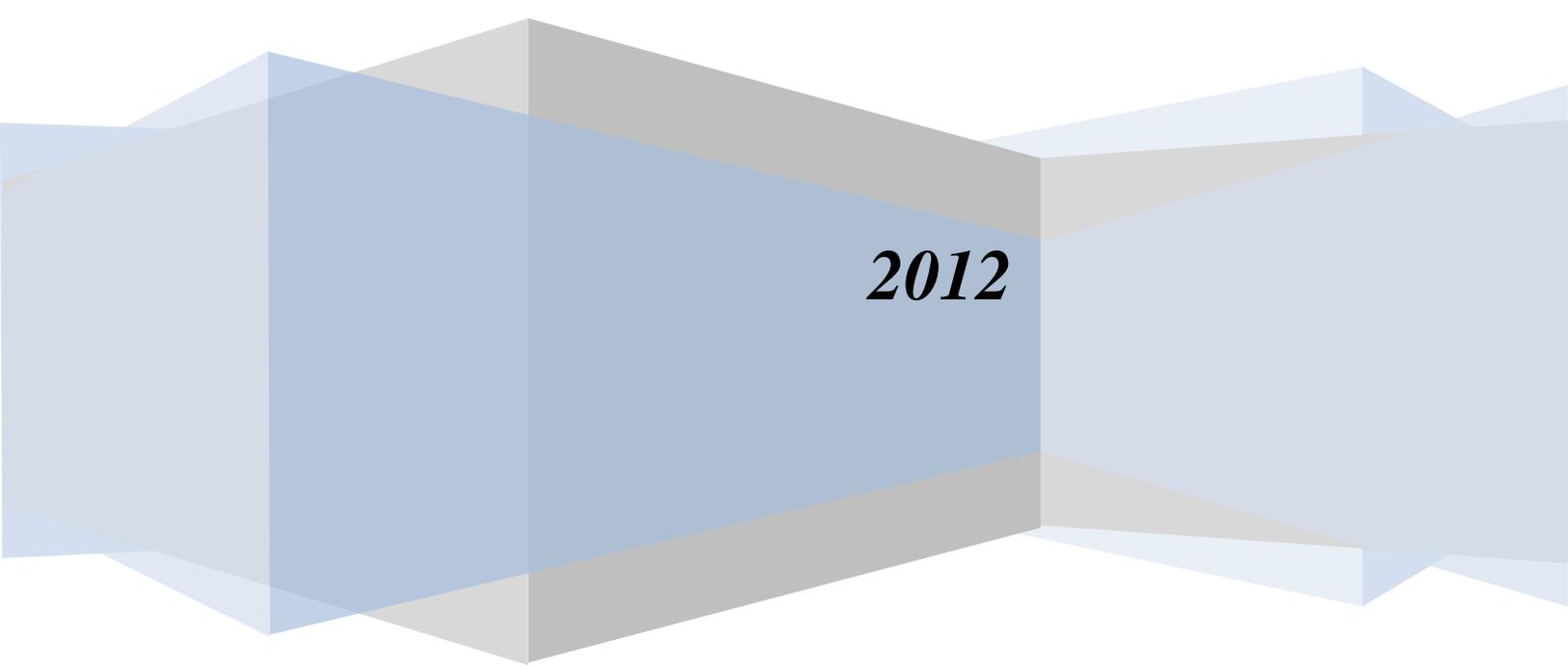


**Gallatin Gateway Elementary School District Board of  
Trustees #35**

# **GALLATIN GATEWAY ELEMENTARY**

**Board Policy**



***2012***

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SCHOOL DISTRICT ORGANIZATION

Legal Status and Organization

The Board of Trustees of the Gallatin Gateway School District #35 is the governmental entity established by the State of Montana to plan and direct all aspects of the District's operations. The District is governed by a Board of Trustees consisting of five (5) members who are residents of and elected by qualified electors of the District. The District is classified as a class three district and is operated according to the laws and regulations pertaining to a class three district.

The policies of the Board define the organization of the Board and the manner of conducting its official business. The Board's powers and duties include the broad authority to adopt and enforce all powers and duties of the Board derived from the Montana Constitution, state statutes and regulations.

Legal References:	§ 20-3-323, MCA	District policy and record of acts
	§ 20-3-324, MCA	Powers and duties
	§ 20-3-341, MCA	Number of trustee positions in elementary school districts

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on: June 15, 2015

SCHOOL DISTRICT ORGANIZATION

Governance

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

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

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

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

SCHOOL DISTRICT ORGANIZATION

Powers and Duties of the Board of Trustees

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

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

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

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

Cross Reference:

Policy History:

Adopted on: August 20, 2012

Revised on: June 15, 2015

SCHOOL DISTRICT ORGANIZATION

Goals and Objectives

The Board shall annually review and/or adopt long and short range goals and objectives to guide the District in the areas identified by the Board for school improvement. The Board may seek input from community members, parents, students, staff members and other interested individuals in developing these goals and objectives.

Vision:

Gallatin Gateway School provides a premiere educational program for our students.

Mission:

The Gallatin Gateway School community empowers our students to take responsibility for their learning so they may achieve their individual potentials as lifelong learners and productive citizens.

Motto:

Educating the Future

Philosophy:

The Trustees of School District #35 are guided by the conviction that every student has the right to the best education this community can provide. Responsibility for this rests with all citizens, parents, school staff, and students, with the ultimate responsibility for direction and decision-making being assumed by the Board of Trustees.

The Board will exert leadership in creating, maintaining, and improving the school for the children's educational needs. The focal point of concern in our school system is the student. Organization, staffing, programming, teaching, and funding will all be developed to enhance positive opportunities for students to learn and develop personally, academically, and socially.

NOTE: Reference to "parents" in board policy shall mean parent, caretaker relative, legal guardian, or legal custodian.

Legal Reference:

Cross Reference:

Policy History:

Adopted on: August 20, 2012

Revised on: July 8, 2013

## SCHOOL DISTRICT ORGANIZATION

School Board Elections

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

Board elections shall be held on the first Tuesday after the first Monday in May of each year. In years when the legislature meets in regular session or in a special session that affects school funding, the trustees may order the election on a date other than the regular school election day in order for the electors to consider a proposition requesting additional funding under § 20-9-353, MCA. Any person who is a qualified voter of the District is legally qualified to become a trustee. Some persons may be ineligible for board membership by reason of other public offices held or certain types of State or federal employment. Any (5) five qualified electors may nominate as many trustee candidates as there are trustee positions subject to election at the ensuing election. The name of each person nominated for candidacy shall be submitted to the District Clerk not less than forty (40) days before the regular school election day. If there are different terms to be filled, the term for which each candidate is nominated shall also be indicated.

Any candidate intending to withdraw from the election shall send to the District Clerk a notice of withdrawal which contains all the information necessary to identify the candidate and the office for which the candidate was nominated. This notice must be acknowledged by the District Clerk. A candidate may not withdraw less than thirty-eight (38) days before the election.

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

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

Legal Reference:	§ 20-3-304, MCA	Annual election
	§ 20-3-305, MCA	Candidate qualification, nomination and withdrawal
	§ 20-20-301, MCA	Qualifications of elector
	§ 20-3-313, MCA	Election by acclamation – notice
	§ 20-9-353, MCA	Additional financing for general fund – election for authorization to impose
	§ 20-20-105, MCA	Regular school election and special school elections

## Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on: June 15, 2015

SCHOOL DISTRICT ORGANIZATION

Board Member Term of Office

A newly elected trustee shall take office as soon as the election results have been certified and the newly-elected trustee has taken and subscribed to an oath that the trustee will faithfully and impartially discharge the duties of the office to the best of the trustee’s ability. An oath of office may be administered by the county superintendent, the superintendent’s designee, or any official provided for by law. Such oath must be filed with the county superintendent within fifteen (15) days after the receipt of the certificate of election.

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

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

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

SCHOOL DISTRICT ORGANIZATION

Board Member Conflict of Interest

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

- engage in a substantial financial transaction for the trustee’s private business purpose with a person whom the trustee inspects or supervises in the course of official duties;
- perform an official act directly and substantially affecting, to its economic benefit, a business or other undertaking in which the trustee has a substantial financial interest or is engaged as counsel, consultant, representative or agent;
- act as an agent or solicitor in the sale or supply of goods or services to the District;
- have a pecuniary interest, directly or indirectly, in any contract made by the Board when the trustee has more than a 10% interest;
- be employed in any capacity by the District, except to officiate at athletic competitions under the auspices of the Montana Officials Association; or
- take part in the appointment or employment of any person related or connected by blood within the 4<sup>th</sup> degree or by marriage within the 2<sup>nd</sup> degree, except as provided by statute.

Legal References:	§ 20-9-204, MCA	Conflict of interest
	§ 20-1-201, MCA	School officers not to act as agents
	§ 2-2-302, MCA	Appointment of relative to office of trust or emolument unlawful -- exceptions -- publication of notice.

Cross Reference:

Policy History:

Adopted on: August 20, 2012

Revised on: June 15, 2015



SCHOOL DISTRICT ORGANIZATION

Resignations and Other Vacancies

Any elected trustee position shall be vacant whenever the incumbent:

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

A trustee position also shall be vacant when an elected candidate fails to qualify under the provisions of § 20-3-307, MCA. A resignation of a trustee, for whatever reason, must be submitted in writing to the Clerk of the District. A resignation is effective seventy-two (72) hours after its submission unless withdrawn during that period by the trustee in writing and delivered to the Clerk of the District.

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

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

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

SCHOOL DISTRICT ORGANIZATION

Board Development and Self Evaluation

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

Newly elected or appointed trustees shall be given a copy of the District policy manual and shall have the opportunity to meet with the Superintendent and/or members of the Board for the purpose of answering questions and providing information about the District. The Board Chair may request that a veteran Board member mentor a new member.

As part of the Board's professional development and in an effort to improve on a continuous improvement basis, the Board may conduct a self-evaluation as needed.

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

SCHOOL DISTRICT ORGANIZATION

Board Member Expenses

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

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

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

The District will not pay for or reimburse expenses for liquor, expenses of a spouse, entertainment or other unnecessary expenses.

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

Cross Reference:

Policy History:

Adopted on: August 20, 2012

Revised on:

SCHOOL DISTRICT ORGANIZATION

Board – Superintendent Relationship

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

The role of the Board shall be to:

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

The role of the Superintendent shall be to:

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

The Board shall conduct a formal evaluation of the Superintendent each year. The Superintendent or the Board may request and the Board may conduct additional informal evaluations. The Board shall use its approved Evaluation Instrument to document the Superintendent’s evaluation.

Cross Reference:

Policy History:

Adopted on: August 20, 2012

Revised on: June 15, 2015

SCHOOL DISTRICT ORGANIZATION

Qualifications, Terms and Duties of Board Officers

The Board officers are the Chair and Vice Chair. These officers are elected at the annual organizational meeting.

