services, Equipment, and Networks for the student's access to the District's equipment computer network and/or the Internet. I understand that access is being provided to the students for educational purposes only. However, I also understand that it is impossible for the school to restrict access to all offensive and controversial materials and understand my child's responsibility for abiding by the policy. I am signing this Agreement and agree to accept full responsibility for supervision of my child's use of his/her equipment and access account if and when such access is not in the school setting. I hereby give my child permission to use the building-approved account to access the District's computer network and the Internet. I understand any negligence arising out of my student's use of equipment or networks shall be attributed to me as comparative negligence within the meaning of Section 27-1-702, MCA. I further accept that any costs to repair or replace damages to equipment or networks in accordance Section 20-5-201, MCA

Parent/Legal Guardian (Print): \_\_\_\_\_  
Signature: \_\_\_\_\_  
Home Phone: \_\_\_\_\_ Address: \_\_\_\_\_  
Date: \_\_\_\_\_

This Agreement is valid for the \_\_\_\_\_ school year only.

**Montana Code Annotated References**

20-5-201

**Description**

Duties and Sanctions

**United States Code References**

47 U.S.C. 254(h) and (l)

P.L. 106-554

P.L. 110-385

**Description**

Universal service

Children's Internet Protection Act,

Broadband Data Services Improvement Act/Protecting Children in the 21st Century Act of 2008

**Policy 3650: Montana Pupil Online Personal Information Protection Act**

**Status:** DRAFT

**Original Adopted Date:** Pending

Compliance

The School District will comply with the Montana Pupil Online Personal Information Protection Act. The School District shall execute written agreements with operators who provide online applications for students and employees in the school district. The School District will execute written agreements with third parties who provide digital educational software or services, including cloud-based services, for the digital storage, management, and retrieval of pupil records. The written agreements will require operators and third parties to the School District for K-12 purposes or the delivery of student or educational services to comply with Montana and federal law regarding protected student information. All pupil records accessed by the operator or third party during the term of the agreement or delivery of service to the application will continue to be the property of and under the control of the school district.

Operators of Online Applications

Operators providing online applications to the School District shall not target advertising to students, sell student information, or otherwise misuse student information. Operators shall not use information to amass a profile about a pupil, except in furtherance of K-12 school purposes. Operators shall not sell a pupil's information, including protected information unless authorized by law. Operators shall not disclose protected information unless the disclosure is made in accordance with School District policy, state or federal law, or with parent consent. Operators shall implement and maintain reasonable security procedures and practices appropriate to the nature of the protected information and safeguard that information from unauthorized access, destruction, use, modification, or disclosure. Operators shall delete a pupil's protected information if the school or district requests the deletion of data under the control of the school or district.

Third Parties Providing Software and Services

Third parties providing digital education software and services to the School District shall certify that pupil records will not be retained or available to the third party upon completion of the terms of the agreement. Furthermore, third parties shall not use any information in pupil records for any purpose other than those required or specifically permitted by the agreement with the operator. Third parties shall not use personally identifiable information in pupil records to engage in targeted advertising.

Third parties providing digital education software and services to the School District shall provide a description of the means by which pupils may retain possession and control of their own pupil-generated content. Third parties shall provide a description of the procedures by which a parent, legal guardian, or eligible pupil may review personally identifiable information in the pupil's records and correct erroneous information. Third parties shall provide a description of the actions the third party will take, including the designation and training of responsible individuals, to ensure the security and confidentiality of pupil records. Third parties shall provide a description of the procedures for notifying the affected parent, legal guardian, or pupil if 18 years of age or older in the event of an unauthorized disclosure of the pupil's records;

Failure to Comply and Legal Review

An operator's or third party's failure to honor the law, agreement or School District policy will result in termination of services. The School District will report any operator who fails to honor the law to the appropriate authorities for criminal prosecution.

All contracts and agreements executed under this agreement will be reviewed by the School District's legal counsel.

**Montana Code Annotated References**

Title 20, Chapter 7, Part 13

**Description**

Montana Pupil Online Personal Information Protection Act

**United States Code References**

20 U.S.C. § 1232g, et seq.

**Description**

Family Education Rights and Privacy Act

**Notice Form 3650-NF(1): Montana Pupil Online Personal Information Protection Act -  
Montana Data Privacy Agreement**

**Status:** DRAFT

**Original Adopted Date:** Pending

For use with vendors providing student record management services and online applications utilized to deliver services to students.

*This agreement assists Montana public school districts in complying with the Montana Pupil Online Personal Information Protection Act. The agreement, if executed, will constitute a legally binding contract between the district and the vendor. As with any legal contract, school districts should consult with legal counsel prior to execution to ensure the provisions comply with Montana student privacy laws, reflect the terms the district has agreed upon, and protects the school district's interests. If the vendor or the school district have requested changes to this agreement, those amendments should be reviewed by legal counsel. Legal assistance is available from the Montana School Boards Association at (406)442-2180.*

**I. PARTIES:**

The parties to this Agreement are the \_\_\_\_\_ School District (hereinafter "District") and \_\_\_\_\_ (hereinafter "Contractor" or "Contractor").

**II. PURPOSE:**

District retains Contractor to provide the following services on behalf of the District: Provide technology services, including cloud-based services, for the digital storage, management, and retrieval of pupil records; provide digital educational software that authorizes a third-party provider of digital educational software to access, store, and use pupil records in accordance with the provisions of this contract. Contractor shall be free from control and direction over the performance of the services, both under this Agreement and in fact. Except as limited herein, Contractor shall have and exercise full professional discretion as to the details of performance.

**III. TERM OF AGREEMENT, NO GUARANTEE OF WORK, NON-EXCLUSIVITY:** This Agreement shall begin on the date of signature and shall run for \_\_\_\_\_ years and shall expire on \_\_\_\_\_, 20\_\_\_\_, unless terminated earlier by mutual agreement of the parties. This Agreement shall not be construed as any guarantee of work or assignments to Contractor. Contractor shall be contacted on an "as-needed" basis by District, with no obligation by District to use Contractor for any specified number of projects. Contractor shall have no expectation of renewal of this Agreement and shall not be entitled to continue to contract with or perform services for the District beyond the expiration of this Agreement. This Agreement is non-exclusive, meaning that both Contractor and District may contract with any other party for the procurement or provision of services without interference.

**IV. DEFINITIONS:**

"Data" include all Personally Identifiable Information ("PII") and other non- public information including protected information as defined by Montana law. Data include, but are not limited to, student data, metadata, and user content.

Protected information may be created or provided by a pupil, or the pupil's parent or legal guardian, to an operator in the course of the pupil's, parent's, or legal guardian's use of the operator's K-12 online application or created or provided by an employee or agent of a school district to an operator in the course of the employee's or agent's use of the operator's K-12 online application; or gathered by an operator through the operator's K-12 online application. The term "protected information" includes but is not limited to:

- i. information in the pupil's educational record or e-mail messages;
- ii. first and last name, home address, telephone number, e-mail address, or other information that allows physical or online contact;
- iii. discipline records, test results, special education data, juvenile dependency records, grades, or evaluations;
- iv. criminal, medical, or health records;

- v. social security number;
- vi. biometric information;
- vii. disability;
- viii. socioeconomic information;
- ix. food purchases;
- x. political affiliation;
- xi. religious information; or
- xii. text messages, documents, pupil identifiers, search activity, photos, voice recordings, or geolocation information.

“Confidential Information” means information, not generally known, and proprietary to the Contractor or the School District or to a third party for whom the Contractor or the School District is performing work, including, without limitation, information concerning any patents or trade secrets, confidential or secret designs, processes, formulae, source codes, plans, devices or material, research and development, proprietary software, analysis, techniques, materials or designs (whether or not patented or patentable), directly or indirectly useful in any aspect of the business of the Contractor or the School District. Confidential Information includes all information which Contractor or the School District acquires or becomes acquainted with during the period of this Agreement, whether developed by Contractor, the School District or others, which Contractor or the School District has a reasonable basis to believe to be Confidential, such as data that is personally identifiable to an individual student and information within the definition of “Education Record.” The parties agree that the following will be treated as “Confidential Information”: (i) all database information (“Data”) provided by or on behalf of the School District to Contractor; (ii) all information provided by Contractor to the School District pertaining to the Services; (iii) all information which is labeled as such in writing and prominently marked as “Confidential,” “Proprietary” or words of similar meaning by either party; or (iv) business information of a party which a reasonable person would understand under the circumstances to be confidential.

#### V. WORK PRODUCT – OWNERSHIP:

Unless otherwise noted in this agreement, all work product completed in whole or in part under this Agreement, including but not limited to records, reports, documents, pleadings, exhibits and other materials related to this Agreement and/or obtained or prepared by, or supplied to Contractor in connection with the performance of the services contracted for herein shall be confidential, shall not be discussed or otherwise disseminated by Contractor without the authorization of District, and shall remain the exclusive property of District. Contractor shall return all such work product to District upon termination or expiration of this Agreement. Contractor further agrees to supply a copy of all documents prepared or maintained in an electronic format to District in such electronic format.

Nothing contained in this Agreement or inferable from this Agreement shall be deemed or construed to: 1) make Contractor the agent, servant or employee of the School District; or 2) create any partnership, joint venture, or other association between the School District and Contractor. Any direction or instruction by the School District or any of its authorized representatives in respect of the work shall relate to the results the School District desires to obtain from the work, and shall in no way affect Contractor's or OPERATOR's independent status.

Contractor shall not use the image or likeness of the School District's buildings or the School District's official logo or emblem and any other trademark, service mark, or copyrighted or otherwise protected information of the School District, without the School District's prior written consent. Contractor shall not have any authority to advertise or claim that the School District endorses Contractor's or OPERATOR's services, without the School District's prior written consent.

#### VI. MONTANA PUPIL ONLINE PERSONAL INFORMATION PROTECTION ACT

In accordance with the Montana Pupil Online Personal Information Protection Act, pupil records continue to

be the property of and under the control of the school district. Contractor is prohibited from using any information in pupil records for any purpose other than those required or specifically permitted by this Agreement. Contractor is specifically prohibited from using personally identifiable information in pupil records to engage in targeted advertising.

By executing this Agreement, Contractor certifies that pupil records will not be retained or available upon completion of the terms of the Agreement. Upon completion of this Agreement, Contractor will provide written certification to the School District pupil records are no longer held, possessed or otherwise available to Contractor or its employees, agents, or subcontractors. This requirement does not apply to pupil-generated content if a pupil chooses to establish or maintain an account with the third party for the purpose of storing that content.

Parents, guardians and eligible pupils have the right to inspect the personal information held by the Contractor. Parents, guardians, or pupils should submit to the school principal written request identifying the information they wish to inspect. The principal will make arrangements for access and notify the requesting party of the time and place the information may be inspected. Contractor will cooperate with the School District to accommodate any inspection request. The rights contained in this section are denied to any person against whom an order of protection has been entered concerning a student.

Parents/guardians or eligible pupils may ask the School District to amend a personal information held by the Contractor they believe is inaccurate, misleading, irrelevant, or improper. They should write the school principal clearly identifying the part of the record they want changed and specify the reason. Contractor will cooperate with the School District to accommodate any amendment request.

If the District decides not to amend the record as requested by the parent(s)/guardian(s) or eligible student, the District will notify the parent(s)/guardian(s) or eligible pupil of the decision and advise him or her of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent(s)/guardian(s) or eligible student when notified of the right to a hearing.

Parents/guardians or eligible pupils may ask the School District to transfer possession of personal information held by the Contractor to the pupil. Parents, guardians, or pupils should submit to the school principal written request identifying the information they wish to transfer. Contractor will cooperate with the School District to accommodate any transfer request including providing options by which a pupil may transfer pupil-generated content to a pupil's personal account.

Contractor designates \_\_\_\_\_, as the primary employees responsible to ensure the security and confidentiality of pupil records. By signing this agreement, Contractor certifies that designated employees have completed training in pupil information security and confidentiality. Documentation of this training including its scope, duration, and date of completion will be provided to the School District upon request. Compliance with this requirement does not, in itself, absolve the third party of liability in the event of an unauthorized disclosure of pupil records.

Contractor will immediately provide written notification to the School District of any unauthorized disclosure of pupil information. Contract will coordinate with the School District to notify the parent, legal guardian, or pupil affected by an unauthorized disclosure of the pupil's records.

## VII. CONFIDENTIALITY SAFEGUARDS:

Contractor will collect and use the School District's Data only for the purpose of fulfilling its duties and providing services under this Agreement, and for improving services under this Agreement.

If Contractor will have access to "education records" as defined under the Family Educational Rights and Privacy Act (FERPA) (34 CFR Part 99), the Contractor acknowledges that for the purpose of this Agreement it will be designated as a 'school official' with 'legitimate educational interests' and will use the data only for the purpose of fulfilling its duties under this Agreement. Contractor agrees to indemnify and hold harmless the Board of Trustees of the School District for any damages or costs, including reasonable attorney's fees, which arise out of any gross negligence or willful misconduct by Contractor, its agents and employees concerning its FERPA obligations under this section.

In performing services under this Agreement, Contractor and the School District may be exposed to and will be required to use certain "Confidential Information", as defined below. Contractor and the School District along

with their employees, agents or representatives will not, use, directly or indirectly, such Confidential Information for purposes other than the purposes outlined in this Agreement.

Any Confidential Information acquired or received by either party (the "Recipient") in the course of this Agreement will not be disclosed or transferred to any person or entity other than to employees of a party and, as to Contractor, for the purpose of performing its obligations under this Agreement. Confidential Information received under this Agreement will be treated with the same degree of care and security as each party uses with respect to its own Confidential Information, but not less than a reasonable degree of care. The parties agree to use Confidential Information only for the purpose of performance of this Agreement and to make no copies except as necessary for performance of this Agreement. Any such confidential information and copies thereof made by a party, or any representative of a party, shall be completely and promptly destroyed at the conclusion of contract performance subject to this Agreement

Upon termination or completion of the Services hereunder, upon request of the School District, Contractor will delete the School District's Confidential Information as housed in the Contractor production database(s), provided that Contractor may maintain archival copies for audit purposes and dispute resolution purposes and Contractor may retain copies of Confidential Information on back-up media in which such Data is co-resident with other employment and income data. Contractor shall remain under its contractual obligation of confidentiality and security to the School District and such obligations shall survive termination of the Agreement. This Section shall survive the termination of this Agreement.

Contractor may use de-identified Data for product development, research, or other internal purposes. De-identified Data will have all direct and indirect personal identifiers removed. This includes, but is not limited to, name, ID numbers, date of birth, demographic information, location information, and school ID. Furthermore, Contractor agrees not to attempt to re-identify de-identified Data.

Contractor is prohibited from mining the School District's Data for any purposes other than those agreed to by the parties. Data mining or scanning of user content for the purpose of advertising or marketing to students or their parents is prohibited. Any and all forms of advertisement, directed towards children, parents, guardians, or District Employees will be strictly prohibited unless allowed with express written consent of the District. Contractor shall not use information to amass a profile about a pupil, except in furtherance of K-12 school purposes. Operators shall not sell a pupil's information to unauthorized third parties.

Contractor will not change how School District Data are collected, used, or shared under the terms of this Agreement in any way without advance notice to the School District. This Agreement is the entire agreement between the School District (including all District end users) and the Contractor. All other agreements or understandings, whether electronic, click-through, verbal or in writing, with District Employees or other End Users shall be null and void.

Contractor will not share School District data, with or disclose it to any third party, except to affiliated subcontractors, agents, or third-party service providers of the Contractor, without prior specific and informed written consent of the School District, except as required by law. Contractor will not post School District or specific student data to any searchable or publicly viewable website. Contractor shall not disclose protected information unless the disclosure is made in accordance with School District policy, state or federal law, or with parent consent. Contractor shall implement and maintain reasonable security procedures and practices appropriate to the nature of the protected information and safeguard that information from unauthorized access, destruction, use, modification, or disclosure in accordance with School District policy and this Agreement.

School District Data will not be stored outside of the United States without prior, specific and informed written consent from the School District.

All goods, products, materials, documents, reports, writings, video images, photographs, papers and intellectual property of any nature including software or computer images prepared by the Contractor (or subcontractors) for the School District or from School District-provided material will not be disclosed to any other person or entity and remains the property of the school system. All student-produced work remains the property of the school system or that eligible student. The Contractor has a limited, nonexclusive license to the data described herein solely for the purpose of performing its obligations as outlined in the Agreement. This Agreement does not give Contractor any rights, implied or otherwise, to Data, content, or intellectual property, except as expressly stated in the Agreement, including any right to sell or trade Data.

Except as otherwise expressly prohibited by law, the Contractor will immediately notify the School District of any subpoenas, warrants, or other legal orders, demands or requests, including Audits, and governmental requests and demands, received by the Contractor seeking School District Data. If the School District receives a similar request, the Contractor will promptly supply the School District with copies of records or information required by the School District to respond.

Contractor will store and process School District Data in accordance with industry best practices. This includes appropriate administrative, physical, and technical safeguards to: 1) ensure the security and confidentiality of PII and Confidential Information; 2) protect against any anticipated threats or hazards to the security or integrity of Confidential Information; 3) protect against unauthorized access to or use of Confidential Information that could result in substantial harm or inconvenience to any customer or to any School District employee and/or student; and 4) dispose of PII and Confidential Information in a secure manner.

#### VIII. DATA BREACHES:

Contractor shall notify the School District in writing as soon as commercially practicable, however no later than forty-eight (48) hours, after Contractor has either actual or constructive knowledge of a breach which affects the School District's Data (an "Incident") unless it is determined by law enforcement that such notification would impede or delay their investigation. Contractor shall have actual or constructive knowledge of an Incident if Contractor actually knows there has been an Incident or if Contractor has reasonable basis in facts or circumstances, whether acts or omissions, for its belief that an Incident has occurred. The notification required by this section shall be made as soon as commercially practicable after the law enforcement agency determines that notification will not impede or compromise the investigation. Contractor shall cooperate with law enforcement in accordance with applicable law provided however, that such cooperation shall not result in or cause an undue delay to remediation of the Incident. Contractor shall promptly take appropriate action to mitigate such risk or potential problem at Contractor's or OPERATOR's expense. In the event of an Incident, Contractor shall, at its sole cost and expense, restore the Confidential Information, to as close its original state as practical, including, without limitation any and all Data, and institute appropriate measures to prevent any recurrence of the problem as soon as is commercially practicable.

Contractor will conduct periodic risk assessments and remediate any identified security vulnerabilities in a timely manner. Contractor will also have a written incident response plan, to include prompt notification of the District in the event of a security or privacy incident, as well as best practices for responding to a breach of PII.

#### IX. LEGAL COMPLIANCE AND NON-DISCRIMINATION:

All services provided by Contractor under this Agreement will be completed in accordance with state and federal law and School District Policy. Copies of School District Policies are available upon request. The parties specifically agree to collaborate in the enforcement and compliance with the Family Educational Rights and Privacy Act.

All employees hired by Contractor to perform services under this Agreement shall be hired by Contractor on the basis of merit and qualifications to perform the duties necessitated by the requirements of this Agreement. Such qualifications are those abilities of an applicant for employment genuinely related to competent and satisfactory performance of Contractor's obligations under this Agreement. Contractor agrees and warrants that Contractor's hiring practices related to employees performing services under this Agreement, as well as Contractor's practices related to promotion, retention, compensation, and other terms, conditions or privileges of employment, shall be nondiscriminatory, and such hiring, promotion, retention, and general employment practices shall not be based upon race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin.

#### X. EMPLOYEE REQUIREMENTS:

All employees of Contractor performing labor under this Agreement that have unsupervised access to students, including Contractor in the event that Contractor personally performs labor under this Agreement, shall be subjected to a name-based and fingerprint criminal background investigation conducted by an appropriate law enforcement agency. Contractor shall provide to the District the results of such investigation for each employee (including Contractor) prior to any such employee performing any services under this Agreement. The District shall have the authority, in the discretion of the District Superintendent, to prohibit Contractor from permitting any such employee to perform services under this Agreement on the basis of



information set forth in the results of a criminal background investigation.

**XI. EMPLOYEE MISCONDUCT:**

All employees of Contractor (including Contractor) shall perform services under this Agreement in a professional manner, and shall, at all times while present on District property, behave in a manner appropriate to a school setting. Contractor shall discipline or terminate the employment of any of Contractor's employees performing services under this Agreement for engaging in any conduct inappropriate to a school setting, including, but not limited to, being under the influence or in possession of alcohol or any controlled substance while on District property; use of foul language; bullying or harassment of District students or staff; or such other conduct deemed inappropriate by the District. The District shall have the authority, in the discretion of the District Superintendent, to prohibit Contractor from permitting any employee to perform services under this Agreement based upon one or more instances of employee misconduct as described herein.

**XII. TERMINATION PRIOR TO EXPIRATION OF CONTRACT TERM:**

This Agreement may be terminated at any time prior to expiration of the contract term by mutual agreement of the parties in writing. This Agreement may be terminated unilaterally by either party for cause or noncompliance with the terms, conditions, and requirements set forth herein, provided, however, that the noncompliant party shall first be entitled to a written demand for compliance and a reasonable opportunity to cure any noncompliance therein identified. Failure to cure any identified noncompliance within 20 days of receipt of written demand shall constitute a material breach of this Agreement, and shall entitle the non-breaching party to immediately terminate this Agreement. All parties subject to a contract voided under this subdivision shall return all pupil records in their possession to the school district.

**XIII. ENTIRE AGREEMENT, MODIFICATION, AND WAIVER:**

This Agreement embodies the complete agreement of the parties hereto, superseding all oral and written previous and contemporary agreements between the parties. No alteration or modification of this Agreement shall be valid unless evidenced by a writing signed by the parties to this Agreement. A waiver of any term or condition of this Agreement or breach of this agreement shall not be deemed a waiver of any other term or condition of this Agreement or any part hereof or of any later breach of this Agreement. Any waiver must be in writing each time a waiver occurs.

**XIV. SAVINGS CLAUSE:**

In the event any one or more of the provisions contained in this Agreement shall, for any reason, be held invalid, illegal, or unenforceable, such invalidity, illegality, or unenforceability shall not affect any other provision thereof, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

**XV. NOTICES:**

All notices, consents, request, instructions approvals or other communications provided for herein shall be in writing and delivered by both email and personal delivery or regular U.S. mail, return receipt requested, to the last known address of the party being provided such notice.

**XVI. ENFORCEMENT AND INTERPRETATION:**

This Agreement shall be enforced and interpreted pursuant to the laws of the State of Montana. Jurisdiction over any claim or action for interpretation or enforcement of, or otherwise arising from the terms and conditions of this Agreement, shall be with the appropriate Montana District Court.

This agreement is subject to the laws of Montana and School District policy. Contractor is expressly notified that the agreement is subject to the Montana Pupil Online Personal Information Protection Act and violation of the act may be considered a crime a conviction of such may result in a fine not less than \$200 or more than \$500.

Any civil claim arising out of or related to the Agreement, or services provided under the Agreement, may be subject to mediation at the request of either party. School District and Contractor expressly agree that

mediation shall not be a condition precedent to the initiation of any litigation arising out of such Claims. Claims for injunctive relief shall not be subject to this Section. Any claim not resolved in mediation shall be subject to litigation in accordance with the laws of the State of Montana. Any litigation shall be conducted in Montana district court. Mandatory and exclusive venue for any disputes shall be in the county in which the School District is located.

Notwithstanding anything to the contrary in the Agreement or in any document forming a part hereof, there shall be no mandatory arbitration for any dispute arising hereunder. The parties may mutually agree in writing to submit a dispute to arbitration but the default dispute resolution shall be litigation. Contractor stipulates that the School District is a political subdivision of the State of Montana, and, as such, enjoys immunities from suit and liability provided by the Constitution and laws of the State of Montana. By entering into this Agreement, the School District does not waive any of its immunities from suit and/or liability, except as otherwise specifically provided herein and as specifically authorized by law. In any adjudication under this Agreement, reasonable and necessary attorneys' fees may be awarded to the prevailing party. The parties acknowledge that, as a public entity in the State of Montana, the School District and entities contracting with the School District must comply with the open records laws of the State.

I have read this Agreement, understand its terms, and agree to be bound thereby. DATED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Y  
e  
a  
r

Signed By Contractor: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_, Contractor

Title/Position: \_\_\_\_\_

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

Company Address: \_\_\_\_\_

Company Phone Number: \_\_\_\_\_

Company Website: \_\_\_\_\_

Signed by School District/Local Education Agency:

\_\_\_\_\_, Board Chair \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_, Board Chair \_\_\_\_\_ School District

ATTEST:

\_\_\_\_\_, District Clerk \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_, District Clerk \_\_\_\_\_ School District

#### OPTIONAL EXHIBIT A GENERAL OFFER TERMS ISSUED BY CONTRACTOR

*This is a document is used to allow other Montana school districts to sign this exhibit and return it to the vendor instead of entering into individual agreements with the vendor. By signing this exhibit the district and vendor are entering into the terms of the originating agreement. This exhibit can only be used if the terms of the agreement are generic and do not have provisions or elections that may be different for other school districts. If a vendor would like to use their own exhibit or make changes to this exhibit, those amendments should be reviewed by legal counsel. Legal assistance is available from the Montana School Boards Association at (406) 442-2180.*

- 1. Offer of Terms** Contractor offers the same privacy protections found in this DPA between it and the LEA to any other school district ("Subscribing LEA") who accepts this General Offer though its signature below. The Contractor agrees that the information on this Offer of Terms will be replaced throughout the Agreement with the information specific to the Subscribing LEA filled on the Offer of Terms for the Subscribing LEA. This General Offer shall extend only to privacy protections and Contractor's signature shall not necessarily bind Contractor to other terms, such as price, term, or schedule of services, or to any other provision not addressed in this DPA. The Contractor and the Subscribing LEA may also agree to change the data provide by LEA to the Contractor to suit the unique needs of the Subscribing LEA. The Contractor may withdraw the General Offer in the event of: (1) a material change in the applicable privacy statutes; (2) a material change in the services and

products subject listed in the Originating Service Agreement; or three (3) years after the date of Contractor's signature to this Form. Contractor shall notify the LEA in the event of any withdrawal so that this information may be transmitted to the Subscribing LEAs.

Provider: \_\_\_\_\_  
SIGNED BY: \_\_\_\_\_  
Date: \_\_\_\_\_  
Printed Name: \_\_\_\_\_ Title/Position: \_\_\_\_\_

OPTIONAL EXHIBIT A  
SUBSCRIBING LEA ACCEPTANCE OF GENERAL OFFER TERMS

*This is a document is used to allow other Montana school districts to sign this exhibit and return it to the vendor instead of entering into individual agreements with the vendor. By signing this exhibit the district and vendor are entering into the terms of the originating agreement. This exhibit can only be used if the terms of the agreement are generic and do not have provisions or elections that may be different for other school districts. If a vendor would like to use their own exhibit or make changes to this exhibit, those amendments should be reviewed by legal counsel. Legal assistance is available from the Montana School Boards Association at (406) 442-2180.*

2. **Subscribing LEA (Local Education Agency).** A Subscribing LEA, by its signature below, accepts this General Offer of Privacy Terms issued by the Contractor. The Subscribing LEA's individual information is contained below. The Subscribing LEA and the Contractor shall therefore be bound by the same terms of the originating DPA and any other agreement between the parties.

SCHOOL DISTRICT NAME: \_\_\_\_\_  
DESIGNATED REPRESENTATIVE OF LEA: \_\_\_\_\_  
SIGNED BY: \_\_\_\_\_  
Name \_\_\_\_\_ Title \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone Number \_\_\_\_\_  
Email \_\_\_\_\_  
Date \_\_\_\_\_

**Montana Code Annotated References**

Title 20, Chapter 7, Part 13

**Description**

Montana Pupil Online Personal Information Protection Act

**United States Code References**

20 U.S.C. § 1232g, et seq.

**Description**

Family Education Rights and Privacy Act

**Policy 4120: Public Relations**

**Status:** DRAFT

**Original Adopted Date:** Pending

The District will strive to maintain effective two-way communications with the public to enable the Board and staff to interpret schools' needs to the community and provide a means for citizens to express their needs and expectations to the Board and staff.

The \_\_\_\_\_ will establish and maintain a communication process within the school system and between it and the community. Such public information program will provide for news releases at appropriate times, arrange for media coverage of District programs and events, provide for regular direct communications between individual schools and the citizens they serve, and assist staff in improving their skills and understanding in communicating with the public.

The District may solicit community opinion through parent organizations, parent-teacher conferences, open houses, and other events or activities which may bring staff and citizens together.

**Montana Constitution References**

**Description**

Article II, Section 8	Right of participation
Article II, Section 9	Right to know

**Policy 4310: Public Complaints and Suggestions**

**Status:** DRAFT

**Original Adopted Date:** Pending

The Board is interested in receiving valid complaints and suggestions. Public complaints and suggestions shall be submitted by the Uniform Complaint Procedure to the appropriate-level staff member or \_\_\_\_\_. Each complaint or suggestion shall be considered on its merits.

Unless otherwise indicated in these policies or otherwise provided for by law, no appeal may be taken from any decision of the Board.