The Board elects a Chair from its members for a 1-year term. The Chair may be any trustee of the Board. The duties of the Chair are as follows:

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

Except as provided above, the Chair may participate in all Board meetings in a manner equal to all other Board members.

The Vice Chair shall preside at all regular or special Board meetings in the absence of the Chair, and shall perform all of the duties of the Chair in case of the Chair’s absence or disability.

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

Cross Reference:       Policy 1065                               Board Meetings

Policy History:

Adopted on: August 20, 2012

Revised on: June 15, 2015

SCHOOL DISTRICT ORGANIZATION

Communications to and from the Board

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

Staff members, parents and community members should submit all official communications to the Board through the Superintendent. Board member questions or communications to staff about programs and/or requests for information should also be submitted through the Superintendent.

If contacted individually, Board members are encouraged to refer the matter to the appropriate administrator. Individual Board members may not take action to compromise the Board or the administration.

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

- |                  |                |   |
|------------------|----------------|---|
| Legal Reference: | § 2-3-301, MCA | Agency to accept public comment electronically -- dissemination of electronic mail address and documents required -- prohibiting fees |
|                  | § 2-6-102, MCA | Citizens entitled to inspect and copy public writings   |
| Cross Reference: | Policy 1065    | Board Meetings  |

Policy History:

Adopted on: August 20, 2012

Revised on:

## SCHOOL DISTRICT ORGANIZATION

Committees*Board Member Committees*

The Board may create Board member committees as deemed necessary. The Board Chair will make all appointments to Board member committees. Notice of Board member committee meetings shall be given in the same manner as notice for special meetings, and Board member committee meetings shall be open to the public. Committee decisions or recommendations must be made only by a quorum of those board members appointed to the committee.

*Citizen Committees*

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

*Administrative Committees*

The Superintendent may create administrative committees as deemed necessary. The Superintendent will make all appointments to the administrative committees. In determining whether an administrative committee meeting shall be open to the public, the following factors, although not exhaustive in nature, should be considered: (1) the frequency of the meeting held; (2) whether the committee is deliberating or just gathering facts; (3) whether the deliberations concern a matter of policy rather than ministerial or administrative functions; (4) whether the committee members have executive authority and experience; and (5) the results of the meeting. If the presiding officer determines that the administrative committee should be held in compliance with the Open Meeting Act, he shall provide notice of the meeting in the same manner as notice for a special meeting, and the administrative meeting shall be open to the public.

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

Policy History:

Adopted on: August 20, 2012

Revised on: February 17, 2014

## SCHOOL DISTRICT ORGANIZATION

Board Meetings

For all meetings of the Board and its committees, the Superintendent or designee shall satisfy all notice and posting requirements contained herein, as well as the Open Meetings Act. This shall include providing meeting notification to news media that have officially requested it. Except for an unforeseen emergency or as described below, all meetings must be held in a District building or, by unanimous consent of the Board, in a publicly accessible building located within the District. The Trustees may meet outside the boundaries of the District for collaboration or cooperation on educational issues with other school boards, educational agencies, or cooperatives. Adequate notice of the meeting as well as an agenda will be provided to the public in advance, and decision making must still occur only at properly noticed meetings held within the District's boundaries.

*Regular Meetings*

Unless otherwise specified by the Board, all regular meetings are held on third Monday of the month at 7:00 pm, in the Gallatin Gateway School multipurpose room. If the time or place of a Board meeting is changed, notice shall be given in the same manner as provided for special meetings. The Board may choose to not convene a meeting in the month of July if there is no pressing business to attend to at that time.

*Special Meetings*

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

*Committee Meetings*

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

*Budget Meetings*

On or before August 20 of each year, the Board shall meet to consider all budget information and any attachments required by law. The Board may continue the meeting from day to day but shall adopt the final budget for the District and determine the amounts to be raised by tax levies for the District not later than August 25, and before the computation of the general fund net levy requirement by the county superintendent and the fixing of the tax levies for each district.

Between July 1 and August 10 of each year, the Clerk shall publish one notice, in the *Bozeman Daily Chronicle*, stating the date, time, and place that the Board will meet for the purpose of considering and adopting the final budget. The notice must also state that the meeting may continue from day to day until the final adoption of the budget, and that any taxpayer may appear at the meeting and be heard for or against any part of the budget.

*Organizational Meeting*

After the issuance of the election certificates to the newly elected trustees in May, but not later than fifteen (15) days after the election, the Board shall convene and elect from among its members a Chair and a Vice-Chair to serve 1 year terms. The Chair shall serve until the next organization meeting and shall preside at all

the meetings of the Board. In addition, the Board shall employ and appoint a competent person as the Clerk of the District at this meeting.

*Emergency Meetings*

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

*Closed Session of Any Meeting*

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

Legal Reference:	§ 2-3-203, MCA	Meetings of public agencies open to the public
	§ 20-3-321, MCA	Organization and officers
	§ 20-3-322, MCA	Meetings and quorum
	§ 20-9-115, MCA	Notice of final budget meeting
	§ 20-9-131, MCA	Final budget meeting

Cross Reference:

Policy History:

Adopted on: August 20, 2012

Revised on: August 19, 2013

## SCHOOL DISTRICT ORGANIZATION

School Board Meeting Procedure*Agenda*

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

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

Board packets will be distributed to Board members not less than seven (7) days prior to the meeting. This material shall be available to the public not less than 48 hours prior to the meeting.

*Quorum*

Three (3) members the Board shall constitute a quorum of the Board. If there is less than a quorum present at a Board meeting, the members may not hear, act upon or discuss any business. Board members may be present physically or present via electronic means to establish a quorum. Unless otherwise provided by law, affirmative votes by a majority of the membership of the Board are required to approve any action under consideration.

*Minutes*

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

- the date, time and place of the meeting;
- the name of the presiding officer;
- a record of Board members present and absent;
- a summary of the discussion on all matters discussed, proposed, deliberated or decided, and a record of any motions made and votes taken;
- a record of who provided public comment;
- a detailed statement of all expenditures;
- the purpose of recessing into closed session; and
- the time of adjournment.

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

The Board may direct the Clerk to make a verbatim record of any meeting. Any verbatim recording may be destroyed after the minutes are approved. A file of permanent minutes of all meetings shall be maintained in the office of the Clerk. A written copy of the minutes shall be made available to the public within five (5) days following approval by the Board.

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

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

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

#### *Voting Method*

Unless otherwise provided by law, when a vote is taken upon any measure before the Board, a majority of the votes cast shall determine its outcome. Voting shall be by acclamation or show of hands. The use of proxy votes or secret ballots is not permitted.

Trustees are encouraged to vote on all issues before the Board unless they are prohibited by law from voting on the matter. A trustee may abstain from voting on any issue before the Board.

#### *Public Participation*

The Board recognizes the value of public participation and encourages the public to attend and participate in its meetings. In order to permit the orderly and fair expression of such participation, the Board will solicit oral and/or written comments prior to a final decision on a matter of significant interest to the public. The Chair may place reasonable time limits on public comment, and may interrupt or terminate any statement that is out of order, personally directed, abusive, obscene, or too lengthy.

Members of the public are encouraged to make comments during the public comment section of the agenda on matters that are of public concern and that are not on that particular agenda. The Chair will recognize individuals or groups for public comment on agenda items after the Board has discussed the issue.

Comments may be presented orally or in writing for the Board's consideration.

Legal Reference:	§ 2-3-202, MCA	Meeting defined
	§ 2-3-101, MCA	Public participation
	§ 2-3-212, MCA	Minutes of meetings
	§ 20-3-322, MCA	Meetings and quorum

§ 2-3-301, MCA

Agency to accept public comment electronically --  
dissemination of electronic mail address and  
documents required -- prohibiting fees

Policy History:

Adopted on: August 20, 2012

Revised on: August 19, 2013, October 21, 2013, June 15, 2015

## SCHOOL DISTRICT ORGANIZATION

Records Management and Access to Public Records

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

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

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

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

The District will provide copies of all documents, including electronic communications, in the medium in which those documents exist. Reasonable fees shall be charged for copies as follows:

- copies of Board minutes at .15¢ per page;
- copies of other materials at .25¢ per page; and
- actual cost of purchasing the electronic media used for transferring data, if the person requesting the information does not provide the media;

Legal References:	§ 2-6-102, MCA	Citizen entitled to Powers and duties
	§ 39-31-303, MCA	Management rights of public employees

Cross Reference:

Policy History:

Adopted on: August 20, 2012

Revised on:

SCHOOL DISTRICT ORGANIZATION

School Board Policy

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

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

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

Legal References:	§ 20-3-323, MCA	District policy and record of acts
	§ 10.55.701, ARM	Board of trustees

Cross Reference:

Policy History:

Adopted on: August 20, 2012

Revised on:

## SCHOOL DISTRICT ORGANIZATION

Uniform Grievance Procedure

Students, parents, employees, or community members may file a complaint in accordance with this grievance procedure, if they believe that the Board, its employees or agents have violated their rights guaranteed by the State or federal constitutions, State or federal statutes, or Board policy. These procedures do not apply to complaints for discrimination on the basis of sex (including sexual harassment) under Title IX of the Education Amendments of 1972 or disability under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act. Separate procedures apply for complaints arising from these laws.

District officials will endeavor to respond to and resolve all complaints without the need to resort to this grievance procedure and, if a complaint is filed, to address the complaint promptly and equitably. The right of a person to a prompt and equitable resolution of a complaint filed hereunder shall not be impaired by the person's pursuit of other remedies. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies and use of this grievance procedure does not extend any filing deadline related to the pursuit of other remedies.

*Filing a Complaint*

The Complainant may file a complaint with the Superintendent. The Complainant must file the complaint within thirty (30) calendar days of the alleged violation of his or her rights guaranteed by the State or federal constitutions, State or federal statutes, or Board policy. If the complaint contains allegations against the Superintendent, the Complainant may ask for assistance from the Board Chair in identifying the appropriate manner in which to file a complaint. Any individual receiving a complaint may request the Complainant to provide a written statement regarding the nature of the complaint.

*Investigation*

Within 15 calendar days of the date the complaint was filed, the individual receiving the complaint will investigate the complaint or appoint a qualified person to undertake the investigation on his/her behalf. The complaint or identity of the Complainant will not be disclosed except (1) as required by law or this policy; (2) as necessary to fully investigate the complaint; or (3) as authorized by the Complainant. The Superintendent or investigator shall issue a written decision at the completion of the investigation. If the complaint contains allegations involving the Superintendent, the Board shall address the complaint in writing.