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**Policy 4316: Accommodating Individuals With Disabilities**

**Status:** DRAFT

**Original Adopted Date:** Pending

Individuals with disabilities will be provided opportunity to participate in all school-sponsored services, programs, or activities on a basis equal to those without disabilities and will not be subject to illegal discrimination.

The District may provide auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity.

The \_\_\_\_\_ is designated the Americans with Disabilities Act Title II Coordinator and, in that capacity, is directed to:

1. Oversee District compliance efforts, recommend necessary modifications to the Board, and maintain the District's final Title II self-evaluation document and keep it available for public inspection for at least three (3) years after its completion date *(for districts having fifty (50) or more full- or part-time employees)*.
2. Institute plans to make information regarding Title II protection available to any interested party.

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

Individuals with disabilities may allege a violation of this policy or of federal law by reporting it to the \_\_\_\_\_, as the Title II Coordinator, or by filing a grievance under the Uniform Complaint Procedure.

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**United States Code References**

29 USC 701, et seq

42 USC 12101, et seq.

**Description**

Section 504 of the Rehabilitation Act

Title II of the Americans with Disabilities Act of 1990

**Code of Federal Regulations References**

34 CFR 104

**Description**

Section 504 of Rehabilitation Act

**Policy 4330: Community Use of School Facilities**

**Status:** DRAFT

**Original Adopted Date:** Pending

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

Student and school-related organizations shall be granted the use of school facilities at no cost. Other organizations granted the use of school facilities shall pay fees and costs. The \_\_\_\_\_ will develop procedures to manage community use of school facilities, which will be reviewed and approved by the Board. Use of school facilities requires the \_\_\_\_\_ approval and is subject to the procedures.

\_\_\_\_\_ will approve and schedule various uses of school facilities. A master calendar will be kept in the office for scheduling dates to avoid conflicts during the school year. Should a conflict arise, the District reserves the right to cancel an approved request when it is determined that the facilities are needed for school purposes. Requests for use of school facilities must be submitted to the \_\_\_\_\_ office in advance of the event.

The School Facilities and Grounds Use and Liability Release Agreement can be obtained by contacting the District Office. The School Facilities and Grounds Use and Liability Release Agreement must be completed, signed, and returned to the [Superintendent, district office, school office, administration, Athletic Director] [PICK APPROPRIATE PERSONNEL] prior to the use of the facilities or grounds.

The requesting organization or individual must complete, sign, and return an "assumption of risk" statement prior to the use of the facilities or grounds.

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**Montana Code Annotated References**

	<b>Description</b>
16-12-108	Limitations of Marijuana Regulation Act
20-1-220	Use of tobacco product in public school building or on public school property prohibited
20-6-602	Trustees' power of property
20-6-607	Leasing district property and disposition of any rentals
45-8-361	Possession of weapon in a school building

**Montana Constitution References**

	<b>Description</b>
Article X, section 8	School District Trustees

**Procedure 4330-P(1): Community Use of School Facilities - Procedure**

**Status:** DRAFT

**Original Adopted Date:** Pending

Rules and Regulations for Building/Facility/Equipment Use

1. Applications requesting use of the school facility must be presented to the building administrator at least ten (10) days in advance of the time desired and must be signed by a qualified representative of the organization desiring to use the building.
2. The school premises shall not be available before 5:00 p.m. on school days, except under special conditions.
3. Rental fees are as follows: (Example) Gym \$100 + custodian  
  
Fees (will) (may) be waived for private nonprofit groups that do not charge admission fees. Religious groups or organizations will be charged rental fees as listed above.
4. The use of the school premises will be denied when, in the opinion of the \_\_\_\_\_ or the Board, such use may be construed to be solely for commercial purposes, there is a probability of damage or injury to school property, or the activity is deemed to be improper to hold in school buildings.
5. In case of loss or damage to school property, the organization and/or individual signing the request shall be fully responsible and liable.
6. The District reserves the right to require a certificate of insurance from the renting agency.
7. No furniture or apparatus shall be moved or displaced without permission.
8. No access to other rooms in the building shall be permitted unless designated by agreement.
9. There shall be no narcotics, drugs (including tobacco or nicotine products), stimulants, or alcohol used or sold in or about school buildings and premises, nor shall profane language, quarreling, fighting, or illegal gambling be permitted. Violations of this rule by any organization during occupancy shall be sufficient cause for denying further use of school premises to the organization.
10. Wax, or other preparations ordinarily used on dance floors, is not to be used on gymnasium floors.
11. The \_\_\_\_\_ may require a school employee to be present during use of the building by the non-school organization. In such case, the requesting organization will pay for the employee expense (i.e., custodians, overtime).
12. When the school official finds it necessary that police or other security personnel be retained for crowd control, such requirement may be added as a condition of the Facilities Use Agreement.
13. **OPTIONAL:** General Community Use of Gym/Weight Room/Equipment

The following guidelines will be strictly adhered to for community members accessing school property for use of the gymnasium, weight room, and other facilities:

- a. Absolutely no students are allowed in the facility during periods designated for general community use.
- b. All community members accessing the facility during periods for general community use will have completed the forms and training required by the school district which may include but are not limited to:
  - i. Signed Assumption of Risk Form on file in the office
  - ii. Proof of medical insurance. The School District DOES NOT provide medical insurance for any individuals who choose to access and use the facilities.



- c. Unacceptable behavior including but not limited to: undisciplined behavior, harassment, discrimination, misuse of equipment, or other violations of district policy will result in termination of access.
  - d. Always make sure the facility is left as it was found and locked upon completion of use.
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**Montana Code Annotated References**

16-12-108	Limitations of Marijuana Regulation Act
20-1-220	Use of tobacco product in public school building or on public school property prohibited
20-6-602	Trustees' power of property
20-6-607	Leasing district property and disposition of any rentals
45-8-361	Possession of weapon in a school building

**Montana Constitution References**

Article X, section 8	School District Trustees
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**Form 4330-F(2): Community Use of School Facilities - School Facilities and Grounds Use  
and Release of Liability Agreement**

**Status:** DRAFT

**Original Adopted Date:** Pending

*See PDF on the next page.*

**SCHOOL FACILITIES/GROUNDS USE AND LIABILITY RELEASE AGREEMENT**\_\_\_\_\_ **School District**

Organization or Individual Requesting Facility Use: \_\_\_\_\_

Facility Requested: \_\_\_\_\_

Date and Hours of Requested Use: \_\_\_\_\_

Purpose of Use: \_\_\_\_\_

**Will there be an admission fee? \_\_\_\_\_ If so, how much? \_\_\_\_\_****Premises and Conditions**Conditions of Facilities Use - Use of District facilities is conditioned upon the following covenants:

1. All District policies are in effect and shall be honored during the rental period and while the requesting organization is using the facility.
2. That no alcoholic beverages, tobacco, nicotine products, or other drugs are sold or consumed on the premises by the requesting organization or individual or any of its employees, patrons, agents, or members.
2. That no illegal games of chance or lotteries will be permitted.
3. That no functional alteration of the premises or functional changes in the use of such premises shall be made without specific written consent of the District.
4. That adequate supervision is provided by the requesting organization or individual to ensure proper care and use of District facilities. The District uses audio and video surveillance to monitor activity in the facility.
5. The presence of weapons, including firearms, is prohibited unless previously reviewed and approved by the Board of Trustees in accordance with Montana law.
6. All District-owned equipment, facilities, and other property will remain unchanged and undamaged and the requesting organization or individual will pay for any damages to District property. All fobs, or other access items will be returned to the District. Access to the facility will be restricted to the identified points of ingress and egress.
7. All attendees and participants shall honor and enforce County Health Department directives and safety standards and School District policies regarding the health and safety at gatherings and events held at the school. The requesting organization is expected to specifically comply with all cleaning and disinfecting protocols outlined in District policy as attached.

Failure to honor these covenants will result in cancellation of the event and/or all available remedies under the law.

**Rent and Deposit**

The requesting organization or individual agrees to pay the District, as rent for the premises and as payment for special services (if any) provided by the District, the sum of \$\_\_\_\_\_, and this shall be due \_\_\_\_\_ days in advance. The requesting organization or individual shall be responsible for the actual cost of repair or replacement, including costs, disbursements, and expenses, resulting while it has use of the premises.

**Indemnification**

The requesting organization or individual, by signature below, hereby guarantees that the organization shall indemnify, defend, and hold harmless the District and any of its employees or agents, from any liability, expenses, costs (including attorney's fees), damages, and/or losses arising out of injury or death to any person or persons or damage to any property of any kind in connection with the organization or individual's use of the District facility, which are not the result of fraud, willful injury to a person or property, or willful or negligent violation of a law on the part of the School District. The undersigned organization or individual accepts and assumes all such risks and hazards.

**Insurance**

The user of the facility shall provide the District with a certificate of insurance and endorsement to their property and liability policy. Said certificate and policy endorsement shall name the District as an additional insured. The certificate and policy shall show coverage for comprehensive general liability insurance for injuries to or death of any person or damage to or loss of property arising out of or in any way resulting from the described use of the facility. The insurance shall provide for amounts not less than \$1,000,000 for bodily injury or death to any one person or resulting from any one accident, and \$1,000,000 for property damage in any one accident or the policy may provide a combined single limit for bodily injury and property damage for \$1,000,000. The certificate shall contain a provision that the insurer not cancel or refuse to renew without giving the District written notice at least 10 days before the effective date of the cancellation or non-renewal.

The requesting organization understands that the District will take all reasonable precautions to insure the risk of injury to individuals accessing the facilities or grounds is minimized. However, even though these precautions are taken there is still a chance of injury, and in rare instances even severe injury and death. The requesting organization understands the risks involved. Any negligence arising out of use of the facilities or grounds under this agreement shall be attributed to requesting entity as comparative negligence within the meaning of Section 27-1-702, MCA.

The School District DOES NOT provide medical insurance for any individuals who choose to access and use the facilities.

#### **Non-Discrimination**

The District will consider requests for use of district facilities for political purposes and activity in accordance with Montanan law. The requesting organization or individual agrees to abide by non-discrimination clauses as contained in the Montana Human Rights Act and the Governmental Code of Fair Practices.

#### **District's Rights**

The District reserves the right to cancel this Agreement, when it is determined by the District that the facilities are needed for school purposes, the event will violate District policy, or if the conditions outlined in this agreement are not satisfied. The District reserves all rights under the law to seek remedy in the event School District property is damaged.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_**School District:**

**Requesting Organization or Individual:**

By \_\_\_\_\_

By \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Additional Obligations \_\_\_\_\_

**Montana Code Annotated References****Description**

16-12-108	Limitations of Marijuana Regulation Act
20-1-220	Use of tobacco product in public school building or on public school property prohibited
20-6-602	Trustees' power of property
20-6-607	Leasing district property and disposition of any rentals
45-8-361	Possession of weapon in a school building

**Montana Constitution References****Description**

Article X, section 8	School District Trustees
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**Policy 4332: Conduct on School Property**

**Status:** DRAFT

**Original Adopted Date:** Pending

General Conduct

In addition to prohibitions stated in other District policies, a person on school property who is not an enrolled student or District employee shall not:

1. Injure or threaten to injure another person;
2. Damage another's property or that of the District;
3. Violate any provision of the criminal law of the state of Montana or town or county ordinance;
4. Smoke or otherwise use tobacco or nicotine products, and alternative nicotine and vapor products as defined in 16-11-302, MCA, or other similar products;
5. Consume, possess, or distribute alcoholic beverages, illegal drugs, or marijuana;
6. Impede, delay, or otherwise interfere with the orderly conduct of the District's educational program or any other activity occurring on school property;
7. Possess a non-firearm weapon as defined in this policy;
8. Enter upon any portion of school premises at any time for purposes other than those which are lawful and authorized by the Board; or
9. Willfully violate other District rules and regulations.

For the purposes of this policy, "school property" means within school buildings, in vehicles used for school purposes, or on owned or leased school land or grounds. District administrators are authorized to appropriate action, as circumstances warrant, to enforce this section of the policy including but not limited to requesting the assistance of law enforcement in accordance with Montana law.

Firearms and Weapons

A person who is not an enrolled student or District employee shall not possess any firearm or other non-firearm weapon in a school building at any time.

For the purposes of this policy, the term "firearm" means (A) any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device pursuant to 18 U.S.C. 921 (4). Such term does not include an antique firearm pursuant to 18 U.S.C. 921 (16).

For purposes of this policy, "non-firearm weapon" means any object, device, or instrument designed as a weapon or through its use is capable of intimidating, threatening or producing bodily harm or which may be used to inflict injury, including but not limited to air guns; pellet guns; BB guns; fake or facsimile weapons; all knives; blades; clubs; metal knuckles; nunchucks; throwing stars; explosives; fireworks; mace or other propellants; stun guns; ammunition; poisons; chains; arrows; and objects that have been modified to serve as a weapon.

District administrators are authorized to appropriate action, as circumstances warrant, to enforce this section of the policy including but not limited to requesting the assistance of law enforcement in accordance with Montana law.

This section does not apply to a law enforcement officer acting in the officer's official capacity or an individual previously authorized by the Board of Trustees to possess a firearm or weapon in a school building.

The Board of Trustees shall annually review this policy and update this policy as determined necessary by the trustees based on changing circumstances pertaining to school safety.

For the purposes of this policy, "School building" means a combination of any materials, whether mobile, portable, or

fixed, to form a structure and the related facilities for the use or occupancy by persons or property owned or leased by a local school district that are used for instruction or for student activities as specified in Section 50-60-101(2), MCA and Section 45-8-361, MCA. The term is construed as though followed by the words "or part or parts of a building" and is considered to include all stadiums, bleachers, and other similar outdoor facilities, whether temporary or permanently fixed.

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**Montana Code Annotated References**

	<b>Description</b>
16-11-302	Definition of tobacco and vapor products
16-12-108	Limitations of Marijuana Regulation Act
20-1-206	Disturbance of school - penalty
20-1-220	Use of tobacco product in public school building or on public school property prohibited
45-6-201	Definition of enter or remain unlawfully
45-8-101	Disorderly conduct
45-8-102	Failure of disorderly person to disperse
45-8-351	Restiction on Local Government Regulation of Firearms
45-8-361	Possession of weapon in a school building

**Montana Constitution References**

	<b>Description</b>
Article X, section 8	School District Trustees

**United States Code References**

	<b>Description</b>
20 U.S.C. § 6081	Pro Children Act

**Policy 4340: Public Access to District Records**

**Status:** DRAFT

**Original Adopted Date:** Pending

Within limits of an individual's right of privacy, the public will be afforded full access to information concerning administration and operations of the District. Public access to District records shall be afforded according to appropriate administrative procedures.

"District records" include any writing, printing, Photostatting, photographing, etc. (including electronic mail), which has been made or received by the District in connection with the transaction of official business and presented for informative value or as evidence of a transaction, and all other records required by law to be filed with the District. "District records" do not include personal notes and memoranda of staff which remain in the sole possession of the maker and which are not generally accessible or revealed to other persons.

The \_\_\_\_\_ will serve as the public records coordinator, with responsibility and authority for ensuring compliance with the display, indexing, availability, inspection, and copying requirements of state law and this policy. As coordinator, the \_\_\_\_\_ will authorize the inspection and copying of District records only in accordance with the criteria set forth in this policy.

In accordance with Title 2, Chapter 6, MCA, the District will make available for public inspection and copying all District records or portions of records, except those containing the following information:

1. Personal information in any file maintained for students. Information in student records will be disclosed only in accordance with requirements of the Family Educational Rights and Privacy Act of 1974 and adopted District policy.
2. Personal information in files maintained for staff, to the extent that disclosure will violate their right to privacy.
3. Test questions, scoring keys, or other examination data used to administer academic tests.
4. The contents of real estate appraisals made for or by the District relative to the acquisition of property, until the project is abandoned or until such time as all of the property has been acquired, but in no event will disclosure be denied for more than three (3) years after appraisal.
5. Preliminary drafts, notes, recommendations, and intra-District memoranda in which opinions are expressed or policies formulated or recommended, except a specific record shall not be exempt when publicly cited by the District in connection with any District action.
6. Records relevant to a controversy to which the District is a party, but which would not be available to another party under the rules of pretrial discovery, for cases pending resolution.
7. Records or portions of records, the disclosure of which would violate personal rights of privacy.
8. Records or portions of records, the disclosure of which would violate governmental interests.
9. Records or information relating to individual or public safety or the security of public schools if release of the information jeopardizes the safety of facility personnel, the public, students in a public school.

If the District denies any request, in whole or in part, for inspection and copying of records, the District will provide the requesting party with reasons for denial.

If the record requested for inspection and/or copying contains both information exempted from disclosure and non-exempt information, the District shall, to the extent practicable, produce the record with the exempt portion deleted and shall provide written explanation for the deletion.

The District will not provide access to lists of individuals, which the requesting party intends to use for commercial purposes or which the District reasonably believes will be used for commercial purposes if such access is provided. However, the District may provide mailing lists of graduating students to representatives of the U.S. armed forces and the National Guard for purpose of recruitment.

The coordinator is authorized to seek an injunction to prevent disclosure of records otherwise suitable for disclosure,



when it is determined reasonable cause exists to believe disclosure would not be in the public interest and would substantially or irreparably damage any person or would substantially or irreparably damage vital governmental functions.

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**Montana Code Annotated References**

2-6-1003

**Description**

Access to Public Information

2-6-1006

Public Information requests - fees

**Montana Constitution References**

Article II, Section 8

**Description**

Right of participation

Article II, Section 9

Right to know

**Policy 4520: Cooperative Programs With Other Districts and Public Agencies**

**Status:** DRAFT

**Original Adopted Date:** Pending

Cooperative Programs With Other Districts and Public Agencies

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

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

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

The District may enter into an interlocal agreement providing for the sharing of teachers, specialists, superintendents, or other professional persons licensed under Title 37, MCA. If the District shares a teacher or specialist with another district(s), the District's share of such teacher's or specialist's compensation will be based on the total number of instructional hours expended by the teacher or the specialist in the District.

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**Montana Code Annotated References**

**Description**

20-7-451-456	Authorization to create full service education cooperatives
20-7-801, et seq.	Public recreation program authorized
7-11-101, et seq.	Interlocal Cooperation Act

**Policy 4550: Registered Sex Offenders**

**Status:** DRAFT

**Original Adopted Date:** Pending

The State of Montana has determined that perpetrators of certain sex crimes pose a continuing threat to society as a whole even after completion of their criminal sentences. Recognizing that the safety and welfare of students is of paramount importance, the \_\_\_\_\_ School District declares that, except in limited circumstances, \_\_\_\_\_ School District should be off limits to registered sex offenders.

Employment

Notwithstanding any other Board policy, individuals listed by the State of Montana as registered sex offenders are ineligible for employment in any position within the \_\_\_\_\_ School District. However, the \_\_\_\_\_ shall have discretion consistent with other Board policies to recommend an individual whose name has been expunged from the Sex Offender Registry.

School Off Limits

The District hereby declares that no registered sex offender whose victim was a minor may come on, about, or within one thousand (1,000) feet of any District-owned buildings or property except as otherwise provided in this policy. If an \_\_\_\_\_ becomes aware that such a sex offender is on, about, or within one thousand (1,000) feet of school property, the \_\_\_\_\_ shall direct the sex offender to immediately leave the area. The Board authorizes the \_\_\_\_\_ to request the assistance of the appropriate law enforcement authorities to secure the removal of any registered sex offender from the area. If a registered sex offender disregards the terms of this policy or the directives of the school \_\_\_\_\_, then the \_\_\_\_\_ is authorized to confer with counsel and to pursue such criminal or civil action as may be necessary to enforce compliance with this policy.

This policy shall not be construed to impose any duty upon any \_\_\_\_\_ or any other employee of the District to review the Sex Offender Registry or to screen individuals coming on or within one thousand (1,000) feet of school property to ascertain whether they are on the Registry. This policy shall only apply when \_\_\_\_\_s are actually aware that the person in question is on the Sex Offender Registry and that the offender's victim was a minor.

The provisions of this policy prohibiting a registered sex offender from coming on, about, or within one thousand (1,000) feet of school property shall not apply in the event that a sex offender's name should be expunged from the Registry.

Rights of Parents on the Sex Offender Registry

In the event that a registered sex offender whose victim was a minor has a child attending the District, the \_\_\_\_\_ of the school where the child attends shall be authorized to modify this policy's restrictions to permit the parent to drop off and pick up the child from school and to come onto campus to attend parent-teacher conferences. However, the parent may not linger on or about school property before or after dropping off his or her child, and the parent is prohibited from being in any part of the school building except the main office.

This policy does not impose a duty upon the \_\_\_\_\_ of any school or any other employee of the District to review the Sex Offender Registry and the school system's directory information to ascertain whether a registered sex offender may have a child attending school in the District. The provisions of this policy shall apply only if an \_\_\_\_\_ actually becomes aware that a parent of a student at the school is a registered sex offender.

To facilitate voluntary compliance with this policy, \_\_\_\_\_s are encouraged to speak with any affected parents upon learning of their status as registered sex offenders to communicate the restrictions of this policy. At all times, the \_\_\_\_\_ shall endeavor to protect the privacy of the offender's child.

In the event of a truly exceptional situation such as graduation, a parent on the Sex Offender Registry may ask the \_\_\_\_\_ for a waiver of this policy to permit the parent to attend these special events. It is the intent of the Board, however, that these special circumstances be truly unusual and infrequent occurrences.

**Montana Code Annotated References**

20-3-324

**Description**

Powers and duties

46-23-501

Sexual or Violent Offender Registration Act

**Montana Constitution References**

Article X, section 8

**Description**

School District Trustees

**Policy 5002: Accommodating Individuals With Disabilities**

**Status:** DRAFT

**Original Adopted Date:** Pending

It is the intent of the District to ensure that qualified employees with disabilities under Section 504 of the Rehabilitation Act of 1973 are identified, evaluated, and provided with appropriate accommodations or other positive actions in assistance.

The District will not discriminate against a qualified individual on the basis of disability in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, or other terms, conditions, and privileges of employment.

The \_\_\_\_\_ is designated the Section 504 and Americans with Disabilities Act Title II Coordinator and, in that capacity, is directed to:

1. Oversee District compliance efforts, recommend to the Board necessary modifications, and maintain the District's final Title II self-evaluation document and keep it available for public inspection.
2. Make information regarding Title II protection available to any interested party.
3. Coordinating and monitoring the district's compliance with Section 504 and Title II of the ADA, as well as state civil rights requirements regarding discrimination and harassment based on disability.
4. Overseeing prevention efforts to avoid Section 504 and ADA violations by necessary actions, including by not limited to, scheduling Section 504 meetings, implementing and monitoring Section 504 plans of accommodation and providing information to employees and supervisors.
5. Implementing the district's discrimination complaint procedures with respect to allegations of Section 504/ADA violations, discrimination based on disability, and disability harassment; and
6. Investigating complaints alleging violations of Section 504/ADA, discrimination based on disability, and disability harassment.

The District's procedure for resolution of complaints alleging violation of this policy is set forth in Policy 1700.

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**United States Code References**

29 USC 701, et seq

42 USC 12101, et seq.

**Description**

Section 504 of the Rehabilitation Act

Title II of the Americans with Disabilities Act of 1990

**Policy 5010: Equal Employment Opportunity, Nondiscrimination, and Sex Equity**

**Status:** DRAFT

**Original Adopted Date:** Pending

The District will provide equal employment opportunities to all persons, regardless of their race, color, religion, creed, national origin, genetic information, sex, age, ancestry, marital status, military status, citizenship status, use of lawful products while not at work physical or mental disability. The District will make reasonable accommodation for an individual with a disability known to the District, if the individual is otherwise qualified for the position, unless the accommodation would impose undue hardship on the District.

Inquiries regarding sexual harassment, sex discrimination, or sexual intimidation should be directed to the District Title IX Coordinator, to the Assistant Secretary for Civil Rights of the Department of Education, or both. The Board designates the following individual to serve as the District's Title IX Coordinator:

Title:\_\_\_\_\_

Office address:\_\_\_\_\_

Email:\_\_\_\_\_

Phone number:\_\_\_\_\_

Inquiries regarding discrimination on the basis of disability or requests for accommodation should be directed to the District Section 504 Coordinator. The Board designates the following individual to serve as the District's Section 504 Coordinator:

Title:\_\_\_\_\_

Office address:\_\_\_\_\_

Email:\_\_\_\_\_

Phone number:\_\_\_\_\_

Any individual may file a complaint alleging violation of this policy, Policy 5012/512P – Sexual Harrassment, or Policy 5015-Bullying/Harassment/Intimidation/Hazing by following those policies or Policy 1700-Uniform Complaint Procedure.

The District, in compliance with federal regulations, will notify annually all students, parents, staff, and community members of this policy and the designated coordinator to receive inquiries. This annual notification will include the name and location of the coordinator and will be included in all handbooks.

The District will not tolerate hostile or abusive treatment, derogatory remarks, or acts of violence against students, staff, or volunteers with disabilities. The District will consider such behavior as constituting discrimination on the basis of disability, in violation of state and federal law.

All complaints about behavior that may violate this policy shall be promptly investigated.

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

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**Administrative Rules of Montana References**

10.55.801

**Description**

School Climate

**Montana Code Annotated References**

29 U.S.C. 621

**Description**

Age Discrimination in Employment Act

29 U.S.C.206(d)	Equal Pay Act
49-2-303	Discrimination in Employment
49-3-102	What local governmental units affected
49-3-201	Employment of state and local government personnel

#### **United States Code References**

20 U.S.C. 1681, et seq.  
29 USC 701, et seq  
42 USC 12101, et seq.  
42 USC 2000d et seq.  
42 USC 2000e et seq.

#### **Description**

Title IX of the Education Amendments of 1972  
Section 504 of the Rehabilitation Act  
Title II of the Americans with Disabilities Act of 1990  
Civil Rights Act, Title VI  
Civil Rights Act, Title VII

#### **Code of Federal Regulations References**

34 CFR Part 106

#### **Description**

Nondiscrimination on the basis of sex in education programs or activities receiving Federal financial assistance

**Policy 5012: Sexual Harassment of Employees**

**Status:** DRAFT

**Original Adopted Date:** Pending

The District does not discriminate on the basis of sex in any education program or activity that it operates. The District is required by Title IX of the Education Amendments of 1972 and the regulations promulgated through the U.S. Department of Education not to discriminate in such a manner. Inquiries about the application of Title IX to the District may be referred to the District's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the Department of Education, or both.

The Board designates the following individual to serve as the District's Title IX Coordinator:

Title: \_\_\_\_\_

Office address: \_\_\_\_\_

Email: \_\_\_\_\_

Phone number: \_\_\_\_\_

Any person may report sex discrimination, including sexual harassment, at any time, including during non-business hours. Such a report may be made using the attached form, in person, by mail, by telephone or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

For purposes of this policy and the grievance process, "sexual harassment" means conduct on the basis of sex that satisfies one or more of the following:

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

When the harassment or discrimination on the basis of sex does not meet the definition of sexual harassment, the Title IX Coordinator shall direct the individual to the applicable sex discrimination process for investigation.

An individual is not required to submit a report of sexual harassment involving the Title IX coordinator. In the event the Title IX Coordinator is responsible for or a witness to the alleged harassment, the individual may report the allegations to another unbiased school official.

Retaliation Prohibited

The District prohibits intimidation, threats, coercion or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation proceeding or hearing, if applicable. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this part, constitutes retaliation.

Confidentiality

The District must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any individual who has been alleged to be the victim or perpetrator of conduct that could constitute sexual harassment,



and any witness, except as may be permitted by Family Educational Rights and Privacy Act (FERPA) or as required by law, or to carry out the purposes of the Title IX regulations, including the conduct of any investigation, hearing or judicial proceeding arising thereunder.

Notice Requirements

The District provides notice to applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, employees and the union(s) with the name or title, office address, email address and telephone number of the Title IX Coordinator and notice of the District grievance procedures and process, including how to report or file a complaint of sex discrimination, how to file a formal complaint of sexual harassment and how the District will respond. The District also posts the Title IX Coordinator’s contact information and Title IX policies and procedures in a prominent location on the District website and in all handbooks made available by the District.

Training Requirements

The District ensures that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receives training on the definition of sexual harassment, the scope of the District’s education program or activity, how to conduct an investigation and grievance process including hearings, appeals and informal resolution processes, when applicable, and how to serve impartially including by avoiding prejudgment of the facts at issue, conflicts of interest and bias. The District also ensures that decision-makers and investigators receive training on issues of relevance of questions and evidence, including when questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant as set forth in the formal procedures that follow, and training on any technology to be used at a live hearing, if applicable. Investigators also receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. All materials used to train individuals who receive training under this section must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment and are made publicly available on the District’s website.

Conflict of Interest and Bias

The District ensures that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process do not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

Determination of Responsibility

The individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment is presumed not responsible for alleged conduct. A determination regarding responsibility will be made by the decision-maker at the conclusion of the investigation in accordance with the process outlined in Policy 5012P. No disciplinary sanctions will be imposed unless and until a final determination of responsibility is reached.