*Decision and Appeal*

Within 7 calendar days of receipt of the written decision, a District official shall notify the Complainant of the determination regarding the complaint. If the Complainant is not satisfied with the determination of the Superintendent, the matter may be appealed to the Board if the Complainant is alleging a violation of Board policy, or state or federal law. Within 30 calendar days, the Board shall meet to affirm, reverse, or amend the decision or direct the gathering of additional information.

This meeting shall not be a de novo hearing, but a review of the written decision in the matter. Within 7 calendar days, the Complainant shall be informed of the Board's decision by mail. The Complainant may appeal the Board's decision to the Gallatin County Superintendent as provided by law.

*Retaliation*

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

Legal Reference:       § 20-3-210, MCA       Controversy appeals and hearings

Cross Reference:     2050                   Section 504 Procedural Safeguards  
Gallatin Gateway School: Student Access Section 504/ADA Handbook  
Title IX Grievance Procedure  
Section 504 and ADA Grievance Procedure

Policy History:

Date Adopted: August 20, 2012

Revised on: October 20, 2014

STUDENT INSTRUCTION

Instructional Goals

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

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

The District has developed a Statement of Learner Goals that is available through the District Office. This philosophical goal statement will reflect the District's strategic plan and will be publicized and made available to interested citizens. This statement will be reviewed annually and revised as deemed necessary.

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

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on: October 21, 2013

## STUDENT INSTRUCTION

School Year Calendar and Day

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

The trustees may approve and provide pupil instruction on Saturday provided that the instruction provided on Saturday does not count as a pupil-instruction day, does not count toward the minimum aggregate hours as required by law, and student attendance is voluntary.

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

*Commemorative Exercises*

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

*School Holidays*

The schools in the District shall be closed on the following holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day; and State and national election days when the school building is used as a polling place and the conduct of school would interfere with the election process at the polling place. When these holidays fall on Saturday or Sunday, the preceding Friday or the succeeding Monday shall not be a school holiday. The Board may establish other holidays.

Legal References:	§ 20-1-301, MCA	School fiscal year
	§ 20-1-302, MCA	School day and week
	§ 20-3-303, MCA	Conduct of school on Saturday or Sunday Prohibited - exceptions
	§ 20-1-306, MCA	Commemorative exercises on certain days
	§ 20-1-308, MCA	Religious instruction released time program

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

STUDENT INSTRUCTION

Instructional Organization

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

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

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

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

## STUDENT INSTRUCTION

Curriculum Development, Content, and Assessment

The Superintendent shall recommend a comprehensive curriculum that is designed to accomplish the learning objectives and goals for excellence contained in the District's educational philosophy, mission statement, objectives and goals. The Board must approve all changes to the curriculum, including the adoption of new textbooks and new courses.

A written sequential curricula shall be developed for each program area that aligns the appropriate content standards and grade-level learning progressions and the District's educational goals. A curriculum review cycle and time lines for curriculum development and evaluations shall be established by the Superintendent.

In all program areas and at all levels, the District shall assess student progress toward achieving content standards and content-specific grade-level learning progressions including: content and data; accomplishment of appropriate skills; development of critical thinking and reasoning; and attitude. The District will use assessment results to improve the educational program, and use effective and appropriate tools for assessing such progress. This may include, but is not limited to: standardized tests; criterion-referenced tests; teacher-made tests; ongoing classroom evaluation; actual communication assessments such as writing, speaking, and listening assessments; samples of student work and/or narrative reports passed from grade to grade; samples of students' creative and/or performance work; and surveys of carry-over skills to other program areas and outside of school.

The District may receive and/or provide distance, online and technology delivered learning programs, as provided in Montana law. Distance, online and technology delivered learning programs and/or courses shall meet the learner expectations adopted in the District and shall be aligned with state content standards and content-specific grade-level learning progressions. The Superintendent is directed to develop procedures regarding the District's distance, online and technology delivered learning.

The Superintendent shall be responsible for the supervision and implementation of the adopted curriculum. The teaching staff has a significant responsibility in the development of curricula and the primary responsibility for the implementation of curricula.

Legal References:	§ 20-7-602, MCA	Textbook Selection and Adoption
	10.55.603, ARM	Curriculum development and assessment
	10.55.701, ARM	Board of Trustees
	10.55.603, ARM	Curriculum Development and Assessment
	§ 20-7-902, MCA	School district programs to identify and serve the gifted and talented child

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on: October 21, 2013

## STUDENT INSTRUCTION

Student and Family Privacy Rights*Surveys*

All surveys and instruments used to collect information from students shall relate to the District's educational objectives. Surveys created by outside agencies, organizations, and individuals shall be approved by the Board, based on the Superintendent's recommendation, prior to administration to students. Parents have the right to inspect any survey or evaluation created by third parties within a reasonable period of time.

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.

School officials and staff members shall not request, nor disclose, the identity of any student who completes any survey or evaluation (created by any person or entity, including the District) containing the following items:

1. Political affiliations or beliefs of the student or student's parent;
2. Mental or psychological problems of the student or student's family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or parents; or
8. Income, other than as required by law to determine program eligibility.

The District shall implement procedures to protect student identity and privacy when a survey contains protected information. Parents and eligible students may inspect the survey or evaluation within a reasonable period of time and refuse to allow participation in the activity. Students shall not be penalized for refusing to participate in a survey or evaluation containing protected information.

*Instructional Material*

A student's parent 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.

*Physical Exams or Screening*

No school official or staff member shall subject a student to a non-emergency, invasive physical examination or screening as a condition of school attendance. The term "invasive physical examination"

means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.

The above paragraph does not apply to any physical examination or screening that is permitted or required by an applicable State law, including physical examinations or screenings that are permitted without parental notification, administered to a student in accordance with IDEA, or is otherwise authorized by Board policy.

*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), (4) telephone number, or (5) 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; or
6. Student recognition programs.

The Superintendent or designee shall annually notify parents concerning:

- the contents of this policy;
- the approximate dates that any surveys requesting protected information or collection of information for marketing purposes may be scheduled.
- the procedures to request access to survey instruments prior to administration.
- the procedures for opting students out of participation in surveys.

Legal References:      20 USC § 1232h      Protection of Pupil Rights Act

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

STUDENT INSTRUCTION

Guidance and Counseling Program

The District will provide a guidance program that will strive to assist every student. The Superintendent will direct the District’s guidance program. Each staff member is responsible for effectively guiding students under his/her supervision in order to provide early identification of intellectual, emotional, social and physical needs, and to make appropriate referrals for evaluation of special needs. The counselors offer services to supplement the District’s efforts to meet the academic, social, and emotional needs of the students, and to provide additional assistance outside of the classroom guidance.

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

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

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

## STUDENT INSTRUCTION

Recognition of Religious Beliefs and Customs

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

*Student Prayer and Discussion*

Students may pray individually or in groups and 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 quietly in the classroom, except when they are expected to be involved in classroom instruction or activities.

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

*School Programs and Performances*

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 an historical and/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 religious or religious-holiday oriented.

*Student Religious Clubs*

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

Policy History:

Adopted on: August 20, 2012

Revised on:

## STUDENT INSTRUCTION

Federal Funding and Title I

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

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

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

In keeping with the requirements of ESSIA<sup>1</sup> and EDGAR<sup>2</sup>, the Board assures:

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

*Parental Involvement*

The District maintains programs, activities, and procedures for the involvement of parents of students receiving services, or enrolled in programs, under Title I. These programs, activities, and procedures are described in the District – School Parental Involvement Compact, which is hereby incorporated by reference.

The Superintendent shall develop District – School Parental Involvement Compact according to Title I requirements. The Compact shall contain: (1) the District's expectations for parental involvement, (2) specific strategies for effective parent involvement activities to improve student academic achievement and school performance, and (3) other provisions as required by federal law. The Superintendent shall ensure that the Compact is distributed to parents of students receiving services, or enrolled in programs, under Title I.

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

*Agostini v. Felton*, 521 U.S. 103 (1997)

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

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<sup>1</sup> Elementary and Secondary School Improvement Amendments

<sup>2</sup> Education Department General Administrative Regulations

STUDENT INSTRUCTION

Special Education and Accommodations

The District shall provide a free appropriate public education and necessary related services to all children with disabilities residing within the District, as required under the Individuals With Disabilities Education Act (hereinafter “IDEA”) and implementing provisions in Montana law, Section 504 of the Rehabilitation Act of 1973, and the Americans With Disabilities Act.

For students eligible for services under IDEA, the District shall follow procedures for identification, evaluation, placement, and delivery of service to children with disabilities provided in the “Montana Special Education Reference Manual”. For those students who are not eligible for services under IDEA, but, because of a disability as defined by Section 504 of the Rehabilitation Act of 1973, need or are believed to need special instruction or related services, 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.

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

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

Policy History:

Adopted on: August 20, 2012

Revised on:

## STUDENT INSTRUCTION

Special Education Procedures*Child Find*

The District shall be responsible for the coordination and management of locating, identifying, and evaluating all disabled children ages 0 through 21. District staff will design the District's Child Find plan in compliance with all legal 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, students who are home schooled, homeless children, as well as students who are wards of the state or in 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 0 through 21;
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.
  - 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
5. Procedures used to identify the role and responsibility of other public or private agencies.

*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. 300-300.328 and the following state administrative rules:

10.16.3320	Request for Initial Evaluation;
10.16.3007-3022	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 - 300.529 and provides a copy of the brochure “Parental Rights in Special Education” to the parent a reasonable time before the District:

1. Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of free appropriate public education to the child; or
2. Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of free appropriate public education to the child.

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.

*Administrative Representative on Evaluation Team*

The Superintendent shall annually designate in writing the administrative representative for each Evaluation Team in the District. The administrative representative shall be an individual employed by the trustees in a recognized administrative capacity.

*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 and A.R.M. 10.16.3340.

*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 educational environment 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. 300.114-300.118 and a continuum of alternate placements is available as required in 34 C.F.R. 300.115.

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

The District implements services to children enrolled in private schools by their parents in accord with the requirements and procedures in 34 C.F.R. 300.129-300.144, 300.148 and A.R.M. 10.16.3122. If a child with a disability is placed or referred to a private school or facility by the District, the District will provide special education and related services in accordance with the requirements and procedures of 34 C.F.R. 300.325 and A.R.M. 10.16.3122.

*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 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 without unnecessary delay and in no case longer than 15 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 office, 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 seven (7) years after the termination of special education services that personally identifiable information is no longer needed for program purposes. 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 18 years or older. Reasonable effort shall be made to provide the parent with notification 60 days prior to taking any action on destruction of records.

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.

Legal Reference:	34 CFR 300.1, et seq.	Individuals with Disabilities Act (IDEA)
	§ 20-1-213, MCA	Transfer of school records
	10.16.SubChap 30, A.R.M.	Definitions
	10.16.SubChap 31, A.R.M.	State and Local Eligibility
	10.16.SubChap 33, A.R.M.	Services
	10.16.SubChap 35, A.R.M.	Procedural Safeguards

Cross Reference:

Policy History:

Adopted On: August 20, 2012

Revised On:

## STUDENT INSTRUCTION

Section 504 Procedural Safeguards

If the parent 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.

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.

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.

*Impartial Due Process Procedures*

1. The parent 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.
2. 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 3 business days.
3. Within 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.
4. Once the District has selected an impartial hearing officer, the District shall provide the parent and all other interested parties with notice of the person selected.
5. Within 5 days of the District's selection of a hearing officer, a pre-hearing 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.
6. The hearing officer shall, in writing, notify all parties of the date, time, and location of the due process hearing.
7. 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.
8. 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.
9. At the hearing, the District and the parent may be represented by counsel.
10. 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 parents shall present their case first, followed by the District. Witnesses may be called to testify, and they will be subject to cross examination. Documentary evidence may be admitted and 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.

11. Within 20 days of the hearing, the hearing examiner should issue a written report of his/her decision to the parties. Appeals may be taken as provided by law.

Legal References:      34 CFR 104.31-38      Procedural Safeguards

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

## STUDENT INSTRUCTION

Limited English Proficient Students

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

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

Parents/guardians of limited English proficient students will be: (1) given an opportunity to provide input to the program, and (2) provided notification regarding their child's placement in, and information about, the District's limited English proficiency program.

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

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

## STUDENT INSTRUCTION

Instructional Materials

The Board is legally responsible to approve and to provide the necessary instructional materials used in the District. 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;
- Present opposing sides of controversial issues;
- 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 in a manner consistent with the state's standards revision schedule. All instructional materials must be sequential and must be compatible with previous and future offerings. Textbooks and instructional materials, both print and non-print, are selected based upon their quality and educational value. Instructional materials shall be recommended by committees established by the Superintendent. Specific criteria for selection shall be developed by each committee. Textbooks shall be provided for use to students at no cost. Students may be charged for lost or damaged textbooks based on the replacement value of the textbook.

Teachers are encouraged to limit the use of supplemental media material to only that which will enhance, or otherwise illustrate, the subjects being taught. All supplemental media material must be age-appropriate. Additionally, no movie shall be shown to students unless prior approval is received from the Superintendent. No movie rated above PG shall be shown to students under any circumstances. All use of media material for non-classroom purposes shall have the prior approval of the Superintendent.

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

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

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

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on: October 21, 2013

## STUDENT INSTRUCTION

Selection and Use of Library Materials

The District maintains a library primarily for use by District students. The Librarian is responsible for selecting materials for inclusion in the libraries, subject to the approval of the Board of Trustees. Prior to presenting materials for inclusion in the library, the Librarian may consider the existing collection, the curricular needs of the students, and the recommendations of the American Association of School Librarians in determining what materials are appropriate for the libraries.

Library materials may be checked out by students or staff during the instructional day. Students and staff who check out library materials are responsible for the care and timely return of such materials. The Librarian may assess fines for damaged or unreturned books.

District residents may access the District libraries and/or check out library materials at the discretion of the building principal. Such access may not interfere with regular school and student use of such materials.

Any individual may challenge the selection of materials for use in the libraries. The Superintendent shall appoint a committee of teachers, librarians, and administrators as independent investigators pursuant to the Uniform Grievance Procedure to determine if the challenged material is properly located in the library.

Legal References:       § 20-7-203, MCA       Trustees' policies for school libraries  
                              § 20-7-204, MCA       School library book selection

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

## STUDENT INSTRUCTION

Access to Electronic Networks

Electronic networks, including the Internet, are a part of the District's instructional program in order to promote educational excellence by facilitating resource sharing, innovation, and communication. The Superintendent shall appoint a system administrator to monitor access to the District's electronic networks.

Electronic networks, including the Internet, are a part of the District's instructional program in order to promote educational excellence by facilitating resource sharing, innovation, and communication. The Superintendent or designee shall develop an implementation plan for this policy and appoint a system administrator.

The District is not responsible for any information that may be lost, damaged, or unavailable when using the network, or for any information that is retrieved or transmitted via the Internet. Furthermore, the District will not be responsible for any unauthorized charges or fees resulting from access to the Internet.

*Curriculum*

The use of the District's electronic networks shall (1) be consistent with the curriculum adopted by the District as well as the varied instructional needs, learning styles, abilities, and developmental levels of the students, and (2) comply with the selection criteria for instructional materials and library-media center materials. Staff members may, consistent with the District's philosophy of education, use the Internet throughout the curriculum.

*Acceptable Use*

All use of the District's electronic network must be (1) in support of education and/or research, and be in furtherance of the Board's stated goal, 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 material that is stored, transmitted, or received via the District's electronic network or District computers. General rules for behavior and communications apply when using electronic networks. The District's *Authorization for Electronic Network Access* contains the appropriate uses, ethics, and protocol. Electronic communications and downloaded material, including files deleted from a user's account but not erased, may be monitored or read by school officials.

*Internet Safety*

Each District computer with Internet access shall have 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 as determined by the Superintendent. The Superintendent, with the assistance of the system administrator, shall enforce the use of such filtering devices. An administrator, supervisor, or other authorized person may disable the filtering device for bona fide research or other lawful purpose, provided the person receives prior permission from the Superintendent.

The District will take measures to prevent: (1) user access over its electronic networks to, or transmission of, inappropriate material via Internet, electronic mail, or other forms of direct electronic communications; and (2) unauthorized access and other unlawful online activity, such as "hacking." Subject to staff supervision, technology protection measures may be disabled or, in the case of students, minimized only for bona fide

research or other lawful purposes. To the extent practicable, steps will be taken to promote the safety and security of users of the District's electronic networks when using electronic mail, chat rooms, instant messaging, and other forms of direct electronic communications. District staff will be responsible for educating, supervising, and monitoring appropriate usage of the electronic networks.

The District will establish a program to educate students about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response. Cyberbullying, sometimes referred to as Internet bullying or electronic bullying, is being cruel to others by sending or posting harmful material or engaging in other forms of social cruelty using the Internet or other digital technologies, such as emails, instant messaging, text messages, web pages, blogs, or chat rooms.

*Authorization for Internet Access*

All users of the District's computers and means of Internet access shall maintain the confidentiality of student records or other personally identifiable information. Reasonable measures to protect against unreasonable access shall be taken before confidential student information is loaded onto the network. The failure of any student or staff member to follow the terms of the *Authorization for Electronic Network Access*, or this policy, will result in the loss of privileges, disciplinary action, and/or appropriate legal action

Legal References:	47 U.S.C. 254(h)(5)(b)(iii)	Requirements for Schools with Computers Having Internet Access
	47 U.S.C. 254(h)(5)(B)	Children's Internet Protection Act

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

STUDENT INSTRUCTION

Field Trips

The Board recognizes that field trips, when used as a device for teaching and learning integral to the curriculum, are an educationally sound and important ingredient in the instructional program of the schools. Such trips can supplement and enrich classroom procedures by providing learning experiences in an environment beyond the classroom. The Board also recognizes that field trips may result in lost learning opportunities in missed classes. Therefore, the Board endorses the use of field trips, when educational objectives achieved by the trip outweigh any lost in-class learning opportunities.

Field trips that will extend overnight, take students out of state, or out of the country must be approved in advance by the Board. The Superintendent may approve all other field trips, and will develop procedures with respect to field trips, excursions, and outdoor education.

Staff members may not solicit students during instructional time for any privately arranged field trip or excursion without Board permission.

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

Legal References:      37.111.825, ARM      Health Supervision and Maintenance

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

STUDENT INSTRUCTION

Grading, Progress Reports and Promotion

The administration and professional staff shall establish a system of grading and develop procedures of reporting academic achievement to students and their parents. The system shall also determine when promotion requirements are met. The decision to promote a student to the next grade level shall be made by the building administration and shall be based on successful completion of the curriculum, attendance, performance based on standardized testing, or other testing. The administration shall determine remedial assistance for a student who is not promoted.

Cross Reference:

Policy History:

Adopted on: August 20, 2012

Revised on:



STUDENT INSTRUCTION

Native American Cultural Heritage

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

In furtherance of the District’s educational goals, the District is committed to working cooperatively with 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. The District will periodically review 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, and taking into account individual and cultural diversity and differences among students.

The District will provide the necessary training to school personnel with the objective of gaining an understanding and awareness of Native American culture which will assist the District’s staff in its relations with Native American students and parents.

Legal References:	§ 20-1-501, MCA	Recognition of American Indian cultural heritage – legislative intent
	10.55.701, ARM	Board of Trustees
	10.55.603, ARM	Curriculum and Assessment

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

## STUDENT INSTRUCTION

Controversial Issues and Academic Freedom

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. Subjects of a controversial nature shall be defined as a political, religious and moral.
2. Both the Superintendent and the teacher must agree to allow a speaker or material of a controversial nature in the classroom.
3. If the material or speaker requests presentation at an assembly, the Superintendent shall make the decision and inform the community.
4. The person or persons responsible for approving the presentation shall also be responsible for other viewpoints expressed.
5. Staff members must notify and get permission from the Superintendent before presenting controversial issues.

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

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

STUDENT INSTRUCTION

Copyright in the District

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, or printed materials and computer software, unless the copying or use conforms to the “fair use” doctrine.

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

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

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

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

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

STUDENT INSTRUCTION

Community and Adult Education

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

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

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

## STUDENT INSTRUCTION

School Wellness

The 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 Gallatin Gateway School District that the development of the school wellness policy, at a minimum, will include:

1. *Community Involvement*, including input from teachers, school health professionals, parents, students, school food service professionals, school administrators, and other interested community members in developing, implementing, monitoring, and reviewing District nutrition and physical activity procedures.
2. *Goals for nutrition education, nutrition promotion, physical activity, and other school-based activities* that are designed to promote student wellness in a manner that the local education agency determines appropriate.
3. *Implementation, Periodic Assessment, and Public Updates*, including expanding the purpose of the team of collaborators beyond the development of a local wellness policy to also include the implementation of the local wellness policy with periodic review and updates, inform and update the public (including parents, students, and others in the community) about the content and implementation of the local wellness policies, and to measure periodically and make available to the public an assessment of the local wellness policy, including:
  - The extent to which the school is in compliance with the local wellness policy;
  - The extent to which the District's local wellness policy compares to model local school wellness policies; and
  - The progress made in attaining the goals of the local wellness policy.
4. *Nutrition guidelines* for all foods available during the school day, with the objective of promoting student health and nutrient-rich meals and snacks. This includes food and beverages used for classroom rewards and fundraising efforts.
5. *Guidelines for reimbursable school meals* to ensure that the District offers school meal programs with menus meeting the meal patterns and nutrition standards established by the U.S. Department of Agriculture.
6. *A plan for measuring implementation* of the local wellness policy, including designation of one or more persons within the District charged with operational responsibility for ensuring that the school fulfills the District's wellness policy.