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<b>Administrative Rules of Montana References</b>	<b>Description</b>
10.55.701	Board of Trustees
10.55.801	School Climate
<b>United States Code References</b>	<b>Description</b>
20 U.S.C. 1681, et seq.	Title IX of the Education Amendments of 1972
42 USC 2000d et seq.	Civil Rights Act, Title VI
42 USC 2000e et seq.	Civil Rights Act, Title VII
<b>Code of Federal Regulations References</b>	<b>Description</b>
34 CFR Part 106	Nondiscrimination on the basis of sex in education programs or activities receiving Federal financial assistance

**Procedure 5012-P(1): Sexual Harassment of Employees - Procedure**

**Status:** DRAFT

**Original Adopted Date:** Pending

Sexual Harassment Grievance Procedure - Employees

The Board requires the following grievance process to be followed for the prompt and equitable resolution of employee complaints alleging any action that would be prohibited as sexual harassment by Title IX. The Board directs the process to be published in accordance with all statutory and regulatory requirements.

Definitions

The following definitions apply for Title IX policies and procedures:

“Actual knowledge:” notice of sexual harassment or allegations of sexual harassment to the District’s Title IX Coordinator or any official of the District who has authority to institute corrective measures on behalf of the District, or to any employee of an elementary or secondary school.

“Education program or activity:” includes locations, events or circumstances over which the District exercised substantial control over both the individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment, and the context in which the sexual harassment occurs.

“Complainant:” an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

“Respondent:” an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

“Formal complaint:” a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the District investigate the allegation of sexual harassment.

“Supportive measures:” non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available and without fee or charge to the Complainant or Respondent before or after the filing of a formal complaint or where no formal complaint has been filed.

District Requirements

When the District has actual knowledge of sexual harassment in an education program or activity of the District, the District will respond promptly in a manner that is not deliberately indifferent. When the harassment or discrimination on the basis of sex does not meet the definition of sexual harassment, the Title IX Coordinator will direct the individual to the applicable sex discrimination process bullying and harassment policy, or public complaint procedure for investigation.

The District treats individuals who are alleged to be the victim (Complainant) and perpetrator (Respondent) of conduct that could constitute sexual harassment equitably by offering supportive measures. Supportive measures are designed to restore or preserve equal access to the District’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District’s educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, leaves of absence, increased security and monitoring of certain areas of the District’s property, campus escort services, changes in work locations and other similar measures.

The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Upon the receipt of a complaint, the Title IX Coordinator must promptly contact the Complainant to discuss the availability of supportive measures, consider the Complainant’s wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the Complainant the process for filing a formal complaint. If the District does not provide the Complainant with supportive measures, then the District must document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

## Timelines

The District has established reasonably prompt time frames for the conclusion of the grievance process, including time frames for filing and resolving appeals and informal resolution processes. The grievance process may be temporarily delayed or extended for good cause. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. In the event the grievance process is temporarily delayed for good cause, the District will provide written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action.

## Response to a Formal Complaint

At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the District with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, by electronic mail, or other means designated by the District.

The District must follow the formal complaint process before the imposition of any disciplinary sanctions or other actions that are not supportive measures. However, nothing in this policy precludes the District from placing a non-student employee Respondent on administrative leave during the pendency of the grievance process. The District may also remove a student Respondent alleged to have harassed an employee Complainant from the education setting. The student may receive instruction in an offsite capacity during the period of removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

Upon receipt of a formal complaint, the District must provide written notice to the known parties including:

1. Notice of the allegations of sexual harassment, including information about the identities of the parties involved in the incident, the conduct allegedly constituting sexual harassment, the date and location of the alleged incident, and any sufficient details known at the time. Such notice must be provided with sufficient time to prepare a response before any initial interview;
2. An explanation of the District's investigation procedures, including any informal resolution process;
3. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made by the decision-maker at the conclusion of the investigation;
4. Notice to the parties that they may have an advisor of their choice who may be, but is not required to be, an attorney, and may inspect and review any evidence; and
5. Notice to the parties of any provision in the District's code of conduct or policy that prohibits knowingly making false statements or knowingly submitting false information.

If, in the course of an investigation, the District decides to investigate allegations about the Complainant or Respondent that are not included in the notice initially provided, notice of the additional allegations must be provided to known parties.

The District may consolidate formal complaints as to allegations of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

## Investigation of a Formal Complaint

When investigating a formal complaint and throughout the grievance process, the District must:

1. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the District and not the parties';
2. Provide an equal opportunity for the parties to present witnesses and evidence;
3. Not restrict either party's ability to discuss the allegations under investigation or to gather and present relevant

evidence;

4. Allow the parties to be accompanied with an advisor of the party's choice who may be, but is not required to be, an attorney. The District may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;
5. Provide written notice of the date, time, location, participants, and purpose of any interview or meeting at which a party is expected to participate, with sufficient time for the party to prepare to participate;
6. Provide the parties equal access to review all the evidence collected which is directly related to the allegations raised in a formal complaint and comply with the review periods outlined in this process;
7. Objectively evaluate all relevant evidence without relying on sex stereotypes;
8. Ensure that Title IX Coordinators, investigators, decision-makers and individuals who facilitate an informal resolution process, do not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent;
9. Not make credibility determinations based on the individual's status as Complainant, Respondent or witness;
10. Not use questions or evidence that constitute or seek disclosure of privileged information unless waived.

#### Dismissal of Formal Complaints

If the conduct alleged in the formal complaint would not constitute sexual harassment even if proved, did not occur in the District's education program or activity, or did not occur against a person in the United States, then the District must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under this policy.

The Title IX Coordinator also may dismiss the formal complaint or any allegations therein at any time during the investigation or hearing, if applicable, when any of the following apply:

1. a Complainant provides written notification to the Title IX Coordinator that the Complainant would like to withdraw the formal complaint or any allegations therein;
2. the Respondent is no longer enrolled or employed by the District; or
3. specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon dismissal, the Title IX Coordinator promptly sends written notice of the dismissal and the reasons for dismissal simultaneously to both parties. The grievance process will close in the event a notice of dismissal is provided to the parties. Support measures may continue following dismissal.

#### Evidence Review

The District provides both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. The evidence provided by the District must include evidence that is directly related to the allegations in the formal complaint, evidence upon which the District does not intend to rely in reaching a determination regarding responsibility, and any inculpatory or exculpatory evidence whether obtained from a party or other source. Prior to completion of the investigative report, the Title IX Coordinator must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The parties have 10 calendar days to submit a written response to the Title IX Coordinator, which the investigator will consider prior to completion of the investigative report.

#### Investigative Report

The investigator must prepare an investigative report that fairly summarizes relevant evidence and send the report to the Title IX Coordinator. The Title IX Coordinator must send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. The parties have

10 calendar days to submit a written response to the Title IX Coordinator.

#### Decision-Maker's Determination

The investigative report is submitted to the decision-maker. The decision-maker cannot be the same person(s) as the Title IX Coordinator or the investigator. The decision-maker cannot hold a hearing or make a determination regarding responsibility until 10 calendar days from the date the Complainant and Respondent receive the investigator's report.

Prior to reaching a determination regarding responsibility, the decision-maker must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Questions must be submitted to the Title IX Coordinator within three calendar days from the date the Complainant and Respondent receive the investigator's report.

The decision-maker must issue a written determination regarding responsibility based on a preponderance of the evidence standard. The decision-maker's written determination must:

1. Identify the allegations potentially constituting sexual harassment;
2. Describe the procedural steps taken, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
3. Include the findings of fact supporting the determination;
4. Draw conclusions regarding the application of any District policies and/or code of conduct rules to the facts;
5. Address each allegation and a resolution of the complaint including a determination regarding responsibility, the rationale therefor, any recommended disciplinary sanction(s) imposed on the Respondent, and whether remedies designed to restore or preserve access to the educational program or activity will be provided by the District to the Complainant; and
6. The procedures and permissible bases for the Complainant and/or Respondent to appeal the determination.

A copy of the written determination must be provided to both parties simultaneously, and generally will be provided within 60 calendar days from the District's receipt of a formal complaint.

The determination regarding responsibility becomes final either on the date that the District provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Where a determination of responsibility for sexual harassment has been made against the Respondent, the District will provide remedies to the Complainant that are designed to restore or preserve equal access to the District's education program or activity. Such remedies may include supportive measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent. The Title IX Coordinator is responsible for effective implementation of any remedies. Following any determination of responsibility, the District may implement disciplinary sanctions in accordance with State or Federal law and or/the negotiated agreement. For employees, the sanctions may include any form of responsive discipline, up to and including termination.

#### Appeals

Either the Complainant or Respondent may appeal the decision-maker's determination regarding responsibility or a dismissal of a formal complaint, on the following bases:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time that could affect the outcome and

3. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent that affected the outcome.

The District also may offer an appeal equally to both parties on additional bases.

The request to appeal must be made in writing to the Title IX Coordinator within seven calendar days after the date of the written determination. The appeal decision-maker must not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent and cannot be the Title IX Coordinator, the investigator, or the decision-maker from the original determination.

The appeal decision-maker must notify the other party in writing when an appeal is filed and give both parties a reasonable equal opportunity to submit a written statement in support of, or challenging, the outcome. After reviewing the evidence, the appeal decision-maker must issue a written decision describing the result of the appeal and the rationale for the result. The decision must be provided to both parties simultaneously, and generally will be provided within 10 calendar days from the date the appeal is filed.

#### Informal Resolution Process

Except when concerning allegations that an employee sexually harassed a student, at any time during the formal complaint process and prior to reaching a determination regarding responsibility, the District may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and determination of responsibility, provided that the District:

1. Provides to the parties a written notice disclosing:
  - A. The allegations;
  - B. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the Title IX formal complaint process with respect to the formal complaint; and
  - C. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
2. Obtains the parties' voluntary, written consent to the informal resolution process.

The informal resolution process generally will be completed within 30 calendar days, unless the parties and the Title IX Coordinator mutually agree to temporarily delay or extend the process. The formal grievance process timelines are stayed during the parties' participation in the informal resolution process. If the parties do not reach resolution through the informal resolution process, the parties will resume the formal complaint grievance process, including timelines for resolution, at the point they left off.

#### Recordkeeping

The District must maintain for a period of seven years records of:

1. Each sexual harassment investigation, including any determination regarding responsibility, any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant designed to restore or preserve equal access to the District's education program or activity;
2. Any appeal and the result therefrom;
3. Any informal resolution and the result therefrom; and
4. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The District must make these training materials publicly available on its website.

The District must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the District must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the District's education program or activity.

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**Administrative Rules of Montana References**

10.55.701	Board of Trustees
10.55.801	School Climate

**United States Code References**

20 U.S.C. 1681, et seq.	Title IX of the Education Amendments of 1972
42 USC 2000d et seq.	Civil Rights Act, Title VI
42 USC 2000e et seq.	Civil Rights Act, Title VII

**Code of Federal Regulations References**

34 CFR Part 106	Nondiscrimination on the basis of sex in education programs or activities receiving Federal financial assistance
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**Form 5012-F(1): Sexual Harassment of Employees - Reporting/Intake Form**

**Status:** DRAFT

**Original Adopted Date:** Pending

*See PDF on the next page.*



1 \_\_\_\_\_ **Elementary**

5012F

2  
3 **Sexual Harassment Reporting/Intake Form for Employees**

4 This form is not required. Complaints may be submitted in any manner noted in Policy 5012. The form may be used by the  
5 Title IX Coordinator to document allegations.

6  
7 School \_\_\_\_\_ Date \_\_\_\_\_

8  
9 Employee's name \_\_\_\_\_

10  
11 • Who was responsible for the harassment or incident(s)? \_\_\_\_\_

12  
13  
14 • Describe the incident(s). \_\_\_\_\_

15  
16  
17  
18 • Date(s), time(s), and place(s) the incident(s) occurred. \_\_\_\_\_

19  
20  
21  
22 • Were other individuals involved in the incident(s)? ☐ yes ☐ no

23 If so, name the individual(s) and explain their roles. \_\_\_\_\_

24  
25  
26  
27  
28 • Did anyone witness the incident(s)? ☐ yes ☐ no

29 If so, name the witnesses. \_\_\_\_\_

30  
31  
32  
33  
34 • Did you take any action in response to the incident? ☐ yes ☐ no

35 If yes, what action did you take? \_\_\_\_\_

36  
37  
38  
39  
40 • Were there any prior incidents? ☐ yes ☐ no

41 If so, describe any prior incidents. \_\_\_\_\_

42  
43  
44  
45 Signature of complainant \_\_\_\_\_

46  
47 *Retaliation is prohibited by federal law and district policy. The identity of the individual signing this form will*  
48 *remain confidential in accordance with law and policy.*

**Administrative Rules of Montana  
References**

10.55.701	Board of Trustees
10.55.801	School Climate

**United States Code References****Description**

20 U.S.C. 1681, et seq.	Title IX of the Education Amendments of 1972
42 USC 2000d et seq.	Civil Rights Act, Title VI
42 USC 2000e et seq.	Civil Rights Act, Title VII

**Code of Federal Regulations References****Description**

34 CFR Part 106	Nondiscrimination on the basis of sex in education programs or activities receiving Federal financial assistance
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**Policy 5015: Bullying/Harassment/Intimidation**

**Status:** DRAFT

**Original Adopted Date:** Pending

The Board will strive to provide a positive and productive working environment. Bullying, harassment, or intimidation between employees or by third parties, are strictly prohibited and shall not be tolerated. This includes bullying, harassment, or intimidation via electronic communication devices.

Definitions

- “Third parties” include but are not limited to coaches, school volunteers, parents, school visitors, service contractors, or others engaged in District business, such as employees of businesses or organizations participating in cooperative work programs with the District, and others not directly subject to District control at inter-district and intra-District athletic competitions or other school events.
- “District” includes District facilities, District premises, and non-District property if the employee is at any District-sponsored, District-approved, or District-related activity or function, such as field trips or athletic events, where the employee is engaged in District business.
- “Harassment, intimidation, or bullying” means any act that substantially interferes with an employee’s opportunities or work performance, that takes place on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation, or anywhere such conduct may reasonably be considered to be a threat or an attempted intimidation of a staff member or an interference with school purposes or an educational function, and that has the effect of:
  - a. Physically harming an employee or damaging an employee’s property;
  - b. Knowingly placing an employee in reasonable fear of physical harm to the employee or damage to the employee’s property; or
  - c. Creating a hostile working environment.

Reporting

All complaints about behavior that may violate this policy shall be promptly investigated. Any employee or third party who has knowledge of conduct in violation of this policy or feels he/she has been a victim of harassment, intimidation, or bullying in violation of this policy is encouraged to immediately report his/her concerns to the \_\_\_\_\_, who have overall responsibility for such investigations.

The complainant may be provided a summary of the findings of the investigation and, as appropriate, that remedial action has been taken.

Responsibilities

The District Administrator shall be responsible for ensuring that notice of this policy is provided to staff and third parties.

When an employee has actual knowledge that behavior is in violation of this policy is sexual harassment, the employee must contact the Title IX Coordinator. The Title IX sexual harassment grievance process will be followed, if applicable, prior to imposing any discipline that cannot be imposed without resolution of the Title IX process.

Consequences

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

Retaliation and Reprisal

Retaliation is prohibited against any person who reports or is thought to have reported a violation, files a complaint,

or otherwise participates in an investigation or inquiry. Such retaliation shall be considered a serious violation of Board policy, whether or not a complaint is substantiated. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

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<b>Administrative Rules of Montana References</b>	<b>Description</b>
10.55.701	Board of Trustees
10.55.801	School Climate

**Policy 5120: Hiring Process and Criteria**

**Status:** DRAFT

**Original Adopted Date:** Pending

Hiring Process and Criteria

The Board and \_\_\_\_\_ will determine the screening and hiring process upon the existence of each vacancy. The District will hire personnel appropriately licensed and endorsed in accordance with state statutes and Board of Public Education rules, consistent with budget and staffing requirements and will comply with Board policy and state law on equal employment opportunities and veterans' preference. All applicants must complete a District application form to be considered for employment.

Every applicant must provide the District with written authorization for a fingerprint/criminal background investigation. The \_\_\_\_\_ will keep any conviction record confidential as required by law and District policy. The district will create a determination sheet from the criminal history record. The determination sheet will be kept on file at the District Office. The Criminal History Record with no disqualifiers will be shredded on site immediately after review. The Criminal History Record with disqualifiers will be retained on file at the District Office according to law. Every newly hired employee must complete an Immigration and Naturalization Service form, as required by federal law.

Certification

The District requires contracted certified staff to hold valid Montana teacher or specialist certificates endorsed for the roles and responsibilities for which they are employed. Failure to meet this requirement shall be just cause for termination of employment. No salary warrants may be issued to a staff member, unless a valid certificate for the role to which the teacher has been assigned has been registered with the county superintendent within sixty (60) calendar days after a term of service begins. Every teacher and administrator under contract must bring their current, valid certificate to the personnel office at the time of initial employment, as well as at the time of each renewal of certification.

The custodian of records will register all certificates, noting class and endorsement of certificates, and will update permanent records as necessary. The custodian of records also will retain a copy of each valid certificate of a contracted certified employee in that employee's personnel file.

Reference Checks

The Board authorizes the \_\_\_\_\_ or designee to inquire of past employers about an applicant's employment on topics including but not limited to: title, role, reason for leaving, work ethic, punctuality, demeanor, collegiality, putting the interests of students first, and suitability for the position in the District. Responses to these inquiries should be documented and considered as part of the screening and hiring process.

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**Montana Code Annotated References**

	<b>Description</b>
20-3-324	Powers and duties
20-4-202	Teacher and specialist certification registration
39-29-102	Point preference or alternative preference in initial hiring for certain applicants – substantially equivalent selection procedure
44-5-301	Dissemination of public criminal justice information
44-5-302	Dissemination of criminal history record information that is not public criminal justice information
44-5-303	Dissemination of confidential criminal justice information – procedure for dissemination through court

**United States Code References**

	<b>Description</b>
Public Law 105-251	Volunteers for Children Act

**Procedure 5120-P(1): Hiring Process and Criteria - Procedure**

**Status:** DRAFT

**Original Adopted Date:** Pending

Federal Background Check Fingerprint and Information Handling Procedure

1. Who needs to be fingerprinted: All individuals 18 years of age or older to be volunteers or recommended for hire by the School District need to be fingerprinted under the National Child Protection Act and Volunteers for Children's Act (NCPA/VCA).
2. The School District will obtain a signed waiver from all applicants and provide written communication of Applicant Rights and Consent to Fingerprint Form at 5122F. Applicants shall also be provided the Applicant Privacy statement at 5120F. The Applicant Rights and Consent to Fingerprint Form will be kept on file for 5 years or for the length of employment, which ever is longer. The form will be filed in the employees Personnel File.

Basis to Collect and Submit Fingerprints for Purposes of Federal Background Check – Boards will Select One Option

**OPTION 1:** Ink fingerprints are captured in house by agency personnel that have completed and passed the certification course provided by CRISS. All applicants must provide a current government issued photo identification at the time of fingerprinting for identification verification. Two ink fingerprint cards are captured for each applicant and all data fields are completed and checked for accuracy. Complete fingerprint cards are then mailed to DOJ/CRISS along with payment.

OR

**OPTION 2:** Licescan fingerprints are captured in house by agency personnel that have completed and passed the certification course provided by CRISS. All applicants must provide a current government issued photo identification at the time of fingerprinting for identification verification. Fingerprints are then submitted to CRISS via the Livescan.

OR

**OPTION 3:** Fingerprints are obtained via local law enforcement agencies: \_\_\_\_\_.

A spreadsheet of those fingerprinted is kept by the School District to identify the individual, position being hired for, date of fingerprint, date print received and date print billed.

The School District staff that have received training by CRISS will process the fingerprints and send them to the DOJ.

LASO

**(First and last name)** has been appointed as the Local Agency Security Officer and acts as the primary point of contact between the School District and CRISS. (Name of LASO) is responsible for ensuring CJIS Policy compliance by all authorized recipients within the School District LASO is also responsible of any Privacy and Security Agreements with those who do not use CHRI on a regular basis. Any change in appointment of the LASO or other authorized personnel will be reported to CRISS immediately.

Access of CHRI

All background results are received by (first and last name) through the State File Transfer Service. Results are printed and stored in a locked filing cabinet in the business office until a determination for employment is made. Only authorized personnel that have undergone Privacy and Security Information have access to printed criminal history record information. Authorized recipients of CHRI include **Business manager (name)**.

Printed background checks are reviewed by the Business Manager (name) and a determination form is completed. If any adverse results are present on the background check, it is given to the \_\_\_\_\_ for final determination of eligibility. (Entity Name) utilizes a determination form and the CHRI is then shredded.

Determination Procedures

Personnel staff that have been trained by CRISS and granted access to criminal history record information will

receive the background results through their Montana State File Transfer account.

- a. Results are reviewed for determination of eligibility to hire.
- b. Any adverse reports are presented to the appropriate administrator for final approval.
- c. Determination is noted on a determination form and kept in a locked file cabinet.

Retention and Storage Procedure **(Note: If the School District seeks to store electronically you must contact DOJ's IT department.)**

All criminal history record information is stored in a locked filing cabinet within the business office. Only authorized personnel such as Business Manager as noted in this policy have access to this information. Only authorized personnel are present during the determination process when the criminal record is being reviewed. **Boards will Select One Option:**

**OPTION 1:** Printed background checks are stored until a final determination for employment has been made, two weeks or less. A determination form is then completed and CHRI is then destroyed in accordance with the Destruction Procedure outlined in this document.

**OR**

**OPTION 2:** Printed CHRI is kept **(SPECIFIC TIME FRAME)** and then destroyed Destruction Procedure outlined in this document.

Dissemination Logs are maintained for a period of 3 years from the date of dissemination or between audits, and the Applicant Rights and Consent to Fingerprint form is maintained for at least five years or the length of employment, whichever is longer.

Dissemination Procedure **Boards will Select One Option:**

**OPTION 1:** Applicants wishing to obtain a copy of their background report may make a request to the LASO. A current government photo identification must be presented at the time of the request. A copy of the background report is made and marked as a "copy" and provided to the applicant. The dissemination is then logged. Dissemination logs include, what record was shared, the date it was shared, the method of sharing, and the agency personnel that shared the record. The dissemination log is stored in a locked filing cabinet for at least 3 years or between audits, whichever is longer.

**OR**

**OPTION 2:** The School District does not disseminate criminal history record information with any other agency. A copy of our determination form can be provided to outside agencies upon request.

Destruction Procedure **Boards will Select One Option:**

**OPTION 1:** At the end of the retention and storage period outlined in this document, all CHRI and related information is shredded in house by (authorized personnel name).

**OR**

**OPTION 2:** At the end of the retention and storage period outlined in this document, all CHRI and related information is shredded on site by a company that come to our location. Authorized personnel witness the shredding of the CHRI.

Applicant procedures for challenging or correcting their record **Boards will Select One Option:**

All applicants are given the opportunity to challenge or complete their record before a final determination is made.

**OPTION 1:** Applicants wishing to challenge their record are given a copy of the background report.

OR

**OPTION 2:** Applicants wishing to challenge their record are advised how to obtain a copy of their background report.

The applicant is then given 10 days to contact the state or agency in which the record was created to make corrections. After the allotted time, the applicant must then provide the School District with a copy of the corrected background report provided by and notarized by the State Identification Bureau. The fee associated for a copy of the state record provided by the State Identification Bureau will be the responsibility of the applicant.

#### Policy and procedures for misuse of CHRI

The School District does not allow dissemination of CHRI to persons or agencies that are not directly involved in the hiring and determination process. If CHRI is disseminated outside of the authorized receiving department, (agency LASO) will report this to CRISS immediately and provide CRISS with an incident response form. The incident response form will include the nature of the incident, any internal reprimands that may have resulted from the incident, as well as our agencies plan to ensure that this incident does not get repeated.

#### Training Procedure

- Local Agency Security Officer (LASO)
  - Signed user agreement between district and CRISS
- Privacy and Security Training
  - CRISS training on CHRI required to receive background reports

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#### **Montana Code Annotated References**

	<b>Description</b>
20-3-324	Powers and duties
20-4-202	Teacher and specialist certification registration
39-29-102	Point preference or alternative preference in initial hiring for certain applicants – substantially equivalent selection procedure
44-5-301	Dissemination of public criminal justice information
44-5-302	Dissemination of criminal history record information that is not public criminal justice information
44-5-303	Dissemination of confidential criminal justice information – procedure for dissemination through court

#### **United States Code References**

	<b>Description</b>
Public Law 105-251	Volunteers for Children Act



**Notice Form 5120-NF(1): Hiring Process and Criteria - Privacy Act Statement**

**Status:** DRAFT

**Original Adopted Date:** Pending

**Privacy Act Statement**

This privacy act statement is located on the back of the FD-258 fingerprint card. Authority: The FBI's acquisition, preservation, and exchange of fingerprints and associated information is generally authorized under 28 U.S.C. 534. Depending on the nature of your application, supplemental authorities include Federal statutes, State statutes pursuant to Pub. L. 92-544, Presidential Executive Orders, and federal regulations. Providing your fingerprints and associated information is voluntary; however, failure to do so may affect completion or approval of your application.

**Principal Purpose:** Certain determinations, such as employment, licensing, and security clearances, may be predicated on fingerprint-based background checks. Your fingerprints and associated information/biometrics may be provided to the employing, investigating, or otherwise responsible agency, and/or the FBI for the purpose of comparing your fingerprints to other fingerprints in the FBI's Next Generation Identification (NGI) system or its successor systems (including civil, criminal, and latent fingerprint repositories) or other available records of the employing, investigating, or otherwise responsible agency. The FBI may retain your fingerprints and associated information/biometrics in NGI after the completion of this application and, while retained, your fingerprints may continue to be compared against other fingerprints submitted to or retained by NGI.

**Routine Uses:** During the processing of this application and for as long thereafter as your fingerprints and associated information/biometrics are retained in NGI, your information may be disclosed pursuant to your consent, and may be disclosed without your consent as permitted by the Privacy Act of 1974 and all applicable Routine Uses as may be published at any time in the Federal Register, including the Routine Uses for the NGI system and the FBI's Blanket Routine Uses. Routine uses include, but are not limited to, disclosures to: employing, governmental or authorized non-governmental agencies responsible for employment, contracting, licensing, security clearances, and other suitability determinations; local, state, tribal, or federal law enforcement agencies; criminal justice agencies; and agencies responsible for national security or public safety.

As of 03/1/2021

**Montana Code Annotated References**

	<b>Description</b>
20-3-324	Powers and duties
20-4-202	Teacher and specialist certification registration
39-29-102	Point preference or alternative preference in initial hiring for certain applicants – substantially equivalent selection procedure
44-5-301	Dissemination of public criminal justice information
44-5-302	Dissemination of criminal history record information that is not public criminal justice information
44-5-303	Dissemination of confidential criminal justice information – procedure for dissemination through court

**United States Code References**

	<b>Description</b>
Public Law 105-251	Volunteers for Children Act

**Form 5120-F(1): Hiring Process and Criteria - Determination Form**

**Status:** DRAFT

**Original Adopted Date:** Pending

*See PDF on the next page.*

# School District Name

District Contact  
District Contact Position

Address Line #1  
Address Line #2  
City, State, Zip Code

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## Determination of Eligibility for Hire – Policy 5120F

(DATE)

RE: [NAME OF APPLICANT]

In regards to the determination of eligibility for hire/licensure; based on the minimum criteria as specified in the \_\_\_\_ School District Applicant Background Check Procedure, the individual listed below:

---

Name

Date of Birth

- ☐ Meets eligibility criteria  
☐ Does NOT meet eligibility criteria

Please contact \_\_\_\_ School District with any questions regarding this determination or to be provided with a copy of the \_\_\_\_ School District Applicant Background Check Procedure.

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### Determination Completed By:

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Signature

Printed Name

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Title

Date

<b>Montana Code Annotated References</b>	<b>Description</b>
20-3-324	Powers and duties
20-4-202	Teacher and specialist certification registration
39-29-102	Point preference or alternative preference in initial hiring for certain applicants – substantially equivalent selection procedure
44-5-301	Dissemination of public criminal justice information
44-5-302	Dissemination of criminal history record information that is not public criminal justice information
44-5-303	Dissemination of confidential criminal justice information – procedure for dissemination through court

<b>United States Code References</b>	<b>Description</b>
Public Law 105-251	Volunteers for Children Act

**Form 5120-F(2): Hiring Process and Criteria - Dissemination Log**

**Status:** DRAFT

**Original Adopted Date:** Pending

*See PDF on the next page.*

# School District Name

District Contact  
District Contact Position

Address Line #1  
Address Line #2  
City, State, Zip Code

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## Determination of Eligibility for Hire – Policy 5120F

(DATE)

RE: [NAME OF APPLICANT]

In regards to the determination of eligibility for hire/licensure; based on the minimum criteria as specified in the \_\_\_\_ School District Applicant Background Check Procedure, the individual listed below:

---

Name

Date of Birth

- ☐ **Meets eligibility criteria**  
☐ **Does NOT meet eligibility criteria**

Please contact \_\_\_\_ School District with any questions regarding this determination or to be provided with a copy of the \_\_\_\_ School District Applicant Background Check Procedure.

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### Determination Completed By:

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Signature

Printed Name

---

Title

Date

<b>Montana Code Annotated References</b>	<b>Description</b>
20-3-324	Powers and duties
20-4-202	Teacher and specialist certification registration
39-29-102	Point preference or alternative preference in initial hiring for certain applicants – substantially equivalent selection procedure
44-5-301	Dissemination of public criminal justice information
44-5-302	Dissemination of criminal history record information that is not public criminal justice information
44-5-303	Dissemination of confidential criminal justice information – procedure for dissemination through court

<b>United States Code References</b>	<b>Description</b>
Public Law 105-251	Volunteers for Children Act

**Policy 5122: Fingerprints and Criminal Background Investigations**

**Status:** DRAFT

**Original Adopted Date:** Pending

It is the policy of the Board that any finalist recommended for hire to a paid or volunteer position with the District involving regular unsupervised access to students in schools, as determined by the \_\_\_\_\_, shall submit to a name-based and fingerprint criminal background investigation [federal fingerprint-based criminal history record check] conducted by the appropriate law enforcement agency prior to consideration of the recommendation for employment or appointment by the Board.

Any requirement of an applicant to submit to a fingerprint background check shall be in compliance with the Volunteers for Children Act of 1998 and applicable federal regulations. If an applicant has any prior record of arrest or conviction by any local, state, or federal law enforcement agency for an offense other than a minor traffic violation, the facts must be reviewed by the \_\_\_\_\_, who shall decide whether the applicant shall be declared eligible for appointment or employment in a manner consistent with the expectations and standards set by the board.

The following applicants for employment, as a condition for employment, will be required, as a condition of any offer of employment, to authorize, in writing, a name-based and fingerprint criminal background investigation:

- A certified employee seeking full- or part-time employment with the District;
- A non-certified or classified employee seeking full- or part-time employment with the District;
- An employee of a person or firm holding a contract with the District, if the employee is assigned to the District;
- A volunteer assigned to work in the District, who has regular unsupervised access to students; and
- Substitute teachers

**Administrative Rules of Montana References**

10.55.716                      Substitute Teachers

**Montana Code Annotated References**

44-5-301

**Description**

Dissemination of public criminal justice information

44-5-302

Dissemination of criminal history record information that is not public criminal justice information

44-5-303

Dissemination of confidential criminal justice information – procedure for dissemination through court

**United States Code References**

Public Law 105-251

**Description**

Volunteers for Children Act



**Form 5122-F(1): Fingerprints and Criminal Background Investigations - Applicant Rights and Consent to Fingerprint Form**

**Status:** DRAFT

**Original Adopted Date:** Pending

*See PDF on the next page.*

## Applicant Rights and Consent to Fingerprint – Policy 5122F

As an applicant who is the subject of a national fingerprint-based criminal history record check for a noncriminal justice purpose (such as an application for employment or a license, an immigration or naturalization matter, security clearance, or adoption), you have certain rights which are discussed below.

- You must be provided written notification<sup>1</sup> by \_\_\_\_\_ that your fingerprints will be used to check the criminal history records of the FBI.
- You must be provided, and acknowledge receipt of, an adequate Privacy Act Statement when you submit your fingerprints and associated personal information. This Privacy Act Statement should explain the authority for collecting your information and how your information will be used, retained, and shared.
- If you have a criminal history record, the officials making a determination of your suitability for employment, license, or other benefit must provide you the opportunity to complete or challenge the accuracy of the information in the record.
- The officials must advise you that the procedures for obtaining a change, correction, or updating of your criminal history record are set forth at Title 28, Code of Federal Regulations (CFR), Section 16.34.
- If you have a criminal history record, you should be afforded a reasonable amount of time to correct or complete the record (or decline to do so) before the officials deny you the employment, license, or other benefit based on information in the criminal history record.<sup>2</sup>

You have the right to expect that officials receiving the results of the criminal history record check will use it only for authorized purposes and will not retain or disseminate it in violation of federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.<sup>3</sup>

If agency policy permits, the officials may provide you with a copy of your FBI criminal history record for review and possible challenge. If agency policy does not permit it to provide you a copy of the record, you may obtain a copy of the record by submitting fingerprints and a fee to the FBI. Information regarding this process may be obtained at <https://www.fbi.gov/services/cjis/identity-history-summary-checks>.

If you decide to challenge the accuracy or completeness of your FBI criminal history record, you should send your challenge to the agency that contributed the questioned information to the FBI. Alternatively, you may send your challenge directly to the FBI at the same address as provided above. The FBI will then forward your challenge to the agency that contributed the questioned information and request the agency to verify or correct the challenged entry. Upon receipt of an official communication from that agency, the FBI will make any necessary changes/corrections to your record in accordance with the information supplied by that agency.

If a change, correction, or update needs to be made to a Montana criminal history record, or if you need additional information or assistance, please contact Montana Criminal Records and Identification Services at [DOJCRISS@mt.gov](mailto:DOJCRISS@mt.gov) or 406-444-3625.

*Your signature below acknowledges this agency has informed you of your privacy rights for fingerprint-based background check requests used by the agency.*

Signed:

---

Name

Date

<sup>1</sup> Written notification includes electronic notification but excludes oral notification.

<sup>2</sup> See 28 CFR 50.12(b).

<sup>3</sup> See 5 U.S.C. 552a(b); 28 U.S.C. 534(b); 42 U.S.C. 14616, Article IV(c); 28 CFR 20.21(c), 20.33(d) and 906.2(d).

## NCPA/VCA Applicants

To \_\_\_\_\_:

You have applied for employment with, will be working in a volunteer position with, or will be providing vendor or contractor services to (write in Agency or Entity name) \_\_\_\_\_ for the position of (please be specific) \_\_\_\_\_.

The National Child Protection Act of 1993 (NCPA), Public Law (Pub. L.) 103-209, as amended by the Volunteers for Children Act (VCA), Pub. L. 105-251 (Sections 221 and 222 of Crime Identification Technology Act of 1998), codified at 42 United States Code (U.S.C.) Sections 5119a and 5119c, authorizes a state and national criminal history background check to determine the fitness of an employee, or volunteer, or a person with unsupervised access to children, the elderly, or individuals with disabilities.

1. Provide your name, address, and date of birth, as appears on a document made or issued by or under the authority of the United States Government, a State, political subdivision of a State, a foreign government, a political subdivision of a foreign government, an international governmental or an international quasi-governmental organization which, when completed with information concerning a particular individual, is of a type intended or commonly accepted for the purpose of identification of individuals. 18 U.S.C. §1028(D)(2).
2. Provide a certification that you (a) have not been convicted of a crime, (b) are not under indictment for a crime, or (c) have been convicted of a crime. If you are under indictment or have been convicted of a crime, you must describe the crime and the particulars of the conviction, if any.
3. Prior to the completion of the background check, the entity may choose to deny you unsupervised access to a person to whom the entity provides care.

The entity shall access and review State and Federal criminal history records and shall make reasonable efforts to make a determination whether you have been convicted of, or are under pending indictment for, a crime that bears upon your fitness and shall convey that determination to the qualified entity. The entity shall make reasonable efforts to respond to the inquiry within 15 business days.

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

First

Middle

Maiden

Last

Date of Birth: \_\_\_\_\_

Address: \_\_\_\_\_

City

State

Zip

☐

I have been convicted of, or am under pending indictment for, the following crimes [include the dates, location/jurisdiction, circumstances and outcome]:

☐

I have not been convicted of, nor am I under pending indictment for, any crimes

☐

I authorize Montana Department of Justice, Criminal Records and Identification Services Section to disseminate criminal history record information to \_\_\_\_\_.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

**Administrative Rules of Montana  
References**

10.55.716

**Description**

Substitute Teachers

**Montana Code Annotated References**

44-5-301

**Description**

Dissemination of public criminal justice information

44-5-302

Dissemination of criminal history record information that is not public criminal justice information

44-5-303

Dissemination of confidential criminal justice information – procedure for dissemination through court

**United States Code References**

Public Law 105-251

**Description**

Volunteers for Children Act

**Policy 5125: Whistle Blowing and Retaliation**

**Status:** DRAFT

**Original Adopted Date:** Pending

When district employees know or have reasonable cause to believe that serious instances of wrongful conduct (e.g., mismanagement of district resources, violations of law and/or abuse of authority) have occurred, they should report such wrongful conduct to the \_\_\_\_\_ or Board Chairperson.

For purposes of this policy, the term “wrongful conduct” shall be defined to include:

- theft of district money, property, or resources;
- misuse of authority for personal gain or other non-district purpose;
- fraud;
- violations of applicable federal and state laws and regulations; and/or
- serious violations of district policy, regulation, and/or procedure.

The Board of Trustees will not tolerate any form of reprisal, retaliation or discrimination against:

- Any employee, or applicant for employment, because he/she opposed any practice that he/she reasonably believed to be made unlawful by federal or state laws prohibiting employment discrimination on the basis of sex, sexual orientation, race, color, national origin, age, religion, height, weight, marital status, handicap or disability.
- Any employee, or applicant for employment, because he/she filed a charge, testified, assisted or participated, in any manner, in an investigation, proceeding or hearing under federal or state laws prohibiting employment discrimination on the basis of sex, sexual orientation, race, color, national origin, age, religion, height, weight, marital status, handicap or disability or because he/she reported a suspected violation of such laws according to this policy; or,
- Any employee or applicant because he/she reported, or was about to report, a suspected violation of any federal, state or local law or regulation to a public body (unless the employee knew that the report was false) or because he/she was requested by a public body to participate in an investigation, hearing or inquiry held by that public body or a court.

An employee or applicant for employment who believes that he/she has suffered reprisal, retaliation or discrimination in violation of this policy shall report the incident(s) to the \_\_\_\_\_ or his/her designee. The Board of Trustees guarantees that no employee or applicant for employment who makes such a report will suffer any form of reprisal, retaliation or discrimination for making the report. Individuals are forbidden from preventing or interfering with whistle blowers who make good faith disclosures of misconduct.

The Board or its agents will not discharge, discipline or otherwise penalize any employee because the employee or someone acting on the employee's behalf, reports, verbally or in writing, a violation or suspected violation of any state or federal law or regulation or any town/city ordinance or regulation to a public body, or because an employee is requested by a public body to participate in an investigation, hearing or inquiry held by that public body, or a court action. Further, the Board or its agents will not discharge, discipline or otherwise penalize any employee because the employee, or a person acting on his/her behalf, reports, verbally or in writing, to a public body, as defined in the statutes, concerning unethical practices, mismanagement or abuse of authority by the employer. This section does not apply when an employee knowingly makes a false report.

The District will exercise reasonable efforts to:

- investigate any complaints of retaliation or interference made by whistle blowers;
- take immediate steps to stop any alleged retaliation; and
- discipline any person associated with the District found to have retaliated against or interfered with a whistle blower.

The Board of Trustees considers violations of this policy to be a major offense that will result in disciplinary action, up to and including termination, against the offender, regardless of the offender's position within the District.

The Board shall make this policy available to its staff by posting it on its website with its other District policies.

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<b>United States Code References</b>	<b>Description</b>
20 U.S.C. 1681, et seq.	Title IX of the Education Amendments of 1972
29 U.S.C. §158(a)	National Labor Relations Act
29 U.S.C. §201 et seq	Fair Labor Standards Act
29 U.S.C. §2601, et seq	Family and Medical Leave Act
29 U.S.C. §6660(c)	Occupational Safety and Health Act
29 USC 701, et seq	Section 504 of the Rehabilitation Act
42 USC 12101, et seq.	Title II of the Americans with Disabilities Act of 1990
42 USC 2000d et seq.	Civil Rights Act, Title VI
42 USC 2000e et seq.	Civil Rights Act, Title VII

**Policy 5130: Staff Health**

**Status:** DRAFT

**Original Adopted Date:** Pending

Medical Examinations

Through its overall safety program and various policies pertaining to school personnel, the Board will promote the safety of employees during working hours and assist them in the maintenance of good health. The Board will encourage all its employees to maintain optimum health through the practice of good health habits.

The Board may require physical examinations of its employees, under circumstances defined below. The District will maintain results of physical examinations in medical files separate from the employee's personnel file and will release them only as permitted by law.

Physical Examinations

The District participates in a Pre-Placement Physical Program for all custodial and maintenance personnel and other positions deemed inclusive of this policy as determined by specific Board action. Subsequent to a conditional offer of employment in a position for which the District may require participation in a pre-placement physical but before commencement of work, the District may require an applicant to have a medical examination and to meet any other health requirements which may be imposed by the state. The District may condition an offer of employment on the results of such examination, if all employees who received a conditional offer of employment in the applicable job category are subject to such examination. The report shall certify the employee's ability to perform the job-related functions of the position for which the employee is being considered. Such examination shall be used only to determine whether the applicant is able to perform with reasonable accommodation job-related functions.

All bus drivers, whether full-time, regular part-time, or temporary part-time, are required by state law to have a satisfactory medical examination before employment.

Communicable Diseases

The term "communicable disease" refers to the diseases identified in 37.114.203, ARM, Reportable Diseases, with the exception of common colds and flu.

If a staff member has a communicable disease, the staff member must notify the school nurse or other responsible person designated by the Board of the communicable disease which could be life threatening to an immune-compromised person. The school nurse or other responsible person designated by the Board must determine, after consultation with and on the advice of public health officials, if the immune-compromised person needs appropriate accommodation to protect their health and safety.

An employee with a communicable disease shall not report to work during the period of time in which the employee is infectious. An employee afflicted with a communicable disease capable of being readily transmitted in the school setting (e.g., airborne transmission of tuberculosis) shall be encouraged to report the existence of the illness so that precautions may be taken to protect the health of others. The District reserves the right to require a statement from an employee's primary care provider, before the employee may return to work.

Confidentiality

In all instances, District personnel will respect an individual's right to privacy and treat any medical diagnosis as confidential information. Any information obtained regarding the medical condition or history of any employee will be collected and maintained on separate forms and in separate medical files and will be treated as confidential information. Only those individuals with a legitimate need to know will be provided necessary medical information.

Supervisors and managers may be informed of necessary restrictions on the work or duties of an employee and necessary accommodations. First aid and safety personnel may be informed, when appropriate, if a staff member with a disability might require emergency treatment.

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<b>Administrative Rules of Montana References</b>	<b>Description</b>
37.111.825	Health Supervision and Maintenance

**Montana Code Annotated References**

20-10-103

49-2-303

**Description**

School bus driver qualifications

Discrimination in Employment

**United States Code References**

29 USC 701, et seq

42 USC 12101, et seq.

**Description**

Section 504 of the Rehabilitation Act

Title II of the Americans with Disabilities Act of 1990



**Policy 5140: Classified Employment and Assignment**

**Status:** DRAFT

**Original Adopted Date:** Pending

Employees designated as “classified” employees include all non-teaching positions or duties in the District.

Each newly hired classified employee will either be hired: (1) as a probationary employee, or (2) immediately be placed on a written contract for a specific term with a beginning and ending date, within the meaning of Section 39-2-912(2), MCA. Employees initially hired on a written contract for a specific term will have no expectation of continued employment beyond the current contract term, and in the absence of Board action to offer a subsequent contract, the employment will automatically conclude at the conclusion of the contract term.

For those employees hired as probationary employees, such employees will be required to complete a probationary period of \_\_\_\_ months. The Board authorizes the \_\_\_\_\_ to extend the probationary period in a manner permitted by law. Any extension of the probationary period by the \_\_\_\_\_, together with the original probationary period, may not exceed a total of 18 months. Leaves of absence by an employee for a period of more than 5 consecutive working days other than holidays or vacations during the probationary period (select one: will/will not) be counted as part of the probationary period.

During the probationary period of employment, the employment may be terminated at the will of either the School District or the employee on notice to the other for any reason or no reason. Prior to the conclusion of the original or extended probationary period, the \_\_\_\_\_ will determine whether to retain the employee or make a recommendation to the Board for termination of probationary employment. If the employee is retained, the employee will be designated as one of the following types of employees depending on the factors noted.

Designation 1: If, before the probationary period concludes, the employee is placed on a written employment contract, the employment contract shall be a written contract of employment for a specific term with a beginning and ending date, within the meaning of Section 39-2-912(2), MCA. The employee will have no expectation of continued employment beyond the current contract term, and in the absence of Board action to offer a subsequent contract, the employment will automatically conclude at the conclusion of the contract term.

If the employee is issued subsequent contracts for a specific term following the initial contract, a probationary period will not apply. The employee will be subject to terms of the contract including the beginning and ending date, within the meaning of Section 39-2-912(2), MCA. The employee will have no expectation of continued employment beyond the current contract term, and in the absence of Board action to offer a subsequent contract, the employment will automatically conclude at the conclusion of the contract term.

Designation 2: If, after the probationary period concludes, the employee is not placed on a written employment contract for a specific term, the employee's service to the District will be subject to the provisions in Title 39, Chapter 2, Part 9, MCA.

Designation 3: If, after the probationary period concludes, the employee is subject to the provisions of a collective bargaining agreement, the employee's service to the District will be subject to the terms of the collective bargaining agreement within the meaning of Section 39-2-912, MCA.

Subject to any applicable collective bargaining agreement, the District reserves the right to: (1) change employment conditions affecting an employee's duties, assignment, supervisor, or grade and/or (2) determine the salary and benefits for classified employees.

*\*If the employer does not establish a specific probationary period, the probationary period is presumed to be twelve months*

**Montana Code Annotated References**

**Description**

39-2-903

Definitions

39-2-904

Elements of wrongful discharge – presumptive probationary period

39-2-912

Exemptions

**Policy 5210: Assignments, Reassignments, Transfers**

**Status:** DRAFT

**Original Adopted Date:** Pending

The \_\_\_\_\_ may assign, reassign, and/or transfer positions and duties of all staff. Teachers will be assigned at the levels and in the subjects for which they are licensed and endorsed, or for which they are enrolled in an internship as defined in ARM 10.55.602 and meet the requirements of ARM 10.55.607. The \_\_\_\_\_ will provide for a system of assignment, reassignment, and transfer of classified staff, including voluntary transfers and promotions. Nothing in this policy prevents reassignment of a staff member during a school year.

Classified Staff

The District retains the right of assignment, reassignment, and transfer.

Teaching

Notice of their teaching assignments relative to grade level, building, classroom or work space, and subject area will be given to teachers before the beginning of the school year.

Provisions governing vacancies, promotions, and voluntary or involuntary transfers may be found in negotiated agreements or employee handbooks

**Montana Code Annotated References**

20-4-402

39-31-303

Title 39, Chapter 31

**Description**

Duties of district superintendent or county high school principal

Management rights of public employers

Collective bargaining for public employees

**Montana Supreme Court References**

2008 MT 9

**Description**

Bonner School District No. 14 v. Bonner Education Association, MEA- MFT, NEA, AFT, AFL-CIO

**Policy 5220: Prohibition on Aiding Sexual Abuse**

**Status:** DRAFT

**Original Adopted Date:** Pending

Prohibition on Aiding Sexual Abuse

The district prohibits any employee, contractor or agent from assisting a school employee, contractor or agent in obtaining a new job if the individual or district knows or has probable cause to believe that such school employee, contractor or agent engaged in sexual misconduct regarding a minor or a student in violation of the law. This prohibition does not include the routine transmission of administrative and personnel files.

This prohibition does not apply under certain conditions specified by the Every Student Succeeds Act (ESSA) such as:

1. The matter has been reported to law enforcement authorities and it has been officially closed or the school officials have been notified by the prosecutor or police after an investigation that there is insufficient information to establish probable cause, or;
2. The individual has been acquitted or otherwise cleared of the alleged misconduct, or;
3. The case remains open without charges for more than 4 years after the information was reported to a law enforcement agency.

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**Montana Code Annotated References**

45-2-302, MCA

**Description**

When accountability exists.

**United States Code References**

20 USC 8546

**Description**

Prohibition on aiding and abetting sexual abuse

**Policy 5222: Evaluation of Staff**

**Status:** DRAFT

**Original Adopted Date:** Pending

Each certified staff member's job performance will be evaluated by the staff member's direct supervisor. Non-tenured certified staff shall be evaluated, at a minimum, CHOOSE ONE [on at least an annual basis] [ 2 times per year]. Tenured certified staff members may be evaluated according to the terms stated in the current collective bargaining agreement if applicable or once per year. The evaluation model shall be aligned with applicable district goals, standards of the Board of Public Education, and the district's mentorship and induction program. It shall identify what skill sets are to be evaluated, include both summative and formative elements, and include an assessment of the educator's effectiveness in supporting every student in meeting rigorous learning goals through the performance of the educator's duties.

The supervisor will provide a copy of the completed evaluation to the staff member and will provide opportunity to discuss the evaluation. The original should be signed by the staff member and placed in the personnel file. If the staff member refuses to sign the evaluation, the supervisor should note the refusal and submit the evaluation to the -----.

Evaluation of Classified Staff

Each classified staff member's job performance will be evaluated by the staff member's direct supervisor. The supervisor will provide a copy of the completed evaluation to the staff member and will provide opportunity to discuss the evaluation. The original should be signed by the staff member and placed in the personnel file. If the staff member refuses to sign the evaluation, the supervisor should note the refusal and submit the evaluation to the -----.

**Administrative Rules of Montana References**

10.55.701

**Description**

Board of Trustees

**Montana Code Annotated References**

Title 39, Chapter 31

**Description**

Collective bargaining for public employees

**Policy 5223: Personal Conduct**

**Status:** DRAFT

**Original Adopted Date:** Pending

School District employees will abide by all district policies, state and federal laws in the course of their employment. Where applicable, employees will abide by and honor the professional educator code of conduct.

All employees are expected to maintain high standards of honesty, integrity, professionalism, decorum, and impartiality in the conduct of District business. All employees shall maintain appropriate employee-student relationship boundaries in all respects, including but not limited to personal, speech, print, and digital communications. Failure to honor the appropriate employee student relationship boundary will result in a report to the Department of Public Health and Human Services and the appropriate law enforcement agency.

In accordance with state law, an employee shall not dispense or utilize any information gained from employment with the District, accept gifts or benefits, or participate in business enterprises or employment that creates a conflict of interest with the faithful and impartial discharge of the employee's District duties. A District employee, before acting in a manner which might impinge on any fiduciary duty, may disclose the nature of the private interest which would create a conflict. Care should be taken to avoid using or avoid the appearance of using official positions and confidential information for personal advantage or gain. Curriculum or materials created within the course of the employee's duties for the District using District resources are considered to be the property of the District.

Further, employees are expected to hold confidential all information deemed not to be for public consumption as determined by state law and Board policy. Employees also will respect the confidentiality of people served in the course of an employee's duties and use information gained in a responsible manner. The Board may discipline, up to and including discharge, any employee who discloses confidential and/or private information learned during the course of the employee's duties or learned as a result of the employee's participation in a closed (executive) session of the Board. Discretion should be used even within the school system's own network of communication and confidential information should only be communicated on a need to know basis. Employees shall not record or cause to be recorded a conversation by use of a hidden electronic or mechanical device which may include any combination of audio or video that reproduces a human conversation without the knowledge of all parties to the conversation.

Administrators and supervisors may set forth specific rules and regulations governing staff conduct on the job within a particular building.

**Firearms and Weapons**

Employees of the District shall not injure or threaten to injure another person; damage another's property or that of the District; or possess any firearm or other non-firearm weapon on school property at any time.

For the purposes of this policy, the term "firearm" means (A) any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device pursuant to

18 U.S.C. 921 (4). Such term does not include an antique firearm pursuant to 18 U.S.C. 921 (16). For purposes of this policy, "non-firearm weapon" means any object, device, or instrument designed as a weapon or through its use is capable of intimidating threatening or producing bodily harm or which may be used to inflict injury, including but not limited to air guns; pellet guns; BB guns; fake or facsimile weapons; all knives; blades; clubs; metal knuckles; nunchucks; throwing stars; explosives; fireworks; mace or other propellants; stun guns; ammunition; poisons; chains; arrows; and objects that have been modified to serve as a weapon.

District administrators are authorized to appropriate action, as circumstances warrant, to enforce this section of the policy including but not limited to requesting the assistance of law enforcement in accordance with Montana law.

For the purposes of this policy, "school property" means within school buildings, in vehicles used for school purposes, or on owned or leased school land or grounds. "Building" specifically means a combination of any materials, whether mobile, portable, or fixed, to form a structure and the related facilities for the use or occupancy by persons or property owned or leased by a local school district that are used for instruction or for student activities as specified in Section 50-60-101(2), MCA and Section 45-8-361, MCA. The term is construed as though followed by the words "or part or parts of a building" and is considered to include all stadiums, bleachers, and other similar outdoor facilities,

whether temporary or permanently fixed.

This section does not apply to a law enforcement officer acting in the officer's official capacity or an individual previously authorized by the Board of Trustees to possess a firearm or weapon in a school building.

The Board of Trustees shall annually review this policy and update this policy as determined necessary by the trustees based on changing circumstances pertaining to school safety.

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<b>Administrative Rules of Montana References</b>	<b>Description</b>
10.55.701	Board of Trustees
<b>Montana Code Annotated References</b>	<b>Description</b>
2-2-102	Definitions
2-2-103	Public Trust
2-2-104	Rules of Conduct
2-2-105	Ethical Requirements
2-2-121	Rules of Conduct
20-1-201	School Officials not to Act as Agents
20-3-324	Powers and duties
45-5-501	Definitions
45-5-502	Sexual assault
45-8-213	Privacy in communications
45-8-361	Possession of weapon in a school building
<b>Montana Constitution References</b>	<b>Description</b>
Article X, section 8	School District Trustees

**Policy 5224: Political Activity**

**Status:** DRAFT

**Original Adopted Date:** Pending

The Board recognizes its employees' rights of citizenship, including but not limited to engaging in political activities. A District employee may seek an elective office, provided the employee does not campaign on school property during working hours, and provided all other legal requirements are met. The District assumes no obligation beyond making such opportunities available. An employee elected to office is entitled to take a leave of absence without pay, in accordance with the provisions of § 39-2-104, MCA.

No person, in or on District property, may attempt to coerce, command, or require a public employee to support or oppose any political committee, the nomination or election of any person to public office, or the passage of a ballot issue.

No District employee may solicit support for or in opposition to any political committee, the nomination or election of any person to public office, or the passage of a ballot issue, while on the job or in or on District property.

Nothing in this policy is intended to restrict the right of District employees to express their personal political views.

**Montana Code Annotated References**

	<b>Description</b>
13-35-226	Unlawful acts of employers and employees
2-2-102	Definitions
2-2-103	Public Trust
2-2-104	Rules of Conduct
2-2-105	Ethical Requirements
2-2-121	Rules of Conduct
39-2-104	Mandatory leave of absence for employees holding public office

**United States Code References**

	<b>Description</b>
5 U.S.C. 7321	Hatch Act

**Policy 5226: Drug-Free Workplace**

**Status:** DRAFT

**Original Adopted Date:** Pending

All District workplaces are drug- and alcohol-free. All employees are prohibited from:

- Unlawfully manufacturing, dispensing, distributing, possessing, using, or being under the influence of a controlled substance while on District premises or while performing work for the District, or;
- Distributing, consuming, using, possessing, or being under the influence of alcohol while on District premises or while performing work for the District.

For purposes of this policy, a controlled substance is defined as:

- Not legally obtainable;
- Being used in a manner other than as prescribed;
- Legally obtainable but has not been legally obtained;
- marijuana or marijuana paraphernalia that is possessed or consumed on the grounds of any property owned or leased by a school district, a public or private preschool, school, or postsecondary school or in a school bus;
- marijuana purchased, consumed, transported, possessed, or used of by a person under 21 years of age;
- marijuana smoked in a location where smoking tobacco is prohibited;
- marijuana consumed in a manner that endangers others; or
- Referenced in federal or state controlled-substance acts.

As a condition of employment, each employee will:

- Abide by the terms of the District policy respecting a drug- and alcohol-free workplace; and
- Notify his or her supervisor of his or her conviction under any criminal drug statute, for a violation occurring on District premises or while performing work for the District, no later than five (5) days after such conviction.

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

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

District Action Upon Violation of Policy

An employee who violates this policy may be subject to disciplinary action; up to and including termination of employment. Alternatively, the Board may require an employee to successfully complete an appropriate drug- or alcohol-abuse, employee-assistance rehabilitation program.

The Board will take disciplinary action with respect to an employee convicted of a drug offense in the workplace, within thirty (30) days of receiving notice of a conviction.

Should District employees be engaged in the performance of work under a federal contract or grant, or under a state contract or grant, the \_\_\_\_\_ will notify the appropriate state or federal agency from which the District receives



contract or grant moneys of an employee's conviction, within ten (10) days after receiving notice of the conviction.

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**Montana Code Annotated References**

16-12-108

**Description**

Limitations of Marijuana Regulation Act

20-3-324

Powers and duties

**United States Code References**

41 USC 702, et seq

**Description**

Drug-free workplace requirements for federal grant recipients

Policy 5228: Drug and Alcohol Testing for Bus and Commercial Vehicle Drives

Status: DRAFT

Original Adopted Date: Pending

The District will adhere to federal law and regulations requiring a drug and alcohol testing program for school bus and commercial vehicle drivers.

The program will comply with requirements of the Code of Federal Regulations, Title 49, §§ 382, et seq. The \_\_\_\_\_ will adopt and enact regulations consistent with federal regulations, defining the circumstances and procedures for testing.