The Superintendent or his/her designee will develop procedures based on the following five (5) areas of requirement:

1. Nutrition Education
2. Health Enhancement and Physical Activity
3. Nutrition Standards
4. Other School-Based Activities designed for School Wellness
5. Governance and Evaluation

Legal Reference	P.L. 108-265	Child Nutrition and WIC Reauthorization Act of 2004
	P.L. 111-296	The Healthy, Hunger-Free Kids Act of 2010
	10.55.701, ARM	Board of Trustees

Policy History:

Adopted on: August 20, 2012

Revised on: October 20, 2014

STUDENT INSTRUCTION

Significant Writing Program

The Board of Trustees has determined that a significant writing program is critical for the education program of the students. The Board authorizes the Superintendent and staff to establish a Significant Writing Program.

Courses designated as part of the District’s Significant Writing Program shall satisfy the following criteria:

- Be aligned with the appropriate content standards for communication arts and college and career readiness standards for writing.
- At least 50% of the student’s grade is based upon the quality and content of written assignments.

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

Cross References:

Policy History:

Adopted on: October 20, 2014

Revised on:

STUDENTS

Equal Educational Opportunities

Equal educational and extracurricular opportunities shall be available for all students without regard to race, color, national origin, sex, religious beliefs, physical and mental handicap or disability, or actual or potential marital or parental status. The District will not knowingly enter into agreements with any entity or any individual that discriminates against students on the basis of sex or any other protected status. Any student may file a discrimination grievance by using the Uniform Grievance Procedure.

No student shall, on the basis of sex, be denied equal access to programs, activities, services, or benefits or be limited in the exercise of any right, privilege, advantage, or denied equal access to educational and extacurricular programs and activities. Any student may file a sex equity complaint by using the Uniform Grievance Procedure.

Inquiries regarding discrimination of any kind should be directed to the District’s Title IX Coordinator, who shall provide information and, if necessary, direct the individual to the Uniform Grievance Procedure. The District will annually publish notice of these rights to students and parents.

Legal References:	§ 49-2-307, MCA	Discrimination in education
	§ 49-3-201, MCA et seq	Governmental Code of Fair Practices
	20 USC 1681 et seq	Title IX
	10.55.701, ARM	Board of Trustees

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

## STUDENTS

Harassment, Intimidation, Hazing and Bullying of Students Prohibited

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.

Harassment, intimidation, or bullying means any act 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, or at any official school bus stop, or, through the use of electronic communications, substantially and materially disrupts the orderly operations of the school and that has the effect of:

- causing a student physical or emotional harm or damaging a student's property;
- knowingly placing a student in reasonable fear of physical harm to the student or damage to the student's property; or
- creating a hostile educational environment.

Harassment, intimidation and bullying can take many forms - verbal, written, electronic, visual, physical and psychological - and is often, but not always, associated with race, ethnicity, religion, gender, sexual orientation, socioeconomic status, or physical differences.

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.

No person, including a district employee or agent, or student, shall harass, haze, bully or intimidate another based on the provisions of applicable local, state and federal laws and regulations that prohibit discrimination or any other reason. It is the policy of the board to comply with all nondiscrimination laws.

Complaints of harassment/intimidation, hazing and bullying will be handled, as described below and as set forth in the applicable grievance procedure. The Superintendent shall use reasonable measures to inform staff members and students that the District will not tolerate harassment, intimidation, or bullying, by including appropriate language in school handbooks.

*Sexual Harassment Prohibited*

Sexual harassment of students is prohibited. Any person, including a district employee or agent, or student, engages in sexual harassment whenever he or she makes sexual advances, requests sexual favors, and engages in other verbal or physical conduct of a sexual or sex-based nature, imposed on the basis of sex, that:

Denies or limits the provision of educational aid, benefits, services, or treatment; or that makes such conduct a condition of a student's academic status; or

Has the purpose or effect of:

- substantially interfering with a student's educational environment;
- creating an intimidating, hostile, or offensive educational environment;
- depriving a student of educational aid, benefits, services, or treatment; or
- making submission to or rejection of such conduct the basis for academic decisions affecting a student.

The terms "intimidating," "hostile," and "offensive" include conduct that has the effect of humiliation, embarrassment, or discomfort. Examples of sexual harassment include, but not limited to, touching, crude jokes or pictures, discussions of sexual experiences, teasing related to sexual characteristics, and spreading rumors related to a person's alleged sexual activities. Sexual harassment includes sexual violence, which are physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the use of drugs or alcohol or intellectual or other disability. Sexually violent acts could include rape, sexual assault, sexual battery, and sexual coercion.

### *Reporting*

Students, who believe they are victims of harassment, intimidation, or bullying, regardless of the reason, or have witnessed harassment, intimidation, or bullying, regardless of the reason are encouraged to discuss the matter with their teacher, counselor, bus driver, coach, principal, or any other responsible adult who is not involved in the alleged harassment, intimidation or bullying. Students who believe they are victims of sexual harassment or harassment based upon a disability are encouraged to report the matter to the Title IX Coordinator/Section 504 Coordinator or Superintendent. Students may choose to report to a person of the student's same sex if alleging a violation of IX. Complaints will be kept confidential to the extent possible given the need to investigate.

Any adult school employee, adult volunteer, district contractor or agent who witnesses, overhears, or receives a report, formal or informal, written or oral of harassment, intimidation, or bullying shall report it in accordance with procedures developed under this policy.

Complaints alleging sex discrimination or harassment shall be addressed through the District's Title IX Grievance Procedures. Complaints alleging disability discrimination or harassment shall be addressed through the District's Section 504 Grievance Procedures. All other complaints alleging discrimination or harassment shall be addressed through the District's Uniform Grievance Procedure.

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

1. Taking prompt action to investigate/report complaints of harassment, intimidation and bullying.
2. Promptly notifying the alleged victims and alleged perpetrators and their parents/guardians regarding the outcome; and
3. Taking disciplinary action as appropriate and any other actions appropriate to address the harassment, intimidation, and bullying.

In the event that a staff member or administrator knows or reasonably believes that the alleged behavior constitutes criminal activity or child abuse or neglect, the staff member or administrator shall report such activity to law enforcement and/or the Department of Public Health and Human Services. If it is determined that the alleged harassment, intimidation, or bullying did not occur at school or school-related activity or does not materially or substantially disrupt the orderly operation of the District, an administrator shall refer the matter, as appropriate, to other persons or entities with appropriate jurisdiction, including but not limited to law enforcement or the Department of Public Health and Human Services.

### *Consequences*

Any District employee who is determined, after an investigation, to have engaged in harassment intimidation, or bullying, regardless of the reason will be subject to disciplinary action up to and including discharge. Any student who is determined, after an investigation, to have engaged in harassment, intimidation, or bullying, regardless of the reason will be subject to disciplinary action, including but not limited to, suspension and expulsion consistent with the District's discipline policy. Any person making a knowingly false accusation regarding harassment, intimidation, or bullying, regardless of the reason will likewise be subject to disciplinary action up to and including discharge, with regard to employees, or suspension and expulsion, with regard to students.

The District prohibits retaliation and reprisal against any person who reports an act of harassment, intimidation or bullying. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the administrator after consideration of the nature and circumstances of the act, in accordance with district policy.

Legal References:	§ 49-2-307, MCA	Discrimination in education
	§ 49-3-201, MCA et seq	Governmental Code of Fair Practices
	20 USC 1681 et seq	Title IX
	10.55.701, ARM	Board of Trustees
	10.55.719, ARM	Student Protection Procedures
	10.55.801, ARM	School Climate

Cross References:	Administrative Procedures Manual
	1085- Uniform Grievance Procedure

### Policy History:

Adopted on: August 20, 2012

Revised on: October 21, 2013

## STUDENTS

School Admissions*Age*

No pupil may be enrolled in the kindergarten or first grade whose 5<sup>th</sup> or 6<sup>th</sup> birthday does not occur on or before September 10 of the school year in which child registers to enter school. A student who meets the 6-year-old requirement to enter 1<sup>st</sup> grade, but who has not completed a kindergarten program, will be tested and placed at the discretion of the administration.

*Entrance – Identity and Immunization*

Students enrolling in the District for the first time must present a birth certificate or other reliable proof of identity and age within 40 days, as well as proof of residence, and immunization from disease as required by Montana. If the parent of the student does not provide proof of identification within 40 days, the District shall notify the missing children information program and a local law enforcement authority of the fact that no proof of identity has been presented for the child. Nonresident students shall be admitted when required by law or as permitted by District policy. A student who transfers from another school district to another may photocopy immunization records in the possession of the school of origin. The District shall accept the photocopy as evidence of immunization. Within 30 days after a transferring pupil ceases attendance at the school of origin, the District should have the original immunization records.

When a parent signs and files with the District, prior to the commencement of attendance each school year, a notarized affidavit on a form prescribed by the State of Montana stating that immunization is contrary to the religious tenets and practices of the parent, immunization of the student seeking to attend in the District will not be required prior to attendance. The statement must be maintained as part of the student's immunization records. The District will also accept medical exemptions as required by law.

*Placement*

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

*Transfer Students*

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

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

Legal References:	§ 1-1-215, MCA	Residence -- rules for determining
	§ 20-5-101, MCA	Admittance of child to school
	§ 20-5-403, MCA	Immunization requirements
	§ 20-5-404, MCA	Conditional attendance
	§ 20-5-405, MCA	Medical or religious exemption
	§ 20-5-406, MCA	Immunization record
	§ 20-5-502, MCA	Enrollment by caretaker relative -- residency -- affidavit
	§ 44-2-511, MCA	School enrollment procedures for missing children

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

## STUDENTS

Attendance and Truancy

The Board regards regular attendance as an important component of the education of students. Students who attend school regularly and are punctual will have more learning opportunities.

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

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

*Attendance Policy*

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

*Tardies*

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

*Truancy*

A student is "truant" when persistent nonattendance occurs without excuse for all of the school day or any part of the school day equivalent to the length of one class period the student is required to attend under Montana law. "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.

The District has appointed the Superintendent and Counselor as the Attendance Officer(s) of the District.

The Attendance Officer(s) shall have the powers and duties stated in 20-5-105, MCA.

The Attendance Officer(s) shall have the duties stated in 20-5-106, MCA.

Legal References:	§ 20-5-104 – 20-5-106, MCA	Attendance Officer, Truancy
	§ 41-5-103, MCA	Youth Court, Definitions

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on: July 8, 2013

## STUDENTS

Education of Homeless Children

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 other students. In addition, homeless students will have access to services comparable those offered to other students. 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.