United States Code References	Description
49 U.S.C. 45101, et seq.	Alcohol and Controlled Substances Testing
Code of Federal Regulations References	Description
49 CFR Part 395	Hours of service of drivers
49 CFR Part 40	Procedures for Transportation Workplace Drug and Alcohol Testing Programs

**Procedure 5228-P(1): Drug and Alcohol Testing for Bus and Commercial Vehicle Drives**

**Status:** DRAFT

**Original Adopted Date:** Pending

School bus and commercial vehicle drivers shall be subject to a drug and alcohol testing program that fulfills the requirements of the Code of Federal Regulations, Title 49, Part 382.

Other persons who drive vehicles designed to transport sixteen (16) or more passengers, including the driver, are likewise subject to the drug and alcohol testing program.

Testing procedures and facilities used for the tests shall conform with the requirements of the Code of Federal Regulations, Title 49, §§ 40, et seq.

Pre-Employment Tests

Tests shall be conducted before the first time a driver performs any safety-sensitive function for the District. Safety-sensitive functions include all on-duty functions performed from the time a driver begins work or is required to be ready to work, until he/she is relieved from work and all responsibility for performing work. It includes driving; waiting to be dispatched; inspecting and servicing equipment; supervising, performing, or assisting in loading and unloading; repairing or obtaining and waiting for help with a disabled vehicle; performing driver requirements related to accidents; and performing any other work for the District or paid work for any entity.

The tests shall be required of an applicant only after he/she has been offered the position.

Exceptions may be made for drivers who have had the alcohol test required by law within the previous six (6) months and participated in the drug testing program required by law within the previous thirty (30) days, provided that the District has been able to make all verifications required by law.

Post-Accident Tests

Alcohol and controlled substance tests shall be conducted as soon after an accident as practicable on any driver:

1. Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved loss of human life; or
2. Who receives a citation within 8 hours of the occurrence under state or local law, for a moving traffic violation arising from the accident if the accident involved:
  - i. Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
  - ii. One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

Disabling damage under the law means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

Accidents will be reported to the Superintendent or designee immediately. Drivers shall make themselves readily available for testing, absent the need for immediate medical attention. No such driver shall use alcohol for eight (8) hours after the accident, or until after he/she undergoes a post-accident alcohol test, whichever occurs first. If an alcohol test is not administered within two (2) hours or if a drug test is not administered within thirty-two (32) hours, the District shall prepare and maintain records explaining why the test was not conducted. Tests will not be given if not administered within eight (8) hours after the accident for alcohol or within thirty-two (32) hours for drugs. Tests conducted by authorized federal, state, or local officials will fulfill post-accident testing requirements, provided they conform to applicable legal requirements and are obtained by the District. Breath tests will validate only the alcohol test and cannot be used to fulfill controlled substance testing obligations.

Random Tests

Tests shall be conducted on a random basis at unannounced times throughout the year. Tests for alcohol shall be conducted just before, during, or just after the performance of safety-sensitive functions. The number of random

alcohol tests annually must equal twenty-five percent (25%) of the average number of driver positions. The number of random drug tests annually must equal fifty percent (50%) of the average number of driver positions. Drivers shall be selected by a scientific random process, and each driver shall have an equal chance of being tested each time.

#### Reasonable Suspicion Tests

Tests shall be conducted when a supervisor or District official trained in accordance with law has reasonable suspicion that the driver has violated the District's alcohol or drug prohibitions. This reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the driver's appearance, behavior, speech, or body odors. The observations may include indications of the chronic and withdrawal effects of controlled substances.

Alcohol tests are authorized for reasonable suspicion only if the required observations are made during, just before, or just after the period of the work day when the driver must comply with alcohol prohibitions. An alcohol test may not be conducted by the person who determines that reasonable suspicion exists to conduct such a test. If an alcohol test is not administered within two (2) hours of a determination of reasonable suspicion, the District shall prepare and maintain a record explaining why this was not done. Attempts to conduct alcohol tests shall terminate after eight (8) hours.

A District official who makes observations leading to a controlled substance reasonable suspicion test shall make a written record of observations within twenty-four (24) hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

#### Enforcement

Any driver who refuses to submit to a post-accident, random, reasonable suspicion, or follow-up test shall not perform or continue to perform safety-sensitive functions.

Drivers who test positive for alcohol or drugs shall be subject to disciplinary action up to and including termination of employment.

A driver who violates District prohibitions related to drugs and alcohol shall receive from the District the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs available to evaluate and resolve drug and alcohol-related problems. The employee shall be evaluated by a substance abuse professional who shall determine what help, if any, the driver needs in resolving such a problem.

Any substance abuse professional who determines that a driver needs assistance shall not refer the driver to a private practice, person, or organization in which he/she has a financial interest, except under circumstances allowed by law.

An employee identified as needing help in resolving a drug or alcohol problem shall be evaluated by a substance abuse professional to determine that he/she has properly followed the prescribed rehabilitation program and shall be subject to unannounced follow-up tests after returning to duty.

#### Return-to-Duty Tests

A drug or alcohol test shall be conducted when a driver who has violated the District's drug or alcohol prohibition returns to performing safety-sensitive duties.

Employees whose conduct involved drugs cannot return to duty in a safety-sensitive function until the return-to-duty drug test produces a verified negative result.

Employees whose conduct involved alcohol cannot return to duty in a safety-sensitive function until the return-to-duty alcohol test produces a verified result that meets federal and District standards.

#### Follow-Up Tests

A driver who violates the District's drug or alcohol prohibition and is subsequently identified by a substance abuse professional as needing assistance in resolving a drug or alcohol problem shall be subject to unannounced follow-up testing as directed by the substance abuse professional in accordance with law. Follow-up alcohol testing shall be conducted just before, during, or just after the time when the driver is performing safety-sensitive functions.

## Records

Employee drug and alcohol test results and records shall be maintained under strict confidentiality and released only in accordance with law. Upon written request, a driver shall receive copies of any records pertaining to his/her use of drugs or alcohol, including any records pertaining to his/her drug or alcohol tests. Records shall be made available to a subsequent employer or other identified persons only as expressly requested in writing by the driver.

## Notifications

Each driver shall receive educational materials that explain the requirements of the Code of Federal Regulations, Title 49, Part 382, together with a copy of the District's policy and regulations for meeting these requirements. Representatives of employee organizations shall be notified of the availability of this information. The information shall identify:

1. The person designated by the District to answer driver questions about the materials;
2. The categories of drivers who are subject to the Code of Federal Regulations, Title 49, Part 382;
3. Sufficient information about the safety-sensitive functions performed by drivers to make clear what period of the work day the driver is required to comply with Part 382;
4. Specific information concerning driver conduct that is prohibited by Part 382;
5. The circumstances under which a driver will be tested for drugs and/or alcohol under Part 382;
6. The procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of test results, and ensure that test results are attributed to the correct driver;
7. The requirement that a driver submit to drug and alcohol tests administered in accordance with Part 382;
8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences;
9. The consequences for drivers found to have violated the drug and alcohol prohibitions of Part 382, including the requirement that the driver be removed immediately from safety-sensitive functions and the procedures for referral, evaluation, and treatment;
10. The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04;
11. Information concerning the effects of drugs and alcohol on an individual's health, work, and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a coworker's); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to an employee assistance program, and/or referral to management; and
12. The requirement that the following personal information collected and maintained under this part shall be reported to the Commercial Driver's License Drug and Alcohol Clearinghouse:
  - A. A verified positive, adulterated, or substituted drug test result;
  - B. An alcohol confirmation test with a concentration of 0.04 or higher;
  - C. A refusal to submit to any test required by law;
  - D. An employer's report of actual knowledge, as defined in law;
  - E. On duty alcohol use;
  - F. Pre-duty alcohol use;
  - G. Alcohol use following an accident;

- H. Controlled substance use;
- I. A substance abuse professional report of the successful completion of the return-to-duty process;
- J. A negative return-to-duty test; and
- K. An employer's report of completion of follow-up testing.

Drivers shall also receive information about legal requirements, District policies, and disciplinary consequences related to the use of alcohol and drugs.

Each driver shall sign a statement certifying that he/she has received a copy of the above materials.

Before any driver operates a commercial motor vehicle, the District shall provide him/her with post-accident procedures that will make it possible to comply with post-accident testing requirements.

Before drug and alcohol tests are performed, the District shall inform drivers that the tests are given pursuant to the Code of Federal Regulations, Title 49, Part 382. This notice shall be provided only after the compliance date specified in law.

The District shall notify a driver of the results of a pre-employment drug test if the driver requests such results within sixty (60) calendar days of being notified of the disposition of his/ her employment application.

The District shall notify a driver of the results of random, reasonable suspicion, and post-accident drug tests if the test results are verified positive. The District shall also tell the driver which controlled substance(s) were verified as positive.

Drivers shall inform their supervisors if at any time they are using a controlled substance which their physician has prescribed for therapeutic purposes. Such a substance may be used only if the physician has advised the driver that it will not adversely affect his/her ability to safely operate a commercial motor vehicle.

#### Clearinghouse

The School District will comply with the requirements of the Commercial Driver's License Drug and Alcohol Clearinghouse. The School District and Transportation service providers are called upon to report DOT drug and alcohol testing program violations to the Clearinghouse. Drivers have been notified that any information subject to disclosure will be submitted to the Clearinghouse in accordance with this policy and applicable regulations.

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#### **United States Code References**

49 U.S.C. 45101, et seq.

#### **Description**

Alcohol and Controlled Substances Testing

#### **Code of Federal Regulations References**

49 CFR Part 395

#### **Description**

Hours of service of drivers

49 CFR Part 40

Procedures for Transportation Workplace Drug and Alcohol Testing Programs

**Form 5228-F(1): Drug and Alcohol Testing for Bus and Commercial Vehicle Drives -  
Acknowledgement of Receipt Form**

**Status:** DRAFT

**Original Adopted Date:** Pending

*See PDF on the next page.*

**ACKNOWLEDGEMENT OF RECEIPT  
POLICY 5228F1**

I, \_\_\_\_\_, an employee serving as a commercially licensed driver for \_\_\_\_\_ School District complete this form to document that I have received School District Policies 5228 and 5228P and been given the opportunity to ask questions about the policies to fully understand how the policies govern my employment with the School District.

Employee Signature:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Supervisor Receipt:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



**United States Code References**

49 U.S.C. 45101, et seq.

**Description**

Alcohol and Controlled Substances Testing

**Code of Federal Regulations References      Description**

49 CFR Part 395

Hours of service of drivers

49 CFR Part 40

Procedures for Transportation Workplace Drug and Alcohol Testing Programs

**Form 5228-F(2): Drug and Alcohol Testing for Bus and Commercial Vehicle Drives -  
Request for Records**

**Status:** DRAFT

**Original Adopted Date:** Pending

*See PDF on the next page.*

**REQUEST FOR RECORDS  
POLICY 5228F2**

I, \_\_\_\_\_, an employee serving as a commercially licensed driver for \_\_\_\_\_ School District complete this form to request any records pertaining to my use of drugs or alcohol, including any records pertaining to my drug or alcohol tests in accordance with School District Policies 5228 and 5228P. If I chose to have these records forwarded to a third party, I am noting the contact information in the space provided on this form.

Employee Signature:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Supervisor Receipt:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

- ☐ I authorize the School District to send the requested records to the following individual or entity in accordance with the authorization outlined on this form.

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**United States Code References**

49 U.S.C. 45101, et seq.

**Description**

Alcohol and Controlled Substances Testing

**Code of Federal Regulations References      Description**

49 CFR Part 395

Hours of service of drivers

49 CFR Part 40

Procedures for Transportation Workplace Drug and Alcohol Testing Programs

**Policy 5231: Personnel Records**

**Status:** DRAFT

**Original Adopted Date:** Pending

The District maintains a complete confidential and permanent personnel record for every current and former employee. The employees' personnel records will be maintained in the District's \_\_\_\_\_ office, under the \_\_\_\_\_ direct supervision. Employees will be given a copy of their personnel record upon request.

The District may release public information regarding the professional qualifications, degrees, and experience of teachers and the qualifications of paraprofessionals to parents upon request. Access to other information is governed by Policy 4340.

Personnel records must be kept for 10 years after separation of employment.

**Montana Code Annotated References**

2-6-1003

**Description**

Access to Public Information

2-6-1006

Public Information requests - fees

20-1-212

Destruction of Records by school officer

Title 39, Chapter 31

Collective bargaining for public employees

**United States Code References**

29 USC 701, et seq

**Description**

Section 504 of the Rehabilitation Act

**Procedure 5231-P(1): Personnel Records - Filing Procedure**

**Status:** DRAFT

**Original Adopted Date:** Pending

The District shall maintain a cumulative personnel file in the administrative office for each of its employees, as required by the Office of Public Instruction and current personnel policies. These records are not to leave the administrative office except as specifically authorized by the \_\_\_\_\_, and then only by signed receipt. Payroll records are maintained separately.

Contents of Personnel Files

A personnel file may contain but is not limited to transcripts from colleges or universities, information allowed by statute, a record of previous employment (other than college placement papers for periods beyond active candidacy for a position), evaluations, copies of contracts, and copies of letters of recommendation requested by an employee. All material in the personnel file must be related to the employee's work, position, salary, or employment status in the District. All documents, communications, and records dealing with the processing of a grievance shall be filed separately from the personnel files of the participants.

No material derogatory to an employee's conduct, service, character, or personality shall be placed in the file, unless such placement is authorized by the \_\_\_\_\_, as indicated by the \_\_\_\_\_'s initials, and unless the employee has had adequate opportunity to read the material. For the latter purpose, the \_\_\_\_\_ shall take reasonable steps to obtain the employee's initials or signature verifying that the employee has received a copy of the material. If the employee refuses to sign the document indicating that the employee has had an opportunity to read it, the \_\_\_\_\_ will place an addendum to the document, noting that the employee was given a copy but refused to sign. The \_\_\_\_\_ will date and sign the addendum.

**Montana Code Annotated References**

2-6-1003	Access to Public Information
2-6-1006	Public Information requests - fees
20-1-212	Destruction of Records by school officer
Title 39, Chapter 31	Collective bargaining for public employees

**Description**

**United States Code References**

29 USC 701, et seq	Section 504 of the Rehabilitation Act
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**Description**

**Policy 5232: Abused and Neglected Child Reporting**

**Status:** DRAFT

**Original Adopted Date:** Pending

A District employee who has reasonable cause to suspect, as a result of information they receive in their professional or official capacity, that a child is abused, neglected, or subjected to sex trafficking by anyone regardless of whether the person suspected of causing the abuse, neglect, or trafficking is a parent or other person responsible for the child's welfare, shall report the matter promptly to the Department of Public Health and Human Services or local law enforcement.

Child abuse or neglect means actual physical or psychological harm to a child, substantial risk of physical or psychological harm to a child, exposure to or involvement with sex trafficking, and abandonment. This definition includes sexual abuse and sexual contact by or with a student. The obligation to report suspected child abuse or neglect also applies to actual or attempted sexual or romantic contact between a student and a staff member.

The District administration is authorized to provide access to educational resources for interested parents, teachers, and students on how to prevent and report child abuse, neglect and sex trafficking; identify the warning signs of child abuse, neglect and sex trafficking; recognize predatory behaviors; and coordinate efforts with law enforcement, the Department of Public Health and Human Services, and local organizations on these topics.

A District employee who makes a report of child abuse, neglect, or sex trafficking is encouraged to notify the District of the report. An employee does not discharge the obligation to personally report by notifying the District.

Any District employee who fails to report a suspected case of abuse, neglect, or sex trafficking to law enforcement or the Department of Public Health and Human Services, or who prevents another person from doing so, may be civilly liable for damages proximately caused by such failure or prevention and is guilty of a misdemeanor. The employee will also be subject to disciplinary action up to and including termination.

When a District employee makes a report, the Department of Public Health and Human Services may share information with that individual or others as permitted by law. Individuals in the District who receive information related to a report of child abuse, neglect, or sex trafficking shall maintain the confidentiality of the information.

**Montana Code Annotated References**

20-7-1316	Child Sex Trafficking Prevention
41-3-201	Reports
41-3-202	Action on reporting
41-3-203	Immunity from liability
41-3-205	Confidentiality - disclosure exceptions
41-3-207	Penalty for failure to report
45-5-501	Definitions
45-5-502	Sexual assault

**United States Code References**

38 U.S.C. 4301-4334	The Uniformed Services Employment and
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**Policy 5250: Termination from Employment**

**Status:** DRAFT

**Original Adopted Date:** Pending

The Board, after receiving the recommendations of the \_\_\_\_\_, will determine the non-renewal or termination of certified and classified staff, in conformity with state statutes and applicable District policy.

**Montana Code Annotated References**

**Description**

20-3-324	Powers and duties
20-4-204	Termination of tenure teacher services
20-4-206	Notification of nontenure teacher reelection – acceptance – termination.
20-4-207	Dismissal of teacher under contract
39-2-912	Exemptions to Wrongful Discharge from Employment Act
Title 39, Chapter 31	Collective bargaining for public employees



Policy 5251: Resignations

Status: DRAFT

Original Adopted Date: Pending

The Board authorizes the \_\_\_\_\_ to accept on its behalf resignations from any District employee. The \_\_\_\_\_ shall provide written acceptance of the resignation, including the date of acceptance, to the employee, setting forth the effective date of the resignation.

Once the \_\_\_\_\_ has accepted the resignation, it may not be withdrawn by the employee. The resignation and its acceptance should be reported as information to the Board at the next regular or special meeting.

Montana Supreme Court References	Description
225 Mont. 272, 731 P.2d 1318 (1987)	Booth v. Argenbright

**Policy 5255: Disciplinary Action**

**Status:** DRAFT

**Original Adopted Date:** Pending

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

Discipline will be reasonably appropriate to the circumstance and will include but not be limited to a supervisor's right to reprimand an employee and the \_\_\_\_\_ right to suspend an employee, without pay, or to impose other appropriate disciplinary sanctions. Disciplinary sanctions, including all forms of reprimands, will be documented and placed in the employees personnel file accordance with Policy 5231. In accordance with Montana law, only the Board may terminate an employee or non-renew employment.

The \_\_\_\_\_ is authorized to immediately suspend a staff member, with pay, in a non-disciplinary manner.

**Montana Code Annotated References**

**Description**

20-3-324	Powers and duties
20-4-204	Termination of tenure teacher services
20-4-207	Dismissal of teacher under contract
39-2-903	Definitions
39-2-904	Elements of wrongful discharge – presumptive probationary period
39-2-912	Exemptions
Title 39, Chapter 31	Collective bargaining for public employees

**Policy 5256: Reduction in Force**

**Status:** DRAFT

**Original Adopted Date:** Pending

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

The Board will follow the procedure stated in the current collective bargaining agreement, if applicable, when considering a reduction in force. The reduction in employees will generally be accomplished through normal attrition when possible. The Board may terminate employees, if normal attrition does not meet the required reduction in force.

If no collective bargaining agreement covers the affected employee, the Board will consider needs of the students, employee performance evaluations, staff needs, and other reasons it deems relevant, in determining order of dismissal when it reduces classified staff or discontinues some type of educational service.

**Montana Code Annotated References**

**Description**

39-2-904	Elements of wrongful discharge – presumptive probationary period
39-2-912	Exemptions

**Policy 5314: Substitutes**

**Status:** DRAFT

**Original Adopted Date:** Pending

The Board will regularly approve a list of acceptable substitutes for classified and certified staff that meet the guidelines as prescribed in this policy. Appearance on the substitute list authorizes the administration to call upon a substitute to temporarily work for the District, but does not guarantee employment.

All substitute employees will be required to undergo fingerprint and background checks. All substitute employees are subject to District Policies during their term of service to the District. All substitute employees shall abide by student and staff confidentiality standards during their term of service to the District.

Substitute Certified Staff

The Board authorizes the use of substitute teachers that appear on the list to replace teachers who are temporarily absent. The principal shall arrange for the substitute to work for the absent teacher. Under no condition is a teacher to select or arrange for their own substitute. A substitute teacher may be employed to carry on a teacher's duties not to exceed 35 consecutive teaching days.

If the absence of the regular, licensed or authorized teacher continues for more than 35 consecutive teaching days, the board of trustees shall place a licensed teacher under contract or seek an emergency authorization of employment.

The Board annually establishes a daily rate of pay for substitute teachers. No fringe benefits are given to substitute teachers.

Substitutes for Classified Staff

The Board authorizes the use of substitute employees that appear on the list to replace classified employees who are temporarily absent. The principal shall arrange for the substitute to work for the absent employee. Under no condition is an employee to select or arrange for their own substitute.

Substitutes for classified positions will be paid by the hour. When a classified employee is called upon to substitute for a teacher, the teacher sub rate shall apply unless the classified rate of pay is higher.

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<b>Administrative Rules of Montana References</b>	<b>Description</b>
10.55.716	Substitute Teachers
10.57.107	Emergency Authorization of Employment

**Policy 5321: Leaves of Absence**

**Status:** DRAFT

**Original Adopted Date:** Pending

Sick and Bereavement Leave

Certified employees will be granted sick leave according to terms of their collective bargaining agreement.

Classified employees will be granted sick leave benefits in accordance with § 2-18-618, MCA. For classified staff, "sick leave" is defined as a leave of absence, with pay, for a sickness suffered by an employee or an employee's immediate family. Sick leave may be used by an employee when they are unable to perform job duties because of:

- A physical or mental illness, injury, or disability;
- Maternity or pregnancy-related disability or treatment, including prenatal care, birth, or medical care for the employee or the employee's child;
- Parental leave for a permanent employee as provided in § 2-18-606, MCA;
- Quarantine resulting from exposure to a contagious disease;
- Examination or treatment by a licensed health care provider;
- Short-term attendance, in an agency's discretion, to care for a person (who is not the employee or a member of the employee's immediate family) until other care can reasonably be obtained;
- Necessary care for a spouse, child or parent with a serious health condition, as defined in the Family and Medical Leave Act of 1993; or
- Death or funeral attendance of an immediate family member or, at an agency's discretion, another person.

Nothing in this policy guarantees approval of the granting of such leave in any instance. The District will judge each request in accordance with this policy and governing collective bargaining agreements.

It is understood that seniority will accumulate while a teacher or employee is utilizing sick leave credits. Seniority will not accumulate, unless an employee is in a paid status. Abuse of sick leave is cause for disciplinary action up to and including termination of employment. The administration is authorized to request documentation or evidence supporting a leave request.

Immediate family is defined as an employee's spouse and any member of the employee's household, or any parent, child, grandparent, grandchild, or corresponding in-law.

Personal and Emergency Leave

Teachers will be granted personal and emergency leave according to terms of the current collective bargaining agreement. Upon recommendation of the Superintendent, and in accordance with law and District policy, classified staff may be granted personal leave pursuant to the following conditions:

- Leave will be without pay unless otherwise stated. If leave is to include expenses payable by the District, leave approval will so state.
- Leave will be granted only in units of half ( $\frac{1}{2}$ ) or full days.
- Notice of at least one (1) week is required for any personal leave of less than one (1) week; notice of one (1) month is required for any personal leave exceeding one (1) week.
- With approval of the Board, the Superintendent has the flexibility, in unusual or exceptional circumstances, to grant personal leave to employees not covered by sick or annual leave. The employee will not receive fringe benefits during any personal leave of greater than fifteen (15) days. During the leave, the employee may pay the District's share of any insurance benefit program in order to maintain those benefits, provided that is acceptable to the insurance carrier. Staff using personal leave will not earn any sick leave or annual leave

credits or any other benefits during the approved leave of absence.

#### Civic Duty Leave

Leaves for service on either a jury or in the Legislature will be granted in accordance with state and federal law.

An employee who is summoned to jury duty or subpoenaed to serve as a witness may elect to receive regular salary or to take annual leave during jury time. An employee who elects not to take annual leave, however, must remit to the District all juror and witness fees and allowances (except for expenses and mileage). The District may request the court to excuse an employee from jury duty when an employee is needed for proper operation of the school.

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#### **Montana Code Annotated References**

#### **Description**

2-18-601(15)	Definitions
2-18-618	Sick leave
2-18-619	Jury Duty – Service as Witness
39-2-104	Mandatory leave of absence for employees holding public office
42 U.S.C 2000e	Equal Employment Opportunities
49-2-311	Reinstatement to job following pregnancy
Title 39, Chapter 31	Collective bargaining for public employees

Policy 5325: Breastfeeding in the School and Workplace

Status: DRAFT

Original Adopted Date: Pending

Recognizing that breastfeeding is a normal part of daily life for mothers and infants and that Montana law authorizes mothers to breastfeed their infants where mothers and children are authorized to be, the District shall support women who want to continue breastfeeding after returning from maternity leave.

The District shall provide reasonable unpaid break time each day to an employee who needs to express milk for a child. The District is not required to provide break time if to do so would unduly disrupt the District’s operations. Supervisors are encouraged to consider flexible schedules when accommodating employees’ needs. Building administrators are authorized to work with teachers to provide students necessary time to express milk for a child.

The District shall make reasonable efforts to provide a room or other location, other than a toilet stall, where an employee or student can express breast milk and access to a place to store expressed breast milk safely. The available space shall include the provision for lighting and electricity for the pump apparatus. If possible, supervisors and building administrators shall ensure that those employees or students in need of such accommodations shall be aware of them prior to maternity leave.

Administrative Rules of Montana References	Description
37.111.811	Physical Requirements
Montana Code Annotated References	Description
39-2-215	Public employer policy on support of women and
39-2-216	Private Place for nursing mothers
39-2-217	Break time for nursing mothers

**Policy 5328: Family Medical Leave**

**Status:** DRAFT

**Original Adopted Date:** Pending

Family Medical Leave

Employees are eligible for benefits under the Family Medical Leave Act when the District has fifty (50) or more employees. The School District has less than fifty (50) employees, and therefore employees are not eligible for FMLA benefits.

*NOTE: This provision applies to school districts with fifty (50) or more employees. Those districts with less than fifty (50) employees must comply with notice and record retention but are not obligated to provide the leave as a benefit of any employee's employment. The FMLA poster may be obtained by going to the Montana Department of Labor website, highlight "Resources & Services" tab and click on "Required Postings".*

**Montana Code Annotated References**

49-2-303

**Description**

Discrimination in Employment

**United States Code References**

29 U.S.C. §2601, et seq

Public Law 110-181

**Description**

Family and Medical Leave Act

National Defense Authorization Act for FY 2008

**Code of Federal Regulations References**

29 C.F.R. Part 825

**Description**

Family and Medical Leave Regulations



Policy 5329: Long-Term Disability Leave

Status: DRAFT

Original Adopted Date: Pending

Employees may use sick leave for long-term illness or temporary disability, and, upon the expiration of sick leave, the Board may grant eligible employees leave without pay if requested. Medical certification of the long-term illness or temporary disability may be required, at the Board’s discretion.

Leave without pay arising out of any long-term illness or temporary disability shall commence only after sick leave has been exhausted. The duration of leaves, extensions, and other benefits for privileges such as health and long-term illness, shall apply under the same conditions as other long-term illness or temporary disability leaves.

Montana Code Annotated References	Description
Title 39, Chapter 31	Collective bargaining for public employees

**Procedure 5329-P(1): Long-Term Disability Leave - Procedure**

**Status:** DRAFT

**Original Adopted Date:** Pending

Long-Term Illness/Temporary Disability

The following procedures will be used when an employee has a long-term illness or temporary disability:

1. When any illness or temporarily disabling condition is "prolonged," an employee will be asked by the \_\_\_\_\_ to produce a written statement from a physician, stating that the employee is temporarily disabled and is unable to perform the duties of his/her position until such a time.
2. In the case of any extended illness, procedures for assessing the probable duration of the temporary disability will vary. The number of days of leave will vary according to different conditions, individual needs, and the assessment of individual physicians. Normally, however, the employee should expect to return on the date indicated by the physician, unless complications develop which are further certified by a physician.
3. An employee who has signified her intent to return at the end of extended leave of absence shall be reinstated to his/her original job or an equivalent position with equivalent pay and accumulated seniority, retirement, fringe benefits, and other service credits.

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**Montana Code Annotated References**

Title 39, Chapter 31

**Description**

Collective bargaining for public employees

**Policy 5330: Maternity and Paternity Leave**

**Status:** DRAFT

**Original Adopted Date:** Pending

The School District's maternity leave policy covers employees who are not eligible for FMLA leave at Policy 5328. Maternity leave includes only continuous absence immediately prior to adoption, delivery, absence for delivery, and absence for post-delivery recovery, or continuous absence immediately prior to and in the aftermath of miscarriage or other pregnancy-related complications.

The School District shall not refuse to grant an employee a reasonable leave of absence for pregnancy or require that an employee take a mandatory maternity leave for an unreasonable length of time. The School District has determined that maternity leave shall not exceed \_\_\_\_ weeks unless mandated otherwise by the employee's physician.

The School District shall not deny to the employee who is disabled as a result of pregnancy any compensation to which the employee is entitled as a result of the accumulation of disability or leave benefits accrued pursuant to plans maintained by the employer, provided that the employer may require disability as a result of pregnancy to be verified by medical certification that the employee is not able to perform employment duties.

An employee who has signified her intent to return at the end of her maternity leave of absence shall be reinstated to her original job or an equivalent position with equivalent pay and accumulated seniority, retirement, fringe benefits, and other service credits.

The School District will review requests for Paternity Leave in accordance with any applicable policy or collective bargaining agreement provision governing use of leave for family purposes.

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**Administrative Rules of Montana References**

24.9.1201–1207

**Description**

Maternity Leave

**Montana Code Annotated References**

49-2-310

**Description**

Maternity leave – unlawful acts of employers

49-2-311

Reinstatement to job following pregnancy

Title 39, Chapter 31

Collective bargaining for public employees

**United States Code References**

29 U.S.C. §2601, et seq

**Description**

Family and Medical Leave Act

42 USC 2000e et seq.

Civil Rights Act, Title VII

**Policy 5336: Compensatory Time and Overtime for Classified Employees**

**Status:** DRAFT

**Original Adopted Date:** Pending

Compensatory Time and Overtime for Classified Employees

Non-exempt classified employees who work more than forty (40) hours in a given workweek may receive overtime pay of one and one-half ( $1\frac{1}{2}$ ) times the normal hourly rate, unless the District and the employee agree to the provision of compensation time at a rate of one and one-half ( $1\frac{1}{2}$ ) times all hours worked in excess of forty (40) hours in any workweek. The \_\_\_\_\_ must approve any overtime work of a classified employee.

Under Montana law and the Federal Fair Labor Standards Act, a classified employee may not volunteer to work without pay in an assignment similar to the employee's regular work.

A non-exempt employee who works overtime without authorization may be subject to disciplinary action.

Blended Time

Classified Employees working two or more jobs for the District at different rates of pay shall be paid overtime at a weighted average of the differing wages. This shall be determined by dividing the total regular remuneration for all hours worked by the number of hours worked in that week to arrive at the weighted average. One half that rate is then multiplied times the number of hours worked over 40 to arrive at the overtime compensation due.

*Example: Employee works one job at 30 hrs./week at 10.00/hr. The same employee works a different job at 20 hrs./week at \$12.00/hr. (Same district). The employee would get \$300.00 per week for the 30 hr/week job ( $\$10.00 \times 30$ ) and \$240.00 per week for the 20 hr./week job ( $\$12.00 \times 20$ ). A total of \$540.00 (regular remuneration). Divide \$540.00 by 50 (total hours worked) = \$10.8/hr (weighted average). One-half that rate ( $\$10.80/2 = \$5.40$ ) is multiplied by 10 (number of hours over 40). \$54.00 is the amount of overtime compensation due the employee based on the "blended time".*

Record-Keeping Requirements Under the Fair Labor Standards Act

1. Records required for ALL employees:

- A. Name in full (same name as used for Social Security);
- B. Employee's home address, including zip code;
- C. Date of birth if under the age of nineteen (19);
- D. Sex (may be indicated with Male/Female, M/F, Mr./Mrs./Miss/Ms.);
- E. Time of day and day of week on which the employee's workweek begins;
- F. Basis on which wages are paid (such as \$5/hour, \$200/week, etc.);
- G. Any payment made which is not counted as part of the "regular rate";
- H. Total wages paid each pay period.
- I. Occupation

2. Additional records required for non-exempt employees:

- A. Regular hourly rate of pay during any week when overtime is worked;
- B. Hours worked in any workday (consecutive twenty-four-(24)-hour period);
- C. Hours worked in any workweek (or work period in case of 207[k]);
- D. Total daily or weekly straight-time earnings (including payment for hours in excess of forty (40) per week

but excluding premium pay for overtime);

- E. Total overtime premium pay for a workweek;
- F. Date of payment and the pay period covered;
- G. Total deductions from or additions to wages each pay period;
- H. Itemization of dates, amounts, and reason for the deduction or addition, maintained on an individual basis for each employee;
- I. Number of hours of compensatory time earned each pay period;
- J. Number of hours of compensatory time used each pay period;
- K. Number of hours of compensatory time compensated in cash, the total amount paid, and the dates of such payments;
- L. The collective bargaining agreements which discuss compensatory time, or written understandings with individual non-union employees.

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<b>Administrative Rules of Montana References</b>	<b>Description</b>
24.16.2501–2581	Overtime Compensation
24.9.805	Employment Records
<b>Montana Code Annotated References</b>	<b>Description</b>
Title 39, Chapter 3, Part 4	Minimum Wage and Overtime
<b>United States Code References</b>	<b>Description</b>
29 U.S.C. §201 et seq	Fair Labor Standards Act

**Policy 5337: Workers' Compensation Benefits**

**Status:** DRAFT

**Original Adopted Date:** Pending

All employees of the District are covered by workers' compensation benefits. In the event of an industrial accident, an employee should:

1. Attend to first aid and/or medical treatment during an emergency;
2. Correct or report as needing correction a hazardous situation as soon as possible after an emergency situation is stabilized;
3. Report the injury or disabling condition, whether actual or possible, to the immediate supervisor, within forty-eight (48) hours, on the Employer's First Report of Occupational Injury or Disease; and
4. Call or visit the \_\_\_\_\_ after medical treatment, if needed, to complete the necessary report of accident and injury on an Occupational Injury or Disease form.

The \_\_\_\_\_ will notify the immediate supervisor of the report and will include the immediate supervisor as necessary in completing the required report.

An employee who is injured in an industrial accident may be eligible for workers' compensation benefits. By law, employee use of sick leave must be coordinated with receipt of workers' compensation benefits, on a case-by-case basis, in consultation with the Workers' Compensation Division, Department of Labor and Industry.

The District will not automatically and simply defer to a report of industrial accident but will investigate as it deems appropriate to determine: (1) whether continuing hazardous conditions exist which need to be eliminated; and (2) whether in fact an accident attributable to the District working environment occurred as reported. The District may require the employee to authorize the employee's physician to release pertinent medical information to the District or to a physician of the District's choice, should an actual claim be filed against the Workers' Compensation Division, which could result in additional fees being levied against the District.

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**Montana Code Annotated References**

39-71-101, et seq.

**Description**

Workers' Compensation Act

**Policy 5338: Payment of Interest on Employer Contributions for Workers' Compensation Time**

**Status:** DRAFT

**Original Adopted Date:** Pending

An employee absent because of an employment-related injury entitling the employee to workers' compensation payments may, upon the employee's return to service, contribute to the retirement system an amount equal to the contributions that would have been made by the employee to the system on the basis of the employee's compensation at the commencement of the employee's absence plus regular interest accruing from one (1) year from the date after the employee returns to service to the date the employee contributes for the period of absence.

The District has the option to pay, or not pay, the interest on the employer's contribution for the period of absence based on the salary as calculated. If the employer elects not to pay the interest costs, this amount must be paid by the employee.

It is the policy of this District to (pay) (not pay) the interest costs associated with the employer's contribution. **PICK ONE**

**Montana Code Annotated References**

19-3-504, MCA

**Description**

Absence due to illness or injury.

**Policy 5420: Paraprofessionals**

**Status:** DRAFT

**Original Adopted Date:** Pending

Paraprofessionals, as defined in the appropriate job descriptions, are under the supervision of a principal and a teacher to whom the principal may have delegated responsibility for close direction. The nature of the work accomplished by paraprofessionals will encompass a variety of tasks that may be inclusive of “limited instructional duties.”

Paraprofessionals are employed by the District mainly to assist the teacher. A paraprofessional is an extension of the teacher, who legally has the direct control and supervision of the classroom or playground and responsibility for control and the welfare of the students.

It is the responsibility of each principal and teacher to provide adequate training for a paraprofessional. This training should take into account the unique situations in which a paraprofessional works and should be designed to cover the general contingencies that might be expected to pertain to that situation. During the first thirty (30) days of employment, the \_\_\_\_\_ shall continue to assess the skills and ability of the paraprofessional to assist in reading, writing, and mathematics instruction.

The \_\_\_\_\_ shall develop and implement procedures for an annual evaluation of paraprofessionals. Evaluation results shall be a factor in future employment decisions.

If the school receives Title I funds, the District shall notify parents of students attending the school annually that they may request the District to provide information regarding the professional qualifications of their child's paraprofessionals, if applicable.

**Administrative Rules of Montana References**

10.55.715

**Description**

Instructional paraprofessionals: qualifications and supervision

**United States Code References**

20 U.S.C. 6319

**Description**

Qualifications for teachers and paraprofessionals



**Policy 5430: Volunteers**

**Status:** DRAFT

**Original Adopted Date:** Pending

The District recognizes the valuable contributions made to the total school program by members of the community who act as volunteers. By law, a volunteer is an individual who:

1. Has not entered into an express or implied compensation agreement with the District;
2. Is excluded from the definition of "employee" under appropriate state and federal statutes;
3. May be paid expenses, reasonable benefits, and/or nominal fees in some situations; and
4. Is not employed by the District in the same or similar capacity for which he/she is volunteering.

District employees who work with volunteers shall clearly explain duties for supervising children in school, on the playground, and on field trips. An appropriate degree of training and/or supervision of each volunteer shall be administered commensurate with the responsibility undertaken.

Volunteers who have unsupervised access to children are subject to the District's policy mandating background checks.

Chaperones

The \_\_\_\_\_ may direct that appropriate screening processes be implemented to assure that adult chaperones are suitable and acceptable for accompanying students on field trips or excursions.

When serving as a chaperone for the District, the parent(s)/guardian(s) or other adult volunteers, including employees of the District, assigned to chaperone, shall not use tobacco products in the presence of students, nor shall they consume any alcoholic beverages or use any illicit drug during the duration of their assignment as a chaperone, including during the hours following the end of the day's activities for students. The chaperone shall not encourage or allow students to participate in any activity that is in violation of District policy during the field trip or excursion, including during the hours following the end of the day's activities. Chaperones shall be given a copy of these rules and sign a letter of understanding verifying they are aware of and agree to these District rules before being allowed to accompany students on any field trip or excursion.

Any chaperone found to have violated these rules shall not be used again as a chaperone for any District-sponsored field trips or excursions and may be excluded from using District-sponsored transportation for the remainder of the field trip or excursion and be responsible for their own transportation back home. Employees found to have violated these rules may be subject to disciplinary action.

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**United States Code References**

Public Law 105-251

**Description**

Volunteers for Children Act

**Policy 5440: Student Teachers**

**Status:** DRAFT

**Original Adopted Date:** Pending

The District recognizes its obligation to assist in the development of members of the teaching profession. The District shall make an effort to cooperate with accredited institutions of higher learning in the education of student teachers and other professionals in training (such as interns) by providing a reasonable number of classroom and other real-life situations each year.

The District and the respective training institutions shall enter into mutually satisfactory agreements whereby the rules, regulations, and guidelines of the practical experiences shall be established.

The \_\_\_\_\_ shall coordinate all requests from cooperating institutions for placement with building principals so that excessive concentrations of student teachers and interns shall be avoided. As a general rule:

1. A student teacher shall be assigned to a teacher or other professional who has agreed to cooperate and who has no less than three (3) years of experience in the profession;
2. A supervising professional shall be assigned no more than one (1) student teacher/intern per school year;
3. The supervising professional shall remain responsible for the class;
4. The student teacher shall assume the same conditions of employment as a regular teacher with regard to meeting the health examination requirements, length of school day, supervision of co-curricular activities, staff meetings, and in-service training; and
5. The student teacher shall be subject to the District policy regarding background checks, if the student teacher has unsupervised access to children.

**Montana Code Annotated References**

20-4-101

**Description**

System and definitions of teacher and specialist certification – student teacher exception

**Policy 5450: Employee use of Electronic Mail, Internet, and District Equipment**

**Status:** DRAFT

**Original Adopted Date:** Pending

The District equipment, e-mail and Internet systems are intended to be used for educational purposes only, and employees have no expectation of privacy. Employees have no expectation of privacy in district owned technology equipment, including but not limited to district-owned desktops, laptops, memory storage devices, and cell phones.

Users of District equipment, e-mail and Internet systems are responsible for their appropriate use. All illegal and improper uses of the equipment, e-mail, and Internet system, including but not limited to network etiquette violations including mail that degrades or demeans other individuals, pornography, obscenity, harassment, solicitation, gambling, and violating copyright or intellectual property rights, are prohibited. Abuse of the equipment, e-mail, or Internet systems through personal use, or use in violation of the law or District policies, will result in disciplinary action, up to and including termination of employment.

All e-mail/Internet records are considered District records and should be transmitted only to individuals who have a need to receive them. If the sender of an e-mail or Internet message does not intend for the e-mail or Internet message to be forwarded, the sender should clearly mark the message "Do Not Forward."

To keep District equipment, e-mail and Internet systems secure, users shall not leave the terminal "signed on" when unattended and may not leave their password available in an obvious place near the terminal or share their password with anyone except the system administrator. The District reserves the right to bypass individual passwords at any time and to monitor the use of such systems by employees.

Additionally, District equipment, records and e-mail/Internet records are subject to disclosure to law enforcement or government officials or to other third parties through subpoena or other process.

Consequently, the District retains the right to access stored records in cases where there is reasonable cause to expect wrongdoing or misuse of the system and to review, store, and disclose all information sent over the District e-mail systems for any legally permissible reason, including but not limited to determining whether the information is a public record, whether it contains information discoverable in litigation, and to access District information in the employee's absence. Employee e-mail/Internet messages may not necessarily reflect the views of the District.

All District employees should be aware that e-mail messages can be retrieved, even if they have been deleted, and that statements made in e-mail communications can form the basis of various legal claims against the individual author or the District.

All e-mail/Internet records are considered District records and should be transmitted only to individuals who have a need to receive them. E-mail sent or received by the District or the District's employees may be considered a public record subject to public disclosure or inspection. All District e-mail and Internet communications may be monitored

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**Montana Code Annotated References**

**Description**

2-2-102	Definitions
2-2-103	Public Trust
2-2-104	Rules of Conduct
2-2-105	Ethical Requirements
2-2-121	Rules of Conduct

**Procedure 5450-P(1): Employee use of Electronic Mail, Internet, and District Equipment - Procedure**

**Status:** DRAFT

**Original Adopted Date:** Pending

Employee use of Electronic Mail, Internet, Networks, and District Equipment Procedure

All use of electronic networks shall be consistent with the District's goal of promoting educational excellence by facilitating resource sharing, innovation, and communication. These procedures do not attempt to state all required or proscribed behaviors by users. However, some specific examples are provided. **The failure of any user to follow these procedures will result in the loss of privileges, disciplinary action, and/or appropriate legal action.**

Terms and Conditions

1. Acceptable Use – Access to the District's electronic networks must be: (a) for the purpose of education or research and consistent with the educational objectives of the District; or (b) for legitimate business use.
2. Privileges – The use of the District's electronic networks is a privilege, not a right, and inappropriate use will result in cancellation of those privileges. The system administrator (and/or principal) will make all decisions regarding whether or not a user has violated these procedures and may deny, revoke, or suspend access at any time. That decision is final.
3. Unacceptable Use – The user is responsible for his or her actions and activities involving the network. Some examples of unacceptable uses are:
  - a. Using the network for any illegal activity, including violation of copyright or other contracts, or transmitting any material in violation of any federal or state law;
  - b. Unauthorized downloading of software, regardless of whether it is copyrighted or devirused;
  - c. Downloading copyrighted material for other than personal use;
  - d. Using the network for private financial or commercial gain;
  - e. Wastefully using resources, such as file space;
  - f. Hacking or gaining unauthorized access to files, resources, or entities;
  - g. Invading the privacy of individuals, which includes the unauthorized disclosure, dissemination, and use of information of a personal nature about anyone;
  - h. Using another user's account or password;
  - i. Posting material authored or created by another, without his/her consent;
  - j. Posting anonymous messages;
  - k. Using the network for commercial or private advertising;
  - l. Accessing, submitting, posting, publishing, or displaying any defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, harassing, or illegal material; and
  - m. Using the network while access privileges are suspended or revoked.
4. Network Etiquette – The user is expected to abide by the generally accepted rules of network etiquette. These include but are not limited to the following:
  - a. Be polite. Do not become abusive in messages to others.
  - b. Use appropriate language. Do not swear or use vulgarities or any other inappropriate language.

- c. Do not reveal personal information, including the addresses or telephone numbers, of students or colleagues.
  - d. Recognize that electronic mail (e-mail) is not private. People who operate the system have access to all mail. Messages relating to or in support of illegal activities may be reported to the authorities.
  - e. Do not use the network in any way that would disrupt its use by other users.
  - f. Consider all communications and information accessible via the network to be private property.
5. No Warranties – The District makes no warranties of any kind, whether expressed or implied, for the service it is providing. The District will not be responsible for any damages the user suffers. This includes loss of data resulting from delays, non-deliveries, missed deliveries, or service interruptions caused by its negligence or the user's errors or omissions. Use of any information obtained via the Internet is at the user's own risk. The District specifically denies any responsibility for the accuracy or quality of information obtained through its services.
  6. Indemnification – The user agrees to indemnify the District for any losses, costs, or damages, including reasonable attorney fees, incurred by the District, relating to or arising out of any violation of these procedures.
  7. Security – Network security is a high priority. If the user can identify a security problem on the Internet, the user must notify the system administrator or building principal. Do not demonstrate the problem to other users. Keep your account and password confidential. Do not use another individual's account without written permission from that individual. Attempts to log on to the Internet as a system administrator will result in cancellation of user privileges. Any user identified as a security risk may be denied access to the network.
  8. Vandalism and Damage – Vandalism will result in cancellation of privileges, and other disciplinary action. Vandalism is defined as any malicious attempt to harm or destroy data of another user, the Internet, or any other network. This includes but is not limited to uploading or creation of computer viruses. The user is responsible for any unintentional damage to the District-owned equipment or technology that cause by the use or user's negligence. Such damage includes but is not limited to that caused by drops, spills, virus, exposure to heat and cold, or submersion.
  9. Charges – The District assumes no responsibility for any unauthorized charges or fees, including telephone charges, long-distance charges, per-minute surcharges, and/ or equipment or line costs.
  10. Copyright Web Publishing Rules – Copyright law and District policy prohibit the republishing of text or graphics found on the Web or on District Websites or file servers, without explicit written permission.
    - a. For each republication (on a Website or file server) of a graphic or text file that was produced externally, there must be a notice at the bottom of the page crediting the original producer and noting how and when permission was granted. If possible, the notice should also include the Web address of the original source.
    - b. Students and staff engaged in producing Web pages must provide library media specialists with e-mail or hard copy permissions before the Web pages are published. Printed evidence of the status of "public domain" documents must be provided.
    - c. The absence of a copyright notice may not be interpreted as permission to copy the materials. Only the copyright owner may provide the permission. The manager of the Website displaying the material may not be considered a source of permission.
    - d. The "fair use" rules governing student reports in classrooms are less stringent and permit limited use of graphics and text.
    - e. Student work may only be published if there is written permission from both the parent/guardian and the student.

1. Internet access is limited to only those “acceptable uses,” as detailed in these procedures. Internet safety is almost assured if users will not engage in “unacceptable uses,” as detailed in these procedures, and will otherwise follow these procedures.
2. Staff members shall supervise students while students are using District Internet access, to ensure that the students abide by the Terms and Conditions for Internet access, as contained in these procedures.
3. Each District computer with Internet access has a filtering device that blocks entry to visual depictions that are: (1) obscene; (2) pornographic; or (3) harmful or inappropriate for students, as defined by the Children’s Internet Protection Act and determined by the Superintendent or designee.
4. The district shall provide age-appropriate instruction to students regarding appropriate online behavior. Such instruction shall include, but not be limited to: positive interactions with others online, including on social networking sites and in chat rooms; proper online social etiquette; protection from online predators and personal safety; and how to recognize and respond to cyberbullying and other threats.
5. The system administrator and principal shall monitor student Internet access.

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Montana Code Annotated References	Description
2-2-102	Definitions
2-2-103	Public Trust
2-2-104	Rules of Conduct
2-2-105	Ethical Requirements
2-2-121	Rules of Conduct

**Notice Form 5450-NF(1): Employee use of Electronic Mail, Internet, and District Equipment - Access Agreement**

**Status:** DRAFT

**Original Adopted Date:** Pending

*Every staff member must read and sign below:*

I have read, understand, and agree to abide by the terms of the School District's policy regarding District-Provided Access to Electronic Information, Equipment, Services, and Networks (Policies 5460 and 5460P). Should I commit any violation or in any way misuse my access to the District's computers, network and/or the Internet, I understand and agree that my access privilege may be revoked and school disciplinary action may be taken against me.

Terms and Conditions

1. Acceptable Use – Access to the District's technology and electronic networks must be: (a) for the purpose of education or research and consistent with the educational objectives of the District; or (b) for legitimate business use.
2. Privileges – The use of the District's technology and electronic networks is a privilege, not a right, and inappropriate use will result in cancellation of those privileges. The system administrator (and/or principal) will make all decisions regarding whether or not a user has violated these procedures and may deny, revoke, or suspend access at any time. That decision is final.
3. Unacceptable Use – The user is responsible for his or her actions and activities involving the network. Some examples of unacceptable uses are:
  - a. Using the network for any illegal activity, including violation of copyright or other contracts, or transmitting any material in violation of any federal or state law;
  - b. Unauthorized downloading of software, regardless of whether it is copyrighted or devirused;
  - c. Downloading copyrighted material for other than personal use;
  - d. Using the network for private financial or commercial gain;
  - e. Wastefully using resources, such as file space;
  - f. Hacking or gaining unauthorized access to files, resources, or entities;
  - g. Invading the privacy of individuals, which includes the unauthorized disclosure, dissemination, and use of information of a personal nature about anyone;
  - h. Using another user's account or password;
  - i. Posting material authored or created by another, without his/her consent;
  - j. Posting anonymous messages;
  - k. Using the network for commercial or private advertising;
  - l. Accessing, submitting, posting, publishing, or displaying any defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, harassing, or illegal material; and
  - m. Using the network while access privileges are suspended or revoked.
4. Network Etiquette – The user is expected to abide by the generally accepted rules of network etiquette. These include but are not limited to the following:
  - a. Be polite. Do not become abusive in messages to others.

- b. Use appropriate language. Do not swear or use vulgarities or any other inappropriate language.
  - c. Do not reveal personal information, including the addresses or telephone numbers, of students or colleagues.
  - d. Recognize that electronic mail (e-mail) is not private. People who operate the system have access to all mail. Messages relating to or in support of illegal activities may be reported to the authorities.
  - e. Do not use the network in any way that would disrupt its use by other users.
  - f. Consider all communications and information accessible via the network to be private property.
5. No Warranties – The District makes no warranties of any kind, whether expressed or implied, for the service it is providing. The District will not be responsible for any damages the user suffers. This includes loss of data resulting from delays, non-deliveries, missed deliveries, or service interruptions caused by its negligence or the user's errors or omissions. Use of any information obtained via the Internet is at the user's own risk. The District specifically denies any responsibility for the accuracy or quality of information obtained through its services.
  6. Indemnification – The user agrees to indemnify the District for any losses, costs, or damages, including reasonable attorney fees, incurred by the District, relating to or arising out of any violation of these procedures.
  7. Security – Network security is a high priority. If the user can identify a security problem on the Internet, the user must notify the system administrator or building principal. Do not demonstrate the problem to other users. Keep your account and password confidential. Do not use another individual's account without written permission from that individual. Attempts to log on to the Internet as a system administrator will result in cancellation of user privileges. Any user identified as a security risk may be denied access to the network.
  8. Vandalism and Damage – Vandalism will result in cancellation of privileges, and other disciplinary action. Vandalism is defined as any malicious attempt to harm or destroy data of another user, the Internet, or any other network. This includes but is not limited to uploading or creation of computer viruses. The user is responsible for any unintentional damage to the District-owned equipment or technology that cause by the use or user's negligence. Such damage includes but is not limited to that caused by drops, spills, virus, exposure to heat and cold, or submersion.
  9. Charges – The District assumes no responsibility for any unauthorized charges or fees, including telephone charges, long-distance charges, per-minute surcharges, and/ or equipment or line costs.

#### Internet Safety

1. Internet access is limited to only those "acceptable uses," as detailed in these procedures. Internet safety is almost assured if users will not engage in "unacceptable uses," as detailed in these procedures, and will otherwise follow these procedures.
2. Staff members shall supervise students while students are using District Internet access, to ensure that the students abide by the Terms and Conditions for Internet access, as contained in these procedures.
3. Each District computer with Internet access has a filtering device that blocks entry to visual depictions that are: (1) obscene; (2) pornographic; or (3) harmful or inappropriate for students, as defined by the Children's Internet Protection Act and determined by the Superintendent or designee.
4. The district shall provide age-appropriate instruction to students regarding appropriate online behavior. Such instruction shall include, but not be limited to: positive interactions with others online, including on social networking sites and in chat rooms; proper online social etiquette; protection from online predators and personal safety; and how to recognize and respond to cyberbullying and other threats.
5. The system administrator and principal shall monitor student Internet access.

I understand and will abide by the technology, equipment and network access policies. I understand that the District and/or its agents may access and monitor my use of the Internet, including my e-mail and downloaded material, without prior notice to me. I further understand that should I commit any violation, my access privileges may be



revoked, and school disciplinary action and/or appropriate legal action may be taken. In consideration for using the District's issuance of technology, electronic network connection and having access to public networks, I hereby acknowledge the risk for any claims and damages arising from my use of, or inability to use the equipment, network, and Internet. I understand any negligence arising out of my use of equipment or networks shall be attributed to me as comparative negligence within the meaning of Section 27-1-702, MCA.

-----  
User Name *(please print)*

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User Signature

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Date

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Montana Code Annotated References	Description
2-2-102	Definitions
2-2-103	Public Trust
2-2-104	Rules of Conduct
2-2-105	Ethical Requirements
2-2-121	Rules of Conduct

**Policy 5510: HIPAA**

**Status:** DRAFT

**Original Adopted Date:** Pending

**Note:**

1. Any school district offering a group "health care plan" for its employees is affected by HIPAA. School districts offering health plans that are self-insured will be entirely responsible for compliance with HIPAA, despite a third party administrator managing the plan. School districts may also be subject to HIPAA as a "health care provider" by either having a school-based health center or a school nurse. School-based health centers staffed and serviced by a hospital or local health department are responsible for complying with HIPAA if there is a sharing of records containing health information. For those districts providing the services of a school nurse, HIPAA regulations issued in 2000 commented that an "educational institution that employs a school nurse is subject to [the] regulations as a health care provider if the school nurse or the school engaged in a HIPAA transaction." This transaction occurs when a school nurse submits a claim electronically.
2. Any personally identifiable health information contained in an "education record" under FERPA is subject to FERPA, not HIPAA.

**Background**

**Health Insurance Portability and Accountability Act of 1996 (HIPAA)**

The District's group health plan is a Covered Entity under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and its implementing regulations, the Standards for the Privacy of Individually Identifiable Information. In order to comply with HIPAA and its related regulations, the District has implemented the following HIPAA Privacy Policy:

**The HIPAA Privacy Rule**

HIPAA required the federal government to adopt national standards for **electronic health care transactions**. At the same time, Congress recognized that advances in electronic technology could erode the privacy of health information and determined there was a need for national privacy standards. As a result HIPAA included provisions which mandated the adoption of federal privacy standards for individually identifiable health information.

The standards found in the Privacy Rule are designed to protect and guard against the misuse of individually identifiable health information, with particular concern regarding employers using an employee's (or dependent's) health information from the group health plan to make adverse employment-related decisions. The Privacy Rule states that verbal, written, or electronic information that can be used to connect a person's name or identity with medical, treatment, or health history information is Protected Health Information (PHI) under the HIPAA Privacy Rule.

**Under the HIPAA Privacy Rule:**

1. Individuals have a right to access and copy their health record to the extent allowed by HIPAA.
2. Individuals have the right to request an amendment to their health record. The plan may deny an individual's request under certain circumstances specified in the HIPAA Privacy Rule.
3. Individuals have the right to an accounting of disclosures of their health record for reasons other than treatment, payment, or healthcare operations.
4. PHI, including health, medical, and claims records, can be used and disclosed without authorization for specific, limited purposes (treatment, payment, or operations of the group health plan). A valid authorization from the individual must be provided for use or disclosure for other than those purposes.
5. Safeguards are required to protect the privacy of health information.
6. Covered entities are required to issue a notice of privacy practices to their enrollees.
7. Violators are held accountable with civil and criminal penalties for improper use or disclosure of PHI.

## Compliance

\_\_\_\_\_ has been designated Privacy Officer. The Privacy Officer will oversee all ongoing activities related to the development, implementation, maintenance of, and adherence to the District's policies and procedures covering the privacy of and access to patient health information in compliance with HIPAA, other applicable federal and state laws, and the District's privacy practices.

As required for a Covered Entity under HIPAA, the plan has developed these internal privacy policies and procedures to assure that PHI is protected and that access to and use and disclosure of PHI are restricted in a manner consistent with HIPAA's privacy protections. The policies and procedures recognize routine and recurring disclosures for treatment, payment, and healthcare operations and include physical, electronic, and procedural safeguards to protect PHI. The procedures include safeguards for sending PHI via mail or fax, receiving PHI for plan purposes, and workstation safeguards and procedures for securing and retaining PHI received by the plan. Plan participants are entitled to receive a copy of the plan's policies and procedures upon request.