The Superintendent 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 Superintendent will consider issues of transportation, immunization, residence, birth certificates, school records, and other documentation.

The Superintendent will give special attention to ensuring the enrollment and attendance of homeless children and youths not currently attending school. The Superintendent 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. Thereafter, a written complaint must be filed in accordance with the District Uniform Complaint Procedure.

Legal References:	§ 20-5-101, MCA	Admittance of child to school
	42 USC § 11431	McKinney Homeless Assistance Act
	10.55.701, ARM	Board of Trustees

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

**STUDENTS**

Children of Military Families

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

Educational Records and Enrollment

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

In the event that a child of a military family seeks to enroll in the District, the District shall enroll and appropriately place the student as quickly as possible based upon information in the unofficial educational records pending receipt of the official records.

Tuition

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

Placement

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

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

Extracurricular Activities

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

Children of Military Families with Disabilities

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

Legal References:	§ 20-1-230, MCA	Interstate Compact on Educational Opportunity for Military Children
Cross Reference:	2040	Special Education and Accommodations
	2050	Section 504 Procedural Safeguards
	2090	Credit Transfer/Assessment for Placement
	3010	School Admissions
	3015	Attendance and Truancy
	3025	Discretionary Nonresident Student Attendance Policy
	3065	Co-Curricular Participation Code
	3085	Transfer of Student Records

Policy History:  
Adopted on: October 21, 2013  
Revised on:

## STUDENTS

Discretionary Nonresident Student Attendance Policy

The Board, recognizing that its resident students need an orderly educational process and environment, free from disruption and overcrowding, hereby establishes criteria for the discretionary admission of nonresident students. The Superintendent will screen all nonresident students and consider only those who meet the criteria set forth in this policy for recommendation to the Board. The Superintendent will recommend to the Board any nonresident student admission in accordance with this policy, with the Board making the final decision on admission.

The District will consider the following criteria for discretionary admission of nonresident students: the student's academic record, disciplinary record, including truancy records, and the current student level in the class in which the student would be admitted. The Superintendent will contact the student's previous school districts before making a recommendation to the Board. The Superintendent will evaluate the student based on the above listed criteria and determine whether or not to recommend the admission of the student. The Board will not admit any nonresident student who is serving a suspension or expulsion in another school district.

Admission in one school year does not imply or guarantee admission in subsequent years. All resident students who become nonresident students due to a move by the students' parents from the District may continue attendance for the semester, barring registration in another school district. At the completion of the semester, the student must apply for admission as a nonresident student if the student wishes to remain in the District.

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

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

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on: April 8, 2013

STUDENTS

Student Rights and Responsibilities

All students are entitled to enjoy the rights protected by the federal and State Constitutions and laws for persons of their age and maturity in a school setting. Students should exercise these rights reasonably and avoid violating the rights of others. Students who violate the rights of others or violate School District policies or rules will be subject to disciplinary measures.

Legal References:     § 20-4-302, MCA     Discipline and punishment of pupils  
                          § 20-5-201, MCA     Duties and sanctions  
                          *Tinker v. Des Moines Ind. Sch. Dist.*, 89 S.Ct. 733 (1969)

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

STUDENTS

Student Appearance

Students' dress and grooming must not disrupt the educational process, interfere with the maintenance of a positive teaching/learning climate, or compromise reasonable standards of health, safety, and decency. Procedures for handling students who dress or groom inappropriately will be developed by the Superintendent and included in the Parent-Student Handbook.

Legal References:

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

## STUDENTS

Searches and Seizures

For the safety and supervision of students in the absence of parents, to maintain discipline and order in schools, and to provide for the health, safety and welfare of students and staff, school authorities are authorized to conduct searches of students and their personal effects, as well as School District property. Such authorization includes, but is not limited to, the use of canines for searches of school property, personal property and motor vehicles.

*Students and Their Personal Effects*

School authorities may search a student and/or the student's personal effects (e.g., purses, book bags, motor vehicles, etc.) when there is reasonable suspicion that the search will produce evidence the student has violated or is violating either the law or the District's student conduct rules. The search itself must be conducted in a manner that is reasonably related to its objectives and not excessively intrusive in light of the age and sex of the student and the nature of the infraction. When feasible, the search should be conducted outside the view of others, including students, in the presence of an adult witness and by a certificated employee or administrator of the same sex.

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

*School Property*

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

*Seizure of Property*

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

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

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

## STUDENTS

Access to and Release of a Student During School Hours

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

*Law Enforcement and Social Service Agencies*

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

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

*Parents and Other Adults*

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

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

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

## STUDENTS

Student Discipline

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

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

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

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

- Using, possessing, distributing, purchasing, or selling tobacco products (tobacco includes, but is not limited to, cigarettes, cigars, snuff, smoking tobacco, smokeless tobacco, or any other tobacco or nicotine innovation);
- Using, possessing, distributing, purchasing, or selling alcoholic beverages.
- Using, possessing, distributing, purchasing, or selling illegal drugs or controlled substances, including medical marijuana, look-alike drugs, and drug paraphernalia.
- Using, possessing, controlling, or transferring a weapon in violation of the “Possession of a Weapon in a School Building” section of this policy.
- Using, possessing, controlling, or transferring any object that reasonably could be considered or used as a weapon.
- Disobeying directives from staff or disobeying rules governing student conduct.
- Using violence, force, coercion, intimidation or other comparable conduct toward anyone or urging other students to engage in such conduct.
- Causing or attempting to cause damage to, or stealing or attempting to steal, school property or another person’s property.
- Engaging in any activity that constitutes an interference with school purposes or an educational function or any other disruptive activity.
- Unexcused absenteeism.
- Misconduct of any sort on any means of District transportation.
- Hazing or bullying, including cyberbullying.
- Forging any signature or making any false entry or attempting to authorize any document used or intended to be used in connection with the operation of a school.

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

### *Gun Free Schools*

The Board is obligated to expel any student who uses, possesses, controls, or transfers a firearm for a definite period of time of at least one (1) calendar year, except that the Board may modify the disciplinary action on a case by case basis.

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

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

Legal References:	§ 20-4-302, MCA	Discipline and punishment of pupils
	§ 20-5-202, MCA	Suspension and Expulsion
	§ 45-8-361, MCA	Possession of a weapon in school building
	§ 50-46-101, MCA	Montana Medical Marijuana Act
	20 USC § 7101	Safe and Drug Free Schools & Community Act
	20 USC § 7151	Gun-Free Schools Act

Cross References:

### Policy History:

Adopted on: August 20, 2012

Revised on:

## STUDENTS

Student Due Process Rights*Suspension*

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

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

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

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

*Expulsion*

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

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

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

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

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

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

## STUDENTS

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

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

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

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

*Students with Disabilities Covered by IDEA*

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

Continuation of Service - The District is not required to provide services to a student during periods of removal if the student has been removed from his or her current placement for 10 school days or less in that school year, if services are not provided to a student without disabilities who has been similarly removed. See *34 CFR 300.121(d)(1)*

Subsequent Removals - After a student has been removed from his or her current placement for more than 10 school days in the same school year, during any subsequent days of removal, the District shall provide the services necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals in the student's IEP. This requirement applies if the subsequent removal is not a change in placement or the behavior is determined not to be a manifestation of the student's disability. If the removal is not a change in placement, school personnel, in consultation with the student's special education teacher, determine the extent to which these services are necessary. If the student is removed because of behavior that is determined not to be a manifestation of the student's disability, the student's IEP team determines the extent to which these services are necessary. See *20 U.S.C. 1412(a)(1), 1413(a)(1); 34 CFR 300.121(d)*.

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

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

School personnel may order additional removals of not more than ten consecutive school days in the same school year for separate incidents of misconduct, so long as those removals do not constitute a change in placement. See *20 U.S.C. 1415(k)(1)(B)*; *34 CFR 300.520(a)*.

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

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

See *34 CFR 300.519*. School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student who violates a code of student conduct. See *20 U.S.C. 1415(k)(1)(A)*.

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

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

If the District, the parent, and relevant members of the IEP team determine that either of the above is applicable, the conduct shall be determined to be a manifestation of the student's disability. See *20 U.S.C. 1415(k)(1)(E)*; *34 CFR 300.523(a)-(c)*. If the determination is that the student's behavior was not a manifestation of the student's disability, the disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner and for the same duration in which they would be applied to students without disabilities, except that the District shall still provide services, although they may be provided in an interim alternative educational setting. *20 U.S.C. 1412(a)(1), 1415(k)(1)(C)*; *34 CFR 300.121(d), 300.524*

Behavioral Intervention Plan - If the District, the parents, and relevant members of the IEP team determine that the conduct was a manifestation of the student's disability, the team shall conduct a functional behavioral assessment (FBA) and implement a behavioral intervention plan (BIP) if the District had not

conducted an FBA before the manifestation determination and before the behavior that resulted in the change in placement. If a BIP has already been developed, the team shall review the BIP and modify it, as necessary, to address the behavior. Except as provided at *WEAPONS /DRUG OFFENSES*, the team shall return the student to the placement from which the student was removed, unless the parent and the District agree to a change in placement as part of the modification of the BIP. See *20 U.S.C. 1415(k)(1)(F)*; *34 CFR 300.520(b)(1)*. If a student with a BIP is subsequently removed and that removal is not a change in placement, the team shall review the BIP and its implementation to determine if modifications are necessary. If one or more members of the team believe that modifications are needed, the team shall meet to modify the plan and its implementation, to the extent the team determines necessary. *34 CFR 300.520(c)*

### Interim Alternative Educational Settings

#### *WEAPONS/DRUG OFFENSES*

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

1. Carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a state or a school district; or
2. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of a state or a school district;
3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the state or the District.

See *20 U.S.C. 1415(k)(1)(G)*; *34 CFR 300.520(a)(2), (b)*. In this policy, "**weapon**" means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, but does not include a pocket knife with a blade of less than two and a half inches in length. *20 U.S.C. 1415(k)(7)(C)*; *18 U.S.C. 930(g)(2)*; *34 CFR 300.520(d)(3)*. "**Controlled substance**" means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812[c]). "**Illegal drug**" means a controlled substance, but does not include a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any authority under the Controlled Substance Act or any other provision of federal law. *20 U.S.C. 1415(k)(7)(A), (B)*; *34 CFR 300.520(d)(1), (2)*. "**Serious bodily injury**" means bodily injury that involves:

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

## ALTERNATIVE SETTINGS

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

## PROPOSED CHANGE AFTER INTERIM PLACEMENT

If school personnel propose to change the student's placement after expiration of the interim alternative placement, during the pendency of any proceeding to challenge the proposed placement, the student shall remain in the current placement (the student's placement before the interim alternative educational setting), unless the District requests an expedited hearing. *20 U.S.C. 1415(k)(7)(B); 34 CFR 300.526(b).*

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

Legal References:        Stated throughout policy

Cross References:

### Policy History:

Adopted on: August 20, 2012

Revised on:

## STUDENTS

Co-Curricular Participation Code

The co-curricular activities in District schools are organized to allow for the fullest possible participation for those students willing to make a definite commitment to co-curricular activities. Participating in co-curricular activities is viewed by the District as a worthwhile endeavor to enhance adolescent development. Co-curricular means all activities, inclusive, offered by the District in addition to the curricular offerings. The important goals of the co-curricular activities are to offer participants direction in developing healthful living habits, discipline, leadership, teamwork, citizenship skills, and respect for structure, rules, and responsibilities. It is to these ends that a “Code” is established for those students choosing to take part in the co-curricular activities program. Every student who chooses or is chosen to be a participant in a co-curricular activity will be offered the opportunity to practice, and whenever possible, to participate in events, contests and activities relative to their demonstrated abilities.