Designating a limited number of privacy contacts allows the District to control who is receiving PHI from the contract claims payor for plan operations purposes. The contract claims payor will provide only the minimum PHI necessary for the stated purpose and, as required under the Privacy Rule, will provide PHI only to individuals with a legitimate need to know for plan operations purposes.

The District has distributed a notice of privacy practices to plan participants. The notice informs plan participants of their rights and the District's privacy practices related to the use and disclosure of PHI. A copy of this notice may be obtained by contacting the Privacy Officer.

The District has reviewed how PHI is used and disclosed by the plan and has limited disclosure of that information to employees who have a legitimate need to know or possess the PHI for healthcare operations and functions. The District will make reasonable efforts to use de-identified information whenever possible in the operations of the plan and will only use the minimum PHI necessary for the stated purpose.

Some of the District's employees need access to PHI in order to properly perform the functions of their jobs. The District has identified these employees and has given them training in the important aspects of the HIPAA Privacy Rule, the privacy policy, and procedures. New employees who will have access to PHI will receive training on the HIPAA Privacy Rule and related policies and procedures as soon as reasonably possible after they are employed. Employees who improperly use or disclose PHI or misuse their access to that information may be subject to discipline, as deemed appropriate.

In the event the group health plan must disclose PHI in the course of performing necessary plan operations functions or as required by law or a governmental agency, the District has developed a system to record those disclosures and requests for disclosures. An individual may request a list of disclosures of his or her PHI made by the plan for other than treatment or claims payment purposes. All requests for an accounting of PHI disclosures must be made in writing, and the plan may impose fees for the cost of production of this information. Requests will be responded to within sixty (60) days. If the plan is not able to provide the requested information within sixty (60) days, a written notice of delay will be sent to the requesting individual, with the reasons for the delay and an estimated time for response.

In order to comply with the new privacy regulations, the plan has implemented compliant communication procedures. Except for its use in legitimate healthcare operations, written permission will be required in order for the District to disclose PHI to or discuss it with a third party.

The HIPAA Privacy Rule prohibits the District from disclosing medical information without the patient's written permission other than for treatment, payment, or healthcare operations purposes. An authorization signed by the patient and designating specified individuals to whom the District may disclose specified medical information must be on file, before the plan can discuss a patient's medical information with a third party (such as a spouse, parent, group health plan representative, or other individual).

The District has taken the following steps to ensure PHI is safeguarded:

- The District has implemented policies and procedures to designate who has and who does not have authorized access to PHI.
- Documents containing PHI are kept in a restricted/locked area.

- Computer files with PHI are password protected and have firewalls making unauthorized access difficult.
- Copies of PHI will be destroyed when information is no longer needed, unless it is required by law to be retained for a specified period of time.
- The District will act promptly to take reasonable measures to mitigate any harmful effects known to the group health plan, due to a use or disclosure of PHI in violation of the plan's policies, procedures, or requirements of the HIPAA Privacy Rule.
- The District will appropriately discipline employees who violate the District's group health plan's policies, procedures, or the HIPAA Privacy Rule, up to and including termination of employment if warranted by the circumstances.

The District has received signed assurances from the plan's business associates that they understand the HIPAA Privacy Rule, applicable regulations, and the Privacy Policy and will safeguard PHI just as the plan would.

The contract claims payor and certain other entities outside the group health plan require access on occasion to PHI, if they are business associates of the group health plan and in that role need to use, exchange, or disclose PHI from the group health plan. The plan requires these entities to sign an agreement stating they understand HIPAA's privacy requirements and will abide by those rules just as the group health plan does, to protect the PHI to which they have access. For example the plan engages a certified public accountant to audit the plan annually and to make sure payments are made in compliance with the Plan Document. In order for the CPA to complete an audit, the auditor reviews a sample of the claims for accuracy.

The District will ensure health information will not be used in making employment and compensation decisions. The HIPAA Privacy Rule and other applicable laws expressly prohibit an employer from making adverse employment decisions (demotions, terminations, etc.) based on health information received from the group health plan. To the extent possible, the District has separated the plan operations functions from the employment functions and has safeguards in place to prevent PHI from the plan from going to or being used by an employee's supervisor, manager, or superior to make employment-related decisions.

### Complaints

If an employee believes their privacy rights have been violated, they may file a written complaint with the Privacy Officer. No retaliation will occur against the employee for filing a complaint. The contact information for the Privacy Officer is:

\_\_\_\_\_ [Name and Title]

\_\_\_\_\_ School District

\_\_\_\_\_ [Address]

\_\_\_\_\_ [Address]

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### **Code of Federal Regulations References**

45 C.F.R. Parts 160, 162, 164

### **Description**

The HIPAA Privacy Rule

**Form 5510-F(1): HIPAA - Request for Protected Health Information Form**

**Status:** DRAFT

**Original Adopted Date:** Pending

*See PDF on the next page.*

## **Request for Protected Health Information**

**5510F**

This form should be used when release of a patient's protected health information is being made to the health care provider for an employee or student for a purpose other than treatment, payment or health care operations.

I, \_\_\_\_\_, hereby authorize \_\_\_\_\_  
*Name of Employee, Student 18 or older, or Parent/Guardian* *Name of Physician/Practice*

to use and/or disclose my protected health information described below to \_\_\_\_\_.  
*School District*

My protected health information will be used or disclosed upon request for the following purposes (name and explain each purpose): \_\_\_\_\_

\_\_\_\_\_

This authorization for use and/or disclosure applies to the following information (please mark those that apply):

- ☐ Any and all records in the possession of the above-named physician or physician's practice, including mental health, HIV, and/or substance abuse records. (Please cross out any item you do not authorize to be released.)
- ☐ Records regarding treatment for the following condition or injury \_\_\_\_\_ on or about \_\_\_\_\_.
- ☐ Records covering the period of time \_\_\_\_\_ to \_\_\_\_\_.
- ☐ Other (Specify and include dates.) \_\_\_\_\_.

I understand that I have the right to revoke this authorization, in writing, at any time by sending such written notification to above-named physician/practice. I also understand that my revocation is not effective to the extent that the persons I have authorized to use and/or disclose my protected health information have acted in reliance upon this authorization.

I understand that I do not have to sign this authorization and that the above-named physician/practice may not condition treatment or payment on whether I sign this authorization.

I understand that information used or disclosed pursuant to this authorization may be subject to re-disclosure by the recipient and no longer protected by federal laws and regulations regarding the privacy of my protected health information.

This authorization expires on the following date or event: \_\_\_\_\_.

I certify that I have received a copy of this authorization.

\_\_\_\_\_  
*Signature of Patient or Personal Representative*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Name of Patient or Personal Representative*

\_\_\_\_\_  
*Personal Representative's Authority*

<b>Code of Federal Regulations References</b>	<b>Description</b>
45 C.F.R. Parts 160, 162, 164	The HIPAA Privacy Rule

**Policy 5630: Employee Use of Cellular Phones and Other Electronic Devices**

**Status:** DRAFT

**Original Adopted Date:** Pending

The Board recognizes that the use of mobile devices may be appropriate to help ensure the safety and security of District property, students, staff, and others while on District property or engaged in District-sponsored activities.

District-owned mobile devices will be used for authorized District business purposes. Unauthorized personal use of such equipment is prohibited except in emergency situations.

Use of mobile devices in violation of Board policies, administrative regulations, and/or state/federal laws will result in discipline up to and including termination of employment.

District employees are prohibited from using mobile devices while driving or otherwise operating District-owned motor vehicles, or while driving or otherwise operating personally-owned vehicles for school district purposes.

Emergency Use

Staff are encouraged to use any available mobile device in the event of an emergency that threatens the safety of students, staff, or other individuals.

Use of Personal Mobile Devices

Employees are prohibited from using their personal mobile devices during the instructional period for non-instructional purposes. When necessary, employees may use their personal mobile devices only during non-instructional time. In no event shall an employee's use of a mobile device interfere with the employee's job obligations and responsibilities. If such use is determined to have interfered with an employee's obligations and responsibilities, the employee may be disciplined in accordance with the terms of the collective bargaining agreement and Board policies.

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**Policy 6110: Superintendent**

**Status:** DRAFT

**Original Adopted Date:** Pending

Role of the County Superintendent

The Board of Trustees recognizes that the County Superintendent shall assist it with the general supervisory responsibility of the school since there is no school administrator, unless the Trustees choose to contract with another school administrator.

Specifically, the County Superintendent will:

1. Administer the oath of office to incoming board members;
2. Compute the budgeting in revenues realized from tax levies;
3. Provide the Board teacher supervision and evaluation and curriculum revisions.

In addition, the County Superintendent may:

1. Assist with the hiring of teachers;
2. Organize professional development for the district;
3. Coordinate curriculum and assessment;
4. Coordinate special funds from grants and federal sources;
5. Provide opportunities for group purchasing of educational material and supplies.
6. Other duties as agreed to with the Trustees.

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**Administrative Rules of Montana References**

**Description**

10.55.602	Definition of Internship
10.55.607	Internships
10.55.701	Board of Trustees
10.55.702	Licensure and Duties of District Administrator –

**Montana Code Annotated References**

**Description**

20-3-324	Powers and duties
20-4-402	Duties of district superintendent or county high school principal

**Montana Constitution References**

**Description**

Article X, section 8	School District Trustees
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**Policy 7000: Goals**

**Status:** DRAFT

**Original Adopted Date:** Pending

Because educational programs are dependent on adequate funding and the proper management of those funds, District goals can best be attained through efficient fiscal management. As trustee of local, state, and federal funds allocated for use in public education, the Board shall fulfill its responsibility to see that funds are used to achieve the intended purposes.

Because of resource limitations, fiscal concerns often overshadow the educational program. Recognizing this, the District must take specific action to ensure that education remains primary. This concept shall be incorporated into Board operations and into all aspects of District management and operation.

The Board seeks to achieve the following goals in the District's fiscal management:

1. Engage in advance planning, with staff and community involvement, to develop budgets which will achieve the greatest educational returns in relation to dollars expended.
2. Establish levels of funding which shall provide superior education for District students.
3. Provide timely and appropriate information to staff who have fiscal responsibilities.
4. Establish efficient procedures in all areas of fiscal management.

**Montana Code Annotated References**

Title 20, Chapter 9

**Description**

Finance

**Policy 7008: Nonresident Student Attendance Agreement, Tuition, and Transportation Costs.**

**Status:** DRAFT

**Original Adopted Date:** Pending

Whenever a nonresident student is to be enrolled in the District, either by choice or by placement, an attendance agreement must be filed with the Board. Terms of the agreement must include tuition rate, the party responsible for paying tuition and the schedule of payment, transportation charges, if any, and the party responsible for paying transportation costs.

Tuition rates shall be determined annually, consistent with Montana law and approved by the Board.

**Administrative Rules of Montana References**

10.10.301B

**Description**

Out-of-District Attendance Agreements

**Montana Code Annotated References**

20-5-314

**Description**

Reciprocal attendance agreement with adjoining state or province

20-5-320

Attendance with discretionary approval

20-5-321

Attendance with mandatory approval – tuition and transportation

20-5-322

Residency determination – notification – appeal for attendance agreement

20-5-323

Tuition and transportation rates

**Policy 7110: Budget and Program Planning**

**Status:** DRAFT

**Original Adopted Date:** Pending

The annual budget is evidence of the Board's commitment to the objectives of the instruction programs. The budget supports immediate and long-range goals and established priorities within all areas – instructional, noninstructional, and administrative programs.

Before presentation of a proposed budget for adoption, the \_\_\_\_\_ and [business manager/district clerk] will prepare, for the Board's consideration, recommendations (with supporting documentation) designed to meet the needs of students, within the limits of anticipated revenues.

Program planning and budget development [will/may] provide for staff participation and the sharing of information with patrons before any action by the Board.

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**Policy 7121: Budget Adjustments**

**Status:** DRAFT

**Original Adopted Date:** Pending

When any budgeted fund line item is in excess of the amount required, the Board may transfer any of the excess appropriation to another line item(s) within the same fund.

The Board authorizes \_\_\_\_\_ to transfer line items within the same budgeted fund to adjust line item overdrafts or to meet special line item needs. Line item budget transfers to adjust line item overdrafts are at the discretion of the \_\_\_\_\_.

Total budget expenditures for each fund as adopted in the final budget shall constitute the appropriations of the District for the ensuing fiscal year. The Board will be limited in the incurring of expenditures to the total of such appropriations.

With timely notice of a public meeting, trustees, by majority vote of those present, may declare by resolution that a budget amendment (in addition to the final budget) is necessary. Budget amendments are authorized for specified reasons by § 20-9-161, MCA. The resolution must state the facts constituting the need for the budget amendment, the funds affected by the budget amendment, the anticipated source of financing, the estimated amount of money required to finance the budget amendment, and the time and place the trustees will meet for the purpose of considering and adopting the budget amendment for the current school fiscal year.

The meeting to adopt a budget amendment will be open and will provide opportunity for any taxpayer to appear and be heard. Budget procedures will be consistent with statutory requirements. When applicable, the District will apply for state financial aid to supplement the amount to be collected from local taxes.

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**Montana Code Annotated References**

**Description**

20-9-133	Adoption and expenditure limitations of final budget
20-9-161	Definition of budget amendment for budgeting purposes
20-9-162	Authorization for budget amendment adoption
20-9-163	Resolution for budget amendment – petition to superintendent of public instruction
20-9-164	Notice of budget amendment resolution
20-9-165	Budget amendment limitation, preparation, and adoption procedures
20-9-166	State financial aid for budget amendments
20-9-208	Transfers among appropriation items of fund – transfers from fund to fund

**Policy 7210: Revenues**

**Status:** DRAFT

**Original Adopted Date:** Pending

The District will seek and utilize all available sources of revenue for financing its educational programs, including revenues from non-tax, local, state, and federal sources. The District will properly credit all revenues received to appropriate funds and accounts as specified by federal and state statutes and accounting and reporting regulations for Montana school districts.

The District will collect and deposit all direct receipts of revenues as necessary but at least once monthly. The District will make an effort to collect all revenues due from all sources, including but not limited to rental fees, bus fees, fines, tuition fees, other fees and charges. Uncollectible checks may be turned over to the county attorney for collection.

**Montana Code Annotated References**

Title 20, Chapter 9

**Description**

Finance

**Policy 7215: Obligations and Loans**

**Status:** DRAFT

**Original Adopted Date:** Pending

The District may, without a vote of the electors of the District, secure loans from or issue and sell to the board of investments or a bank, building and loan association, savings and loan association, or credit union that is a regulated lender under Montana law, obligations for the purpose of financing all or a portion of:

- A. the costs of vehicles and equipment and construction of buildings used primarily for the storage and maintenance of vehicles and equipment;
- B. the costs associated with renovating, rehabilitating, and remodeling facilities, including but not limited to roof repairs, heating, plumbing, electrical systems, and cost-saving measures as defined in Montana law;
- C. the costs of nonpermanent modular classrooms necessary for student instruction when existing buildings of the district are determined to be inadequate by the trustees;
- D. any other expenditure that the district is otherwise authorized to make including the payment of settlements of legal claims and judgments; and
- E. the costs associated with the issuance and sale of the obligations.

Before seeking to secure a loan or issue and sell obligations to a regulated lender, the District shall first offer the board of investments a written notice of the board's right of first refusal. If the board of investments accepts the offer to issue a loan or purchase obligations, the board shall provide a written response to the trustees by the later of:

- A. 120 days following delivery of the trustees' offer to the board; or
- B. the day after the next meeting of the board of investments.

If the trustees have not received a written acceptance by the deadline the District may seek to secure a loan or issue and sell an obligation to a regulated lender as outlined in this policy and Montana law.

The District may access its major maintenance aid account for school facility projects, including the payment of principal and interest on obligations issued in accordance with this policy and Montana law for school facility projects,

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**Montana Code Annotated References**

**Description**

20-9-471

Issuance of obligations

20-9-525

School major maintenance aid account

**Policy 7231: Federal Impact Funds**

**Status:** DRAFT

**Original Adopted Date:** Pending

It is the intent of the District that all American Indian children of school age have equal access to all programs, services, and activities offered in the District.

It is also the intent of the District to fully comply with the requirements of Title VII of the Elementary and Secondary Education Act (ESEA) and regulations relating thereto. To that end, the District shall:

1. Provide tribal officials and parents of Indian children with relevant applications, evaluations, program plans and information related to the District's education program and activities sufficient advance notice for an opportunity to comment on the participation of Indian children on an equal basis in all programs and activities offered by the District;
2. Annually assess the extent to which Indian students are participating on an equal basis in the educational programs and activities of the District;
3. If and when necessary, modify its educational programs to ensure that Indian children participate on an equal basis with non-Indian children served by the District;
4. Respond at least annually in writing to comments and recommendations made by tribes or parents of Indian children, and disseminate the responses to the tribe and parents of Indian children prior to the submission of the IPP's.
5. Provide an opportunity for tribes and parents of Indian children to provide their views on the District's educational program and activities, including recommendations on the needs of their children and how the District may help those children realize their benefits of the District's education programs and activities.
6. Provide a copy of the IPP's annually to the affected tribe or tribes.

**Assessments**

Tribal officials and parents of Indian children are encouraged to assess the effectiveness of their input regarding the participation of Indian children in the District's educational programs and activities and the development and implementation of the District's Indian policies and procedures and share the results of such assessment with the District.

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**United States Code References**

20 U.S.C.S. 7701, et seq.

**Description**

The Impact Aid Program - Title VIII of the Elementary and Secondary Education Act

**Code of Federal Regulations References**

34 CFR 222.94

**Description**

The Impact Aid Program



**Procedure 7231-P(1): Federal Impact Funds - Procedure**

**Status:** DRAFT

**Original Adopted Date:** Pending

The Board adopts the following procedures as required by Title VII of the Elementary and Secondary Education Act (ESEA):

1. The \_\_\_\_\_ and/or his/her designee will disseminate information and seek timely input regarding the following programs on its educational program (including but, not limited to): Title I, Part A, Title I, Part C, Title I, Part D, Title II, Part A, Title III, Part A, Title IV, Part A, Title IV, Part B, Title V, Part B subpart 2, Title VI, Part A, subpart 1, Title VII-Impact Aid programs, Johnson O'Malley programming.

The completed applications, evaluations, and program planning will be made available to parents of Indian children, Tribal officials, and the Indian Education Committee and a summary will be prepared and disseminated \_\_\_\_\_ days/weeks in advance of public meetings held in \_\_\_\_\_ and \_\_\_\_\_ (enter months of meetings) to afford all interested parties the opportunity to review the documents with sufficient time to provide thoughtful input at the meetings. These meetings will be publicly advertised by \_\_\_\_\_ (describe how they are advertised) to allow all interested parties to attend.

Parents of Indian children, tribal officials, the Indian Education Committee and any other interested person can review assessment data to help develop or modify educational programs and services allowing for the participation of Indian students on an equal basis in the district.

Minutes from the Indian Education meetings will be posted on the District's website for all patrons and Tribal officials to review. This will allow for ongoing dissemination of information.

2. The \_\_\_\_\_ School District will take the following measures to annually assess the extent to which Indian children participate on an equal basis with non-Indian children in the District's education program and activities.
  - A. The District will monitor Indian student participation in all academic and co-curricular activities.
  - B. School district officials will review school data to assess the extent of Indian children's participation in the District's education programs on an equal basis.
  - C. The District will share its assessment of district funding, Indian student participation, related academic achievements and other related data will be shared with the parents of Indian children and tribal officials by (mail, email, posting at tribal offices, etc.).
  - D. Parents of Indian children, tribal officials and other interested parties may express their views on participation through direct communication with the school district, at any school board meeting or to the Indian Education Committee (Parent Advisory Committee).
  - E. Copies of annual reports will be provided to tribal officials.
3. During the organization meeting of the Indian Education Committee (Parent Advisory Committee), the Indian Policies and Procedures (Policies 7231-7231P) will be reviewed and revised if necessary. Once this has happened, the document will be forwarded to the \_\_\_\_\_ School Board as well as the tribal officials and parents of Indian children for review and consideration. If necessary, the Indian Education Committee (Parent Advisory Committee) may suggest revisions at other times of the year as appropriate. Any updates will be sent to parents of Indian children and tribal officials with \_\_\_\_\_ (days/weeks) of adoption by the \_\_\_\_\_ School Board.
4. The \_\_\_\_\_ School District will respond at least annually in writing to comments and recommendations made by tribes or parents of Indian children and disseminate the responses to the tribe and parents of Indian children prior to the submission of the IPP's by the District.
5. The Indian Education Committee (parent Advisory Committee) of the District will meet \_\_\_\_\_ (monthly, quarterly, etc.) for the purpose of addressing comments and concerns of parents of Indian children regarding the District's educational programs and activities. The meeting agendas are posted and all meetings are open

to the public allowing for tribal officials as well as parents of Indian children the opportunity to submit comments and recommendations for consideration.

A school board representative is a non-voting member of the Indian Education Committee (Parent Advisory Committee). This representation allows for the discussion of the needs of the students and ideas to be brought forward to both the Indian Education Committee (Parent Advisory Committee) as well as the School Board.

At an annual board meeting held in \_\_\_\_\_ (month), members of the Indian community will be afforded the opportunity to provide comments and suggestions regarding programming for Indian students.

6. The District will annually provide a current copy of Policies 7231 and 72131P to the \_\_\_\_\_ tribe by \_\_\_\_\_ (mail, email, posting at tribal offices, etc.).

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**United States Code References**

20 U.S.C.S. 7701, et seq.

**Description**

The Impact Aid Program - Title VIII of the Elementary and Secondary Education Act

**Code of Federal Regulations References**

34 CFR 222.94

**Description**

The Impact Aid Program

**Policy 7310: Budget Implementation and Execution**

**Status:** DRAFT

**Original Adopted Date:** Pending

Once adopted by the Board, the operating budget shall be administered by the \_\_\_\_\_ designees. All actions of the \_\_\_\_\_/designees in executing programs and/or activities delineated in that budget are authorized according to these provisions:

1. Expenditure of funds for employment and assignment of staff shall meet legal requirements of the state of Montana and adopted Board policies.
2. Funds held for contingencies may not be expended without Board approval.
3. A listing of warrants describing goods and/or services for which payment has been made must be presented for Board ratification each month.
4. Purchases will be made according to the legal requirements of the state of Montana and adopted Board policy.

**Montana Code Annotated References**

20-3-332

20-9-213

**Description**

Personal immunity and liability of trustees

Duties of trustees

**Policy 7320: Purchasing**

**Status:** DRAFT

**Original Adopted Date:** Pending

Authorization and Control

The \_\_\_\_\_ is authorized to direct expenditures and purchases within limits of the detailed annual budget for the school year. The Board must approve purchase of capital outlay items, when the aggregate total of a requisition exceeds \$\_\_\_\_\_, except the \_\_\_\_\_ shall have the authority to make capital outlay purchases without advance approval when necessary to protect the interests of the District or the health and safety of staff or students. The \_\_\_\_\_ will establish requisition and purchase order procedures to control and maintain proper accounting of expenditure of funds. Staff who obligate the District without proper authorization may be held personally responsible for payment of such obligations.

Bids and Contracts

Whenever it is in the interest of the District, the District will execute a contract for any building furnishing, repairing, or other work for the benefit of the District. If the sum of the contract or work exceeds Eighty Thousand Dollars (\$80,000). The District will call for formal bids by issuing public notice as specified in statute. Specifications will be prepared and made available to all vendors interested in submitting a bid. The contract shall be awarded to the lowest responsible bidder, except that the trustees may reject any or all bids as per § 18-4-307, MCA as stated below in the legal reference. The Board, in making a determination as to which vendor is the lowest responsible bidder, will take into consideration not only the amount of each bid, but will also consider the skill, ability, and integrity of a vendor to do faithful, conscientious work and to promptly fulfill the contract according to its letter and spirit. Bidding requirements do not apply to a registered professional engineer, surveyor, real estate appraiser, or registered architect; a physician, dentist, pharmacist, or other medical, dental, or health care provider; an attorney; a consulting actuary; a private investigator licensed by any jurisdiction; a claims adjuster; or an accountant licensed under Title 37, Chapter 50.

Advertisement for bid must be made once each week for two (2) consecutive weeks, and a second (2nd) publication must be made not less than five (5) nor more than twelve (12) days before consideration of bids.

The \_\_\_\_\_ will establish bidding and contract-awarding procedures. Bid procedures will be waived only as specified in statute. Any contract required to be let for bid shall contain language to the following effect:

*In making a determination as to which vendor is the lowest responsible bidder, if any, the District will take into consideration not only the pecuniary ability of a vendor to perform the contract, but will also consider the skill, ability, and integrity of a vendor to do faithful, conscientious work and promptly fulfill the contract according to its letter and spirit. References must be provided and will be contacted. The District further reserves the right to contact others with whom a vendor has conducted business, in addition to those listed as references, in determining whether a vendor is the lowest responsible bidder. Additional information and/or inquiries into a vendor's skill, ability, and integrity are set forth in the bid specifications.*

Cooperative Purchasing

The District may enter into cooperative purchasing contracts with one or more districts for procurement of supplies or services. A district participating in a cooperative purchasing group may purchase supplies and services through the group without complying with the provisions of 20-9-204(4), MCA if the cooperative purchasing group has a publicly available master list of items available with pricing included and provides an opportunity at least twice yearly for any vendor, including a Montana vendor, to compete, based on a lowest responsible bidder standard, for inclusion of the vendor's supplies and services on the cooperative purchasing group's master list.

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**Montana Code Annotated References**

18-1-101, et seq.

18-1-201, et seq.

18-4-307

**Description**

Preferences and General Matters

Bid Security

Cancellation of invitations for bids or

20-10-110

School bus purchases - contracts - bids

20-9-204

Conflicts of Interest letting contracts, and calling for bids -- exceptions

**Policy 7335: Personal Reimbursements**

**Status:** DRAFT

**Original Adopted Date:** Pending

While it is recommended that all purchases of goods or services be made within established purchasing procedures, there may be an occasional need for an employee to make a purchase for the benefit of the District from personal funds. In that event, an employee will be reimbursed for a personal purchase under the following criteria:

1. It is clearly demonstrated that the purchase is of benefit to the District;
2. The purchase was made with the prior approval of an authorized \_\_\_\_\_;
3. The item purchased was not available from District resources; and
4. The claim for personal reimbursement is properly accounted for and documented with an invoice or receipt.

The District business office is responsible for developing procedures and forms to be used in processing claims for personal reimbursements.

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**Policy 7430: Financial Reporting and Audits**

**Status:** DRAFT

**Original Adopted Date:** Pending

The Board directs that financial reports of all District funds be prepared in compliance with statutory provisions and generally accepted accounting and financial reporting standards. In addition to reports required for local, state, and federal agencies, financial reports will be prepared monthly and annually and presented to the Board. Financial reports shall reflect financial activity and status of District funds.

Appropriate interim financial statements and reports of financial position, operating results, and other pertinent information will be prepared to facilitate management and control of financial operations.

The Board directs that District audits be conducted in accordance with Montana law. Each audit shall be a comprehensive audit of the affairs of the District and District funds. The audits shall comply with all statutory provisions and generally accepted governmental auditing standards. Each audit may be made every two (2) years and cover the immediately preceding two (2) fiscal years, or it may be conducted annually.

**Montana Code Annotated References**

**Description**

2-7-501	Audits of political subdivisions
2-7-503	Financial reports and audits of local government entities
20-9-212	Duties of county treasurer
20-9-213	Duties of trustees

**Policy 7500: Property Records**

**Status:** DRAFT

**Original Adopted Date:** Pending

Property and inventory records will be maintained for all land, buildings, and physical property under District control and will be updated annually.

For purposes of this policy, “equipment” means a unit of furniture or furnishings, an instrument, a machine, an apparatus or a set of articles which retains its shape and appearance with use, is nonexpendable, and does not lose its identity when incorporated into a more complex unit. The \_\_\_\_\_ will ensure inventories of equipment are systematically and accurately recorded and updated annually. Property records of facilities and other fixed assets will be maintained on an ongoing basis. No equipment will be removed for personal or non-school use except in accordance with Board policy.

Property records will show, appropriate to the item recorded, the:

1. Description and identification
2. Manufacturer
3. Date of purchase
4. Initial cost
5. Location
6. Serial number, if available
7. Model number, if available

Equipment may be identified with a permanent tag providing appropriate District and equipment identification.

**Montana Code Annotated References**

20-6-602  
20-6-608

**Description**

Trustees' power of property  
Authority and duty of trustees to insure district property



**Policy 7515: GASB 54**

**Status:** DRAFT

**Original Adopted Date:** Pending

[Note: The provisions of this policy include the provisions of Statement No. 54 of the Governmental Accounting Standards Board (GASB).]

**I. PURPOSE**

The fund balance policy establishes a framework for the management of all excess funds managed by the \_\_\_\_\_ School District. The policy is in accordance with GASB Statement 54; management of fund balance. It also provides guidance and direction for elected and appointed officials as well as staff in the use of excess funds at year-end.