Specific eligibility and conduct rules are provided to each student participating in any co-curricular activity by means of the Student Activity Handbook. Students and/or parents will be required to acknowledge receipt of the Student Activity Handbook and a permission slip acknowledging the risks inherent in participation.

Legal References:       § 20-5-201, MCA       Duties of pupils - sanctions  
                              10.55.701, ARM       Board of Trustees

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

## STUDENTS

Administration of Medication

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

The Board will permit administration of medication to students in schools. A school nurse (who has successfully completed specific training in administration of medication) may administer medication to any student in the school or may delegate this task pursuant to Montana law.

With the written consent and authorization of the student's parents and a principal or other administrator, the school nurse may assign any school employee to assist in the self-administration of medications (both prescription and over-the-counter). Assistance with self-administration of medication is limited to the following:

- verbal suggestions, prompting, reminding, gesturing, or providing a written guide for self-administering medications;
- handing a prefilled, labeled medication holder, labeled unit dose container, syringe, or original marked, labeled container from the pharmacy to the student;
- opening the lid of the above-referenced container for the student;
- guiding the hand of the student to self-administer the medication;
- holding and assisting the student in drinking fluid to assist in the swallowing of oral medications;
- assisting with removal of a medication from a container for students with a physical disability which prevents independence in the act.

Except in an emergency situation, only a qualified health care professional may administer a drug or 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.

*Emergency Administration of Medication*

In case of an anaphylactic reaction or risk of such reaction, a school nurse or delegate may administer emergency oral or injectable medication to any student in need thereof on school grounds, in a school building, or at a school function, according to a standing order of a chief medical advisor or a student's private physician.

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

The District may maintain a stock supply of autoinjectable epinephrine prescribed to it by a physician, advanced practice registered nurse, or physician assistant and filled by a licensed pharmacy. In the event a school within the District chooses to maintain a stock supply of epinephrine autoinjectors, it shall inform all parents or guardians about the potential use of the epinephrine autoinjector in an anaphylactic emergency. A school nurse or other authorized personnel will administer autoinjectable epinephrine to any student or nonstudent as needed for actual or perceived anaphylaxis. In the event that the District chooses to maintain a stock supply of autoinjectable epinephrine, it shall develop the protocol and provide the training required by Montana law.

A building administrator or school nurse will enter any medication to be administered in an emergency on an individual student medication record and will file it in a student's cumulative health folder.

#### *Self-Administration of Medication*

The District will permit students to self administer medications provided that:

- A physician or dentist provides a written order for self-administration of said medication;
- Written authorization for self-administration of medication from a student's parent or guardian is on file; and
- A principal and appropriate teachers are informed that a student is self-administering prescribed medication.

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

Students with asthma, severe allergies or anaphylaxis may be authorized by the building principal or Superintendent, in consultation with medical personnel, to possess and self-administer emergency medication from an epinephrine pen (EpiPen) or asthma inhaler during the school day, during field trips, school-sponsored events, or while on a school bus. Immediately after using epinephrine during school hours, a student shall report to the school nurse or other adult at the school who shall provide followup care, including making a 9-1-1 emergency call. Authorization granted to a student to possess and self-administer medication from an EpiPen or asthma inhaler shall be valid for the current school year only and must be renewed annually.

In order to obtain the authorization to possess and self-administer medication, the following must be met:

- The parents, individual who has executed a caretaker relative authorization affidavit, or guardian must provide a written and signed authorization for the student and sign a statement acknowledging that the District may not incur liability as a result of any injury arising from the self-administration of medication by the pupil and that the parents or guardians shall indemnify and hold harmless the District and its employees and agents against any claims, except a claim based on an act or omission that is the result of gross negligence, willful and wanton conduct, or an intentional tort.
- A written authorization from the student's licensed health care provider containing the name and purpose of the medication, prescribed dosage, and description of time or times at which or the special circumstances under which the medication is to be administered.
- Documentation that the student has demonstrated to the health care provider and the school nurse, if available, the skill level necessary to self-administer the asthma, severe allergy, or anaphylaxis medication as prescribed.

- Documentation that the student's health care provider has formulated a written treatment plan for managing asthma, severe allergies, or anaphylaxis episodes of the student and for medication use, as prescribed, by the student during school hours.

The information provided by the parents or guardians must be kept on file in the office of the school nurse or, in the absence of a school nurse, the school's administrator.

If provided by the parent, an individual who has executed a caretaker relative educational authorization affidavit, or a guardian and in accordance with documents provided by the student's health care provider, asthma, severe allergy, or anaphylaxis medication may be kept by the pupil and backup medication must be kept at a pupil'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.

#### *Administration of Glucagon*

A school employee who voluntarily agrees and is selected by a parent, an individual who has executed a caretaker relative authorization affidavit, or guardian of a diabetic student may administer glucagon to the diabetic student in an emergency situation. Written proof of the designation to the school employee and written acceptance of the designation by the school employee must be filed with the District. The glucagon must be provided by the parent or guardian.

The school employee must be trained in recognizing hypoglycemia and the proper method of administering glucagon. Training must be provided by a health care professional or a recognized expert in diabetic care selected by the parent or guardian. Written documentation of the training received by the school employee must be filed with the District.

School employees must voluntarily agree to the parent designation and are under no obligation to agree to the designation.

#### *Storage and Disposal of Medications*

The Superintendent shall arrange for the storage and disposal of medications brought to the school by the parent for the student during the instructional day. Unused, discontinued, or obsolete medication will be returned to the parent or guardian upon notice to that parent or guardian. Access to all stored medications is limited to those individuals authorized to administer medications or assist in the self-administration of medications. Each building shall maintain a list of those persons currently authorized by delegation from a licensed nurse to administer medications.

Legal References:	§ 20-5-412, MCA	Administration of Glucagon
	§ 20-5-420-421, MCA	Self-administration of asthma medication
	§ 37-8-103, MCA	Exemptions – Limitations on Authority
	24.159.1601 et al. ARM	Delegation and Assignment

Cross References:

#### Policy History:

Adopted on: August 20, 2012

Revised on: July 8, 2013

STUDENTS

Student Fines and Charges

Within the concept of free public education, the District will provide an educational program for students as free of costs as possible. The Board may 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 Superintendent shall establish appropriate fees and procedures governing collection of fees. 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.

The District may hold a student responsible for the cost of replacing materials or property, including textbooks, which are lost or damaged by the student. The Superintendent 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. The District may withhold a student’s grades or diploma until restitution is made. A student or parent may appeal the imposition of a charge for damages to the Superintendent and the Board.

Legal References:	§ 20-5-201, MCA	Duties and sanctions
	§ 20-7-601, MCA	Free textbook provisions
	§ 20-9-214, MCA	Fees

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

## STUDENTS

Maintenance of Student Records

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

*Content of Records and Maintenance*

The District maintains 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
- Attendance record
- Statewide student identifier assigned by the Office of Public Instruction

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

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

Information in the permanent record will indicate authorship and date and will be maintained in a secure location in perpetuity for every student who enrolled in the District. Cumulative records will be maintained for eight (8) years after the student graduates or permanently leaves the District. Cumulative records which may be of continued assistance to a student with disabilities, who graduates or permanently withdraws from the District, may, after five (5) years, be transferred to the parents or to the student if the student has succeeded to the rights of the parents. Student disciplinary records shall be maintained for all disciplinary actions that are educationally related and shall include an explanation regarding such action. Minutes relating to a student disciplinary action that is educationally related that is taken by the Board, including minutes during closed sessions, shall be included in the student's disciplinary record. Student disciplinary records shall be maintained in the same manner as cumulative records.

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

*Access to Student Records*

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

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

Other individuals or entities may access student records as follows:

- The District may grant access to or release information from student records to employees or officials of the District, including contractors or consultants to whom the District has outsourced institutional services or functions, or the Montana State Board of Education, provided a current, legitimate educational interest is shown, without parental consent or notification. Access in such cases will be limited to the satisfaction of that need.
- The District may grant access to or release information from student records without parental consent or notification where it is necessary in connection with the audit, evaluation, compliance, or enforcement of federal legal requirements to state and local educational authorities, entities or individuals designated by a state or local educational authority, or an agency headed by the Secretary of the United States Department of Education, the Attorney General of the United States, or Comptroller General of the United States.
- The District may grant access to or release information from student records without parental consent or notification to any person, for the purpose of research, statistical reporting, or planning, provided that no student or parent can be identified from the information released, and the person to whom the information is released signs an affidavit agreeing to comply with all applicable statutes and rules pertaining to school student records.
- The District will grant access to or release information from a student's records pursuant to a court order in an action where a parent is not a party without parental consent, provided that the parent will be given prompt written notice of the order, its terms, the nature and substance of the information proposed to be released, and an opportunity to inspect and copy such records and to challenge their contents. The District will comply with an *ex parte* order requiring it to permit the U.S. Attorney General or designee to have access to a student's school records without notice to or consent of the student's parent. When a parent is a party to a court proceeding involving child abuse and neglect or dependency matters, parental consent or notification is not required to release information from a student's record upon receipt of an order requiring disclosure in such case.
- The District may grant access to or release information from any student record, without parental consent or notification, to a caseworker or other representative of a child welfare agency when that agency is legally responsible for the care and protection of the student. The caseworker or other child welfare agency representative shall present documentation evidencing legal responsibility for a student.

- The District will grant access to or release information from a student's records pursuant to a court order, provided that the parent will be given prompt written notice, upon receipt of such order, of its terms, the nature and substance of the information proposed to be released, and an opportunity to inspect and copy such records and to challenge their contents.
- The District will grant access to or release information from any student record, as specifically required by federal or state statute. The parent will be given prompt written notice of its intended action, the nature and substance of the information proposed to be released, and an opportunity to inspect and copy such records and to challenge their contents.
- The District will grant access to or release information from student records to any person possessing a written, dated consent, signed by the parent or eligible student, with particularity as to whom the records may be released, the information or record to be released, and reason for the release. One copy of the consent form will be kept in the records, and 1 copy will be mailed to the parent or eligible student. The parent will be given prompt written notice of its intended action, the nature and substance of the information proposed to be released, and an opportunity to inspect and copy such records and to challenge their contents.
- The District may release student records to the superintendent or an official with similar responsibilities in a school in which the student has enrolled or intends to enroll, upon written request from such official. The parent will be given prompt written notice of its intended action, the nature and substance of the information proposed to be released, and an opportunity to inspect and copy such records and to challenge their contents.
- The District may release student records or information in connection with an emergency, without parental consent, if the knowledge of such information is necessary to protect the health or safety of the student or other persons. The Superintendent or Principal will make this decision, taking into consideration the nature of the emergency, the seriousness of the threat to the health and safety of the student or other persons, the need for such records to meet the emergency, and whether the persons to whom such records are released are in a position to deal with the emergency. The District will notify the parents or eligible student, as soon as possible, of the information released, date of the release, the person, agency, or organization to whom the release was made, and the purpose of the release.
- The District may disclose, without parental consent, student records or information to the youth court and law enforcement authorities or a child interdisciplinary team or school safety team involved in the proceedings, pertaining to that student's violations of the Montana Youth Court Act or criminal laws by the student prior to the adjudication of the student.
- The District may release student records or information, without parental consent or notification, to the U.S. Secretary of Agriculture or authorized Food and Nutrition Service representative, including contractors, for the purposes of monitoring, evaluations, and performance with regard to funding received for federal school lunch programs. The authorized representative or contract is not permitted to disclose personal identification of students and their parents aside from reporting results in an aggregate form. Any personally identifiable data will be destroyed once it is no longer necessary for program monitoring, evaluations, and performance measurements.

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

*Directory Information*

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

Student's name  
Address  
Telephone listing  
Electronic mail address  
Photograph  
Date of birth  
Dates of attendance  
Grade level  
Participation in officially recognized activities and sports  
Weight and height of members of athletic teams  
Honors and awards received

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

*Military Recruiters/Colleges*

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

*Student Record Challenges*

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

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

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on: March 25, 2013, July 8, 2013, October 21, 2013, October 20, 2014

STUDENTS

Transfer of Student Records

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

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

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

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

STUDENTS

Receipt of Confidential Records

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

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

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

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

## STUDENTS

Cell Phones and Other Electronic Equipment

Student possession and use of cellular phones, pagers, and other electronic signaling devices on school grounds, at school sponsored activities, and while under the supervision and control of school district employees is a privilege which will be permitted only under the circumstances described herein. At no time will a student operate a cell phone or other electronic signaling device in a locker room, bathroom or any location where such operation may violate the privacy right of another person. Students may not operate cellular phones, pagers and other electronic signaling devices during school hours (8:00 am to 3:10 pm) on school property. If a student possesses any of these devices, the student must keep the device in his or her locker and turned off during school hours. Unauthorized use is grounds for confiscation by school officials, and repeated unauthorized use of such devices will result in disciplinary action.

Students may not employ the photographic, videographic, audio recording or reproduction capacity of any electronic device for the purposes of photographing, video capture, recording or reproduction of the same of any student or staff person without the express consent of the staff person, or under the supervision of a teacher or administrator. This section applies at all times while on school premises including school buses or at school sponsored events, regardless of the location.

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

## STUDENTS

Use of Electronic Services and Networks

The District provides access for students to the Internet as an educational tool. Because the Internet is uncensored and can be misused, no student shall be allowed to use the District's access to the Internet unless the student and the student's parent first sign the district's *Authorization for Electronic Network Access*. The District will provide reasonable supervision of students using its access to the Internet and attempt to do what is technologically reasonable with filtering software to prevent students from obtaining access to pornographic or harmful matter. Students using the District's Internet access shall have no right of privacy in their use of that system. Staff may monitor or examine all system activities a student takes part in to ensure proper use of the system. Students who fail to abide by district Internet rules may be subject to disciplinary action, revocation of their privilege to use the system, or legal action as appropriate

Misuse of the District's access to the Internet" includes, but is not limited to, the following:

- (a) use of the District's access to the Net for other than educational purposes;
- (b) gaining intentional access or maintaining access to materials which are obscene, pornographic, or whose dominant appeal is sexual arousal;
- (c) using the Net for any illegal activity, including computer hacking and copyright or intellectual property law violations;
- (d) accessing "chat lines" unless authorized by the instructor for a class activity directly supervised by a staff member;
- (e) using abusive or profane language in private messages on the system; or using the system to harass, insult, or verbally attack others;
- (f) posting anonymous messages on the system;
- (g) using encryption software;
- (h) vandalizing data of another user;
- (i) obtaining or sending information which could be used to make destructive devices such as guns, weapons, bombs, explosives, or fireworks;
- (j) gaining unauthorized access to resources or files;
- (k) identifying oneself with another person's name or password or using an account or password of another user without proper authorization;
- (l) using the network for financial or commercial gain without district permission; or
- (m) introducing a virus to, or otherwise improperly tampering with the system;

Legal Reference:       § 20-5-201, MCA       Duties and Sanctions  
                               20 U.S.C. § 9134       Children's Internet Protection Act

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

STUDENTS

Use of Video Surveillance Cameras

The Board recognizes the need to provide a safe learning environment for students and staff and to protect District property and equipment. Therefore, video surveillance cameras may be used as a security measure at the District.

Video cameras will also be used to ensure that students' behavior on school property is consistent with the established safety and conduct rules. If unacceptable behavior is recorded, timely and appropriate corrective action will occur. The Superintendent is responsible for the implementation of safety and security measures at each building and the proper use of video surveillance monitoring systems. No staff member may use video surveillance without permission of the Superintendent.

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

Cross References:

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

Policy History:

Adopted on: August 20, 2012

Revised on:

## STUDENTS

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

School-sponsored publications and productions are part of the curriculum and are not a public forum for general student use. School authorities may edit or delete material which is inconsistent with the School District's educational mission. All student media shall comply with the ethics and rules of responsible journalism. Text that is libelous, obscene, invades the privacy of others, conflicts with the basic educational mission of the school, socially inappropriate or inappropriate due to the maturity level of the students, or is materially disruptive to the educational process will not be tolerated. The author's name will accompany personal opinions and editorial statements. An opportunity for the expression of differing opinions from those published/produced will be provided within the same media.

*Non-School Sponsored Publications*

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

*Distribution and Posting of Materials*

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

School-sponsored groups are permitted to distribute materials directly to students. Outside groups, including governmental agencies, parent and student organizations not sponsored by the school, and community organizations, are permitted to display their materials on a centrally located bulletin board and/or table available for the displaying of materials. The District may require that the group submit the materials within a reasonable time period prior to the distribution or display to ensure the material is appropriate.

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

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

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

STUDENTS

Student Use of Buildings – Equal Access

Non-curriculum-related student organizations may conduct meetings on school premises without intervention on the basis of the religious, political, philosophical, or other content of the meeting. If the meeting is student-initiated and not a part of a school sponsored activity, it must be conducted according to the following guidelines:

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

Although the school assumes no sponsorship of these kinds of meetings, all meetings held on school premises must be scheduled and approved by the Superintendent.

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

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

## STUDENTS

Concussion Management

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

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

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

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

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

An athletic trainer, coach, or official shall remove a youth athlete from participation in any organized youth athletic activities at the time the youth athlete exhibits signs, symptoms, or behaviors consistent with a concussion. Once removed, the youth athlete may not return to the organized youth athletic activity until the youth athlete no longer exhibits signs, symptoms, or behaviors consistent with a concussion and has received an evaluation and written clearance from a licensed health care professional that the youth athlete has been evaluated and is capable of safely resuming participation.

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

Cross References:

Policy History:

Adopted on: July 8, 2013

Revised on:

SCHOOL/COMMUNITY RELATIONS

Public Relations

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 Superintendent 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.

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

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

SCHOOL/COMMUNITY RELATIONS

School Support Associations

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

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

*Fund Raising by School Support Organizations*

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

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

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

SCHOOL/COMMUNITY RELATIONS

Use of School Facilities

The Board wishes to make school facilities available to responsible community organizations, associations, and individuals for appropriate civic, cultural, welfare, educational, or recreational activities which do not interfere with the delivery of education and the best interests of the District. The Board recognizes the investment that the community has made in the District buildings and facilities and wishes for such buildings and facilities to be temporarily used under such provisions and control as the District may see necessary to impose. To the greatest extent possible, District facilities should be used by citizens of the community, so long as the educational programs of the District are not hindered. The District shall provide an equal right of access to the Boy Scouts and other designated patriotic youth groups as provided any other youth group.

The Superintendent 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 Superintendent’s approval and is subject to the procedures established by the Superintendent.

Legal References:	20 USC § 7905	Boy Scouts of America Equal Access Act
	§ 20-7-805, MCA	Recreational use of school facilities secondary
	§ 20-6-602, MCA	Trustee’s power over property

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on: October 21, 2013

## SCHOOL/COMMUNITY RELATIONS

Conduct on School Property

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

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

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

Legal References:	§ 20-1-206, MCA	Disturbance of school
	§ 20-1-220, MCA	Use of tobacco on school property prohibited
	§ 45-8-361, MCA	Possession of a weapon in a school building
	§ 50-46-101, MCA	Montana Medical Marijuana Act
	20 USC § 7101	Safe and Drug Free Schools & Community Act

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

SCHOOL/COMMUNITY RELATIONS

Visitors to the Schools

The District encourages visits to all District buildings by Board members, parents, citizens, and taxpayers. All visitors shall report to the main office. If a parent wishes to confer with a teacher, an appointment must be made. Conferences will be held outside school hours or during the teacher's preparation period.

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

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

SCHOOL/COMMUNITY RELATIONS

Accommodating Individuals with Disabilities

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

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

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

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

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

Legal References: 42 USC § 12111 et seq. Americans with Disabilities Act  
§ 49-3-201, MCA et seq Governmental Code of Fair Practices

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

SCHOOL/COMMUNITY RELATIONS

Cooperative Programs with Other Districts and Public Entities

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 or other public entities, 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.

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.

Legal References:	§ 7-11-101 et seq.	Interlocal agreements
	§ 20-3-363	Multidistrict agreements
	§ 20-7-451 et seq.	Authorization to create full service special education cooperative
	§ 20-9-701 et seq.	Educational Cooperative Agreements

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

SCHOOL/COMMUNITY RELATIONS

Service Animals

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

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

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

Legal References:	42 U.S.C. § 12111 et seq. 28 C.F.R. §§ 35.104, 35.136	Americans with Disabilities Act Nondiscrimination on the Basis of Disability in State and Local Government Services