**II. SCOPE**

This fund balance policy applies to all funds in the custody of the School District Business Manager/Clerk of the \_\_\_\_\_ School District, \_\_\_\_\_, Montana. These funds are accounted for in the District's annual audited financial reports and include, but are not limited to, the following:

- General Fund
- Special Revenue Funds
- Capital Project Funds
- Enterprise Funds
- Any new funds created by the District, unless specifically exempted by the governing body; in accordance with state law or GASB pronouncements.

**III. CLASSIFICATION OF FUND BALANCES**

The school district shall classify its fund balances in its various funds in one or more of the following five classifications: nonspendable, restricted, committed, assigned, and unassigned.

**IV. DEFINITIONS**

- A. *Fund balance*---means the arithmetic difference between the assets and liabilities reported in a school district fund.
- B. *Committed fund balance*—amounts constrained to specific purposes by the District itself, using its highest level of decision-making authority; to be reported as committed, amounts cannot be used for any other purpose unless the District takes the same highest-level action to remove or change the constraint
- C. *Assigned fund balance*—amounts a school district intends to use for a specific purpose; intent can be expressed by the District or by an official to which the Board of Trustees delegates the authority
- D. *Nonspendable fund balance*—amounts that are not in a spendable form (such as inventory) or are required to be maintained intact (such as the corpus of an endowment fund)
- E. *Restricted fund balance*—amounts constrained to specific purposes by their providers (such as grantors, bondholders, and higher levels of government), through constitutional provisions, or by enabling legislation
- F. *Unassigned fund balance*—amounts that are available for any purpose; these amounts are reported only in the general fund.

**V. MINIMUM FUND BALANCE**

The school district will strive to maintain a minimum unassigned general fund balance of [ \_\_\_\_ percent of the

annual budget.] [ \_\_\_\_ months of operating expenses.]

*[Note: School districts need to select one of the bracketed choices above and fill in the blank. The other bracketed choice should be deleted. If a minimum fund balance is specified, a stabilization arrangement such as that specified in Part IX below that sets aside specific stabilization amounts may not be necessary.]*

#### VI. ORDER OF RESOURCE USE

If resources from more than one fund balance classification could be spent, the school district will strive to spend resources from fund balance classifications in the following order (first to last): restricted, committed, assigned, and unassigned.

*[Note: The school board determines this order.]*

#### VII. COMMITTING FUND BALANCE

A majority vote of the school board is required to commit a fund balance to a specific purpose and subsequently to remove or change any constraint so adopted by the board.

#### VIII. ASSIGNING FUND BALANCE

The school board, by majority vote, may assign fund balances to be used for specific purposes when appropriate. The board also delegates the power to assign fund balances to the following: \_\_\_\_\_.  
*[Specify individual(s), such as the superintendent, business manager, etc., or an entity, such as the finance committee, authorized to make these assignments.]* Assignments so made shall be reported to the school board on a monthly basis, either separately or as part of ongoing reporting by the assigning party if other than the school board.

An appropriation of an existing fund balance to eliminate a projected budgetary deficit in the subsequent year's budget in an amount no greater than the projected excess of expected expenditures over expected revenues satisfies the criteria to be classified as an assignment of fund balance.

#### IX. STABILIZATION ARRANGEMENTS

*[Note: If the school board has established any arrangement(s) for emergencies and other contingencies, the description(s) should be included in this section. The school board needs to specifically define the circumstances or conditions when these amounts may be used, which must be unanticipated adverse financial or economic circumstances. These circumstances or conditions cannot be situations that are expected to or which occur routinely. Stabilization arrangements should be reported as restricted or committed if they meet the criteria or, otherwise, should be reported as unassigned. They should not be reported as assigned. If the school board does not have any such arrangements, this section should be deleted.]*

#### X. REVIEW

The school board will conduct, at a minimum, an annual review of the sufficiency of the minimum unassigned general fund balance level.

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#### Government Accounting Standards Board References

Statement 54

#### Description

Fund Balance Reporting and Governmental Fund Type Definitions

**Policy 7525: Lease-Purchase Agreement**

**Status:** DRAFT

**Original Adopted Date:** Pending

The trustees of a district can lease property with an option to purchase.

Personal property -- the lease cannot be more than seven (7) years.

Real property -- the lease cannot be more than fifteen (15) years.

The terms of the lease must comply with 20-6-625, MCA. If real property is acquired, the trustees shall comply with 20-6-603, MCA.

The trustees of any district may lease buildings or land suitable for school purposes when it is within the best interests of the district to lease the buildings or land from the county, municipality, another district, or any person. The term of the lease may not be for more than fifteen (15) years unless prior approval of the qualified electors of the district is obtained in the manner prescribed by law for school elections, in which case the lease may be for a term approved by the qualified electors, but not exceeding ninety-nine (99) years. Whenever the lease is for a period of time that is longer than the current school fiscal year, the lease requirements for the succeeding school fiscal years shall be an obligation of the final budgets for such years.

**Montana Code Annotated References**

**Description**

20-6-603	Trustees' authority to acquire or dispose of sites and buildings - when election required
20-6-609	Trustees' authority to acquire property by lease-purchase agreement
20-6-625	Authorization to lease buildings or land for school purposes

**Policy 8121: District-Owned Vehicles**

**Status:** DRAFT

**Original Adopted Date:** Pending

The District owns and maintains certain vehicles. Included among them are pickups, school buses, and vans. These are for use by properly authorized personnel of the District for District business purposes.

Any driver who receives a citation for a driving violation while operating a District vehicle shall personally pay all fines levied. All citations received while the driver is a District employee, whether operating a District vehicle or not, must be reported and may result in disciplinary action up to and including termination.

Bus and Vehicle Maintenance, District

Buses used in the District's transportation program shall be in safe and legal operating condition. All buses shall be inspected by the Department of Justice, Montana Highway Patrol, before the beginning of each semester. The \_\_\_\_\_ will establish a specific list of tasks bus drivers will perform on a daily basis. All other District vehicles shall be maintained following established programs developed by the \_\_\_\_\_.

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**Policy 8124: Student Conduct on Buses**

**Status:** DRAFT

**Original Adopted Date:** Pending

The general student code of conduct is applicable to conduct on school buses.

The \_\_\_\_\_ may establish written rules of conduct for students riding school buses. Such rules will be reviewed annually by the \_\_\_\_\_ and revised if necessary. If rules are substantially revised, they will be submitted to the Board for approval.

At the beginning of each school year, a copy of the rules of conduct for students riding buses will be provided to students, and the classroom teacher and bus driver will review the rules with the students. A copy of the rules will be posted in each bus and will be available upon request at the District office and in each building principal's office.

The bus driver is responsible for enforcing the rules and will work closely with a parent and building principal to modify a student's behavior. Rules shall include consistent consequences for student misbehavior. A recommendation for permanent termination of bus privileges, accompanied by a written record of the incident(s) that led to the recommendation, shall be referred to the \_\_\_\_\_ for final determination. The student's parent or guardian may appeal a termination to the Board. No further appeal shall be allowed.

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**Montana Code Annotated References**

**Description**

20-4-302

Discipline and punishment of pupils – definition of corporal punishment – penalty – defense

20-5-201

Duties and Sanctions

Policy 8200: Food Services

Status: DRAFT

Original Adopted Date: Pending

Due to the school's small size and lack of facilities, the District does not participate in the National School Lunch Program. Parents are responsible for feeding students breakfast and sending them to school with a packed lunch. The District has, however, implemented various gardening and farming practices as part of their instructional program. The school currently owns a Tower Garden and indoor growing equipment. Meals may be provided to students intermittently throughout the school year from the yields of the gardens through an instructional setting. The District may increase the yield and frequency of these meals by gradually expanding equipment to include a greenhouse and a hen house.

Administrative Rules of Montana References	Description
37.111.842	Food Service Requirements
Montana Code Annotated References	Description
20-10-207	School food services fund
20-10-204	Duties of trustees
20-10-205	Allocation of federal funds to school food services fund for federally connected, indigent pupils

**Policy 8225: Tobacco Free Policy**

**Status:** DRAFT

**Original Adopted Date:** Pending

The District maintains tobacco-free buildings and grounds. Tobacco includes but is not limited to cigarettes, cigars, snuff, pipe smoking tobacco, smokeless tobacco, vapor product, alternative nicotine product or any other tobacco or nicotine delivery innovation.

Use of tobacco or nicotine products in a public school building or on public school property is prohibited, unless used in a classroom or on other school property as part of a lecture, demonstration, or educational forum sanctioned by a \_\_\_\_\_ or faculty member, concerning the risks associated with using tobacco products or in connection with Native American cultural activities.

For the purpose of this policy, “public school building or public school property” means:

- Public land, fixtures, buildings, or other property owned or occupied by an institution for the teaching of minor children, that is established and maintained under the laws of the state of Montana at public expense; and
- Includes playgrounds, school steps, parking lots, administration buildings, athletic facilities, gymnasiums, locker rooms, and school vehicles.

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

Use of FDA-approved cessation devices may be permitted at school buildings and on school grounds with the approval of the \_\_\_\_\_.

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**Administrative Rules of Montana References**

37.111.825

**Description**

Health Supervision and Maintenance

**Montana Code Annotated References**

16-11-302

**Description**

Definition of tobacco and vapor products

16-12-108

Limitations of Marijuana Regulation Act

20-1-220

Use of tobacco product in public school building or on public school property prohibited

**United States Code References**

42 U.S.C. 1996

**Description**

American Indian Religious Freedom Act

**Policy 8300: Risk Management**

**Status:** DRAFT

**Original Adopted Date:** Pending

The Board believes that the District must identify and measure risks of loss which may result from damage to or destruction of District property or claims against the District by persons claiming to have been harmed by action or inaction of the District, its officers or staff. The District will implement a risk management program to reduce or eliminate risks where possible and to determine which risks the District can afford to assume. Such program will consider the benefits, if any, of joining with other units of local government for joint purchasing of insurance, joint self-insuring, or joint employment of a risk manager. The Board will assign primary responsibility for administration and supervision of the risk management program to a single person and will review the status of the risk management program each year.

The District will purchase surety bonds for the Clerk, and such other staff and in such amounts as the Board shall from time to time determine to be necessary for honest performance of the staff in the conduct of the District's financial operations.

Security

Security means not only maintenance of buildings, but also protection from fire hazards, intruders, damage, vandalism, and faulty equipment. The District shall implement safe practices in the use of electrical, plumbing, and heating equipment. The Board requires close cooperation with local police, fire, and sheriff departments and with insurance company inspectors.

Access to school buildings and grounds outside of regular school hours shall be limited to staff completing official duties and authorized individuals or entities requiring access. An adequate key control system shall be established which shall limit access to buildings to authorized staff, individuals, and entities and shall safeguard against the potential entry of unauthorized persons.

Records and funds shall be kept in a safe place and under lock and key when required.

Locks and other protective devices designed to be used as safeguards against illegal entry and vandalism shall be installed when appropriate to the individual situation. Employment of security officers may be approved in situations where special risks are involved. All incidents of vandalism, unauthorized access and burglary shall be reported to the Superintendent immediately and to law enforcement agencies as appropriate.

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**Montana Code Annotated References**

**Description**

2-9-101, et seq.

Liability Exposure

2-9-211

Political subdivision insurance

2-9-501, et seq

General Provisions Related to Official Bonds

20-3-331

Purchase of insurance – self-insurance plan

20-6-608

Authority and duty of trustees to insure district property



**Policy 8301: District Safety**

**Status:** DRAFT

**Original Adopted Date:** Pending

District Safety

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

The Board has identified local hazards which may exist within the boundaries of the District include but are not limited to fire, natural disasters, intruders, weapons, and man-made disasters. The Board shall adopt a school safety plan or emergency operations plan for such hazards relating to school buildings and facilities, communications systems, and school grounds with the input from the local community and that addresses coordination, with the county or regional interdisciplinary child information and school safety team provided for in Policy 4410. The plan shall be reviewed annually.

The plan must include the following threat assessment practices:

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

The Superintendent or designee shall design and incorporate drills in its school safety or emergency operations plan to address the above stated hazards. This plan and procedures shall be discussed and distributed to each teacher at the beginning of each school year. There shall be at least eight (8) disaster drills a year in a school. All teachers shall discuss safety drill procedures with their class at the beginning of each year and shall have them posted in a conspicuous place next to the exit door. Drills must be held at different hours of the day or evening to avoid distinction between drills and actual disasters. A record shall be kept of all fire drills.

The trustees shall review the school safety or emergency operations plan annually review and update the plan as determined necessary by the trustees based on changing circumstances pertaining to school safety. Once the trustees have made the certification to the office of public instruction that the plan has been reviewed, the trustees may transfer funds pursuant to Section 20-9-236, MCA to make improvements to school safety and security.

The Superintendent shall develop safety and health standards which comply with the Montana Safety Culture Act.

**[Optional]:** The Superintendent shall ensure District employees are provided equipment, tools, and devices designed to ensure a safe and health workplace in accordance with this policy. Failure to use the provided equipment in a suitable or timely manner may be considered a violation of District policy. If a staff member requires equipment that is not available, an employee may submit a request to the administration in accordance with established District practice. **[End Optional Language]**

To ensure a safe school setting and to comply with regulations governing schools in Montana, the following safety measures shall be implemented in the District:

- a. Janitorial and other storage areas that contain toxic or hazardous materials must be kept locked between periods of use. Custodial closets, boiler rooms, and other areas where hazardous or poisonous compounds are stored must be inaccessible to students.
- b. All cleaning compounds and other toxic chemicals not stored in the product container or package in which it was obtained must be stored in a labeled container that clearly identifies the product by name.
- c. Chemicals must be stored as specified by the chemical's Safety Data Sheet.

- d. The school and school site must be free of objects or conditions which create unreasonable or unnecessary dangers to health or safety.
- e. First aid kits and AEDs must be provided and stored in accessible locations that are easily identifiable to staff and trained personnel.
- f. Playground and school yards must be inspected every month by the facility manager or other school personnel and the inspection must be recorded and records kept on the school site. Inspections must be conducted using a playground safety checklist approved by DPHHS.
- g. Playground inspection results must be made available for review by the local health authority or DPHHS upon request.
- h. Periodic maintenance and repair must be performed on playground equipment according to the manufacturer's specifications. Repairs, not including the leveling of fall protection material, must be documented.
- i. Playground equipment must be maintained in a safe condition.

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<b>Administrative Rules of Montana References</b>	<b>Description</b>
37.111.812	Safety Requirements
39-71-1501, et seq.	Montana Safety Culture Act
<b>Montana Code Annotated References</b>	<b>Description</b>
20-1-401	Disaster drills to be conducted regularly – districts to identify disaster risks and adopt school safety plan
20-1-402	Number of disaster drills required - time of drills to vary
<b>Montana Session Laws References</b>	<b>Description</b>
Chapter 348 (2023) Pending Codification	School Safety Teams

**Policy 8310: Memorials**

**Status:** DRAFT

**Original Adopted Date:** Pending

The School Board recognizes that the death of a student, member of the staff, or community members is deeply felt by the school community. As places designed primarily to support learning, school sites should not serve as the main venue for permanent memorials for students, staff, or community members.

Permanent memorials for deceased students, staff, or community members shall be limited in form to perpetual awards or scholarships. [Contributions may be made to a general scholarship fund established by the district memorializing a student, staff member, or member of the school community.] [Memorial scholarships may be accepted and awarded under criteria approved by the \_\_\_\_\_ in honor of persons who have special significance to the students, district and community. All such offers will be submitted to the \_\_\_\_\_ with pertinent information concerning the purpose of the memorial scholarship. Funds will be administered by the District.] Items may be accepted by the district in memory of an individual or event with \_\_\_\_\_ approval. The \_\_\_\_\_ will consider any maintenance costs to the district of such gifts. Items received become the property of the district and will be used for the purpose for which they were donated.

Any permanent memorials in existence before this policy was adopted can only be removed by a vote of the Board of Trustees.

The Board recognizes the use of district property for memorial services is generally inappropriate. Any such request will be considered in accordance with Board Policy 4330 and 4330P.

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Policy 8320: Property Damage

Status: DRAFT

Original Adopted Date: Pending

The District will maintain a comprehensive insurance program which will provide adequate coverage, as determined by the Board, in the event of loss or damage to school buildings and/or equipment, including motor vehicles. The comprehensive insurance program will maximize the District’s protection and coverage while minimizing costs for insurance. This program may include alternatives for sharing the risk between the District and an insurance carrier and through self-insurance plans.

Privately Owned Property

The District will not assume responsibility for maintenance, repair, or replacement of any privately owned property brought to a school or to a District function, unless the use or presence of such property has been specifically requested in writing by the \_\_\_\_\_.

Montana Code Annotated References	Description
20-6-608	Authority and duty of trustees to insure district property

**Policy 8411: Water Supply and Wastewater Systems**

**Status:** DRAFT

**Original Adopted Date:** Pending

The District shall ensure an adequate and potable supply of water for school buildings and properties by either:

- a. connecting to a compliant public water supply system; or
- b. utilizing a non-public system whose construction and use meet the standards published by DPHHS if the school is not utilized by more than 25 persons daily at least 60 days out of the calendar year, including staff and students, and a compliant public water supply system is not accessible. When using a system outlined in this subsection (b) a school shall submit a water sample at least quarterly to a laboratory licensed by the DPHHS to perform microbiological analysis of the water supplied in order to determine that the water does not exceed the maximum microbiological contaminant levels acceptable to DPHHS.

A water supply system of a type other than described in subsections (a) or (b) may be utilized only if it is designed by a professional engineer and offers equivalent sanitary protection as determined by DPHHS or local health authority. When using a system outlined in this paragraph, the District shall submit a water sample at least quarterly to a laboratory licensed by DPHHS to perform microbiological analysis of the water supplied in order to determine that the water does not exceed the maximum microbiological contaminant levels acceptable to DPPHS, DEQ, or local health authority.

The District shall replace or repair the water supply system serving it whenever the water supply:

- a. contains microbiological contaminants in excess of the maximum levels acceptable to DPPHS, DEQ, or local health authority.
- b. does not have the capacity to provide adequate water for drinking, cooking, personal hygiene, laundry, and water-carried waste disposal.

If the District cannot make water under pressure available, the drinking water from an approved source shall be stored in a clean and sanitized container having a tight-fitting lid and a suitable faucet apparatus for filling individual cups. In this situation, single service drinking cups shall be provided.

Flushing and Testing

The District shall review water systems and features including but not limited to sink faucets, drinking fountains, decorative fountains to ensure they are safe to use after a prolonged facility shutdown. Drinking fountains shall be regularly cleaned and sanitized. The District shall create and implement a flushing program unless it meets the established waiver requirements established by DEQ. Flushing shall be required following any period of time during which the school is inactive.

The District shall maintain a schematic and inventory of fixtures in accordance with DEQ protocols as part of the District's water testing program. The District shall sample all water fountains and sinks used for food preparation. All other potential human consumption fixtures shall be sampled, unless the District receives approval for a testing plan from DEQ to test a representative sample of potential fixtures in the school in accordance with DEQ protocols. All samples shall be analyzed by a Montana certified lab using EPA-approved standard drinking water methods for the detection and quantification of lead. All test results will be considered public records.

Wastewater

The District shall ensure wastewater is completely and safely disposed of by:

- a. connecting to a compliant public wastewater system; or
- b. if the school is not utilized by more than 25 persons daily at least 60 days out of the calendar year, including staff and students, and a compliant public wastewater system is not available, utilizing a non-public system whose construction and use meet DEQ construction and operation standards.

If the District uses pit privies, the privies shall be operated and maintained in compliance with the standards specified in DEQ Circular 4. If the District uses a wastewater system design of a type other than described in this policy, it

shall be designed by a professional engineer and offers equivalent sanitary protection as determined by the DPPHS, DEQ, or local health authority.

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Administrative Rules of Montana References	Description
10.55.701	Board of Trustees
17.38.207	Maximum Microbiological Containment Levels
37.111.832	Water Supply System
Title 17, chapter 38, subchapter 1	Public Water and Sewer Plans, Cross Connections, and Drilling Water Wells

**Policy 8421: Lead Renovation**

**Status:** DRAFT

**Original Adopted Date:** Pending

In accordance with the requirements of the Environmental Protection Agency (EPA), the District has this Lead Renovation Policy that is designed to recognize, control and mitigate lead hazards at all District owned facilities and grounds.

The Lead-based paint renovation, repair and painting program (RRP) is a federal regulatory program affecting contractors, property managers, and others who disturb painted surfaces. It applies to child-occupied facilities such as schools and day-care centers built prior to 1978.

"Renovation" is broadly defined as any activity that disturbs painted surfaces and includes most repair, remodeling, and maintenance activities, including window replacement.

The District has implemented this policy to identify, inspect, control, maintain and improve the handling of lead related issues across the district facilities and grounds. In an effort to reduce potential hazards, the District through training has put together maintenance programs that will not only better protect the environment, but the students and employees of the District as well.

The District's Lead Renovation Policy shall apply too not only employees of the maintenance department but to outside contractors as well. No outside painting contractor will be permitted to work for the District after April 22, 2010 unless they can show proof of training relative to lead renovation or maintenance from an accredited training institution.

Information Distribution Requirements

No more than 60 days before beginning renovation activities in any school facility of the District, the company performing the renovation must:

1. Provide the staff with EPA pamphlet titled Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools.
2. Obtain, from the District, a written acknowledgement that the District has received the pamphlet.
3. Provide the parents and guardians of children using the facility with the pamphlet and information describing the general nature and locations of the renovation and the anticipated completion date by complying with one of the following:
  - i. Mail or hand-deliver the pamphlet and the renovation information to each parent or guardian of a child using the child-occupied facility. The School District will also include information about how parents and guardians may choose to receive the pamphlet via email in a consent and enrollment form.
  - ii. While the renovation is ongoing, post informational signs describing the general nature and locations of the renovation and the anticipated completion date. These signs must be posted in areas where they can be seen by the parents or guardians of the children frequenting the child-occupied facility. The signs must be accompanied by a posted copy of the pamphlet or information on how interested parents or guardians can review a copy of the pamphlet or obtain a copy from the renovation firm at no cost to the parents or guardians.
4. The renovation company must prepare, sign, and date a statement describing the steps performed to notify all parents and guardians of the intended renovation activities and to provide the pamphlet.

Recordkeeping Requirements \*

All documents must be retained for three (3) years following the completion of a renovation.

- Records that must be retained include:
- Reports certifying that lead-based paint is not present.

- Records relating to the distribution of the lead pamphlet.
- Documentation of compliance with the requirements of the Lead-Based Paint Renovation, Repair, and Painting Program.

*\*Note: The MTSBA recommends that districts follow the same record retention schedule as they do for Asbestos abatement (forever).*

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#### **United States Code References**

15 U.S.C. 2682 and 2886

#### **Description**

Toxic Substances Control Act

#### **Code of Federal Regulations References**

40 CFR Part 745, Subpart E

#### **Description**

Lead-based paint poisoning in certain residential structures



**Policy 8425: Service Animals**

**Status:** DRAFT

**Original Adopted Date:** Pending

For the purposes of this policy, state law defines a service animal as a dog or any other animal that is individually trained to do work or perform tasks for the benefit of an individual with a disability. Federal law definition of a disability includes a physical, sensory, psychiatric, intellectual, or other mental disability.

The District shall permit the use of a miniature horse by an individual with a disability, according to the assessments factors as outlined in Policy 8425P, if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.

The \_\_\_\_\_ School District will permit the use of service animals by an individual with a disability according to state and federal regulations. The School District will honor requests for service animals in accordance with the applicable Section 504 or Special Education policy adopted by the Board of Trustees. The work or tasks performed by a service animal must be directly related to the handler's disability.

Examples of work or tasks performed by the service animal to accommodate an identified disability include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

The District may ask an individual with a disability to remove a service animal from the premises if:

- The animal is out of control and the animal's handler does not take effective action to control it; or
- The animal is not housebroken

The District is not responsible for the care or supervision of the service animal.

Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of the District's facilities where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go.

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**Montana Code Annotated References**

49-4-203

**Description**

Definitions

**United States Code References**

29 USC 701, et seq

**Description**

Section 504 of the Rehabilitation Act

42 USC 12101, et seq.

Title II of the Americans with Disabilities Act of 1990

**Code of Federal Regulations References**

28 CFR 35.104

**Description**

Definitions

28 CFR 35.136

Service Animals

34 CFR 104

Section 504 of Rehabilitation Act

**Procedure 8425-P(1): Service Animals - Allowance Procedure**

**Status:** DRAFT

**Original Adopted Date:** Pending

The School District will honor requests for service animals by students or staff in accordance with the applicable Section 504 or Special Education policy adopted by the Board of Trustees. The following procedures have been developed which will help guide the \_\_\_\_\_ when a request for the use of a service animal has been presented by an individual with a disability.

**Inquiries:** The \_\_\_\_\_ shall not ask about the nature or extent of a person's disability but may make two inquiries to determine whether an animal qualifies as a service animal. The \_\_\_\_\_ may ask if the animal is required because of a disability and what work or task the animal has been trained to perform. The \_\_\_\_\_ shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. Generally, the \_\_\_\_\_ may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability ( e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).

**Exclusions:** The \_\_\_\_\_ may ask the individual to remove the service animal from the premises if the animal is out of control and the handler does not take effective action to control it, or if the animal is not housebroken. If the \_\_\_\_\_ properly excludes the service animal, it shall give the individual the opportunity to participate in the service, program, or activity without having the service animal on the premises.

**Surcharges:** The \_\_\_\_\_ shall not ask or require the individual to pay a surcharge, even if people who are accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets. If the District normally charges individuals for the damage they cause, the individual may be charged for damage caused by his or her service animal.

**Miniature horses assessment factors:** In determining whether reasonable modifications can be made to allow a miniature horse into a specific facility, the District shall consider:

- The type, size, and weight of the miniature horse
- Whether the miniature horse is housebroken, and
- Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

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**Montana Code Annotated References**

49-4-203

**Description**

Definitions

**United States Code References**

29 USC 701, et seq

**Description**

Section 504 of the Rehabilitation Act

42 USC 12101, et seq.

Title II of the Americans with Disabilities Act of 1990

**Code of Federal Regulations References**

28 CFR 35.104

**Description**

Definitions

28 CFR 35.136

Service Animals

34 CFR 104

Section 504 of Rehabilitation Act

**Policy 8430: Records Management**

**Status:** DRAFT

**Original Adopted Date:** Pending

The District will retain, in a manner consistent with applicable law and the state's *Rules for Disposition of Local Government Records*, such records as are required by law or regulations to be created and/or maintained, and such other records as are related to students, school personnel, and the operations of the schools.

For the purpose of this policy, "records" are all documentary materials, regardless of media or characteristics, made or received and maintained by the school unit in transaction of its business. Records include email and other digital communications sent and received.

Records may be created, received, and stored in multiple formats, including but not limited to print, microfiche, audio and videotapes, and various digital forms (on hard drives, computer disks and CDs, servers, flash drives, etc.).

The \_\_\_\_\_ will be responsible for developing and implementing a records management program for the cataloging, maintenance, storage, retrieval, and disposition of school records. The \_\_\_\_\_ will also be responsible for developing guidelines to assist school employees in understanding the kinds of information that must be saved and those which can be disposed of or deleted. The \_\_\_\_\_ may delegate records-management responsibilities to other school personnel at his/her discretion to facilitate implementation of this policy.

All personnel records made or kept by an employer, including, but not necessarily limited to, application forms and other records related to hiring, promotion, demotion, transfer, layoff or termination, rates of pay or other terms of compensation and selection for training or apprenticeship, shall be preserved for 2 years from the date the record is made or from the date of the personnel action involved, whichever occurs later.

Student records must be permanently kept, and employment records must be kept for 10 years after termination.

Litigation Holds for Electronic Stored Information (ESI)

The School District will have an ESI Team. The ESI Team is a designated group of individuals who implement and monitor litigation holds, a directive not to destroy ESI that might be relevant to a pending or imminent legal proceeding. The ESI Team will include a designated school administrator, an attorney, and a member from the Technology Department. In the case of a litigation hold, the ESI Team shall direct employees and the Technology Department, as necessary, to suspend the normal retention procedure for all related records.

Inspections of ESI

Any requests for ESI records should be made in writing and will be reviewed by the \_\_\_\_\_ or designee, in consultation with an attorney if needed, and released in accordance with Montana public records law.

Delegated Authority

The Board delegates to the \_\_\_\_\_ or designees the right to implement and enforce additional procedures or directives relating to ESI retention consistent with this policy, as needed.

Information Security Breach

Information security breaches shall be handled in accordance with 30-14-1704, MCA, Computer Security Breach, including, but not limited to, investigations and notifications.

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**Administrative Rules of Montana References**

24.9.805

**Description**

Employment Records

**Montana Code Annotated References**

20-1-212

**Description**

Destruction of Records by school officer

20-9-215

Destruction of certain financial records



**Policy 8440: Computer Software**

**Status:** DRAFT

**Original Adopted Date:** Pending

Unauthorized copying of any computer software licensed or protected by copyright is theft. Failure to observe software copyrights and/or license agreements may result in disciplinary action by the District and/or legal action by a copyright owner.

No District-owned computing resources should be used for unauthorized commercial purposes.

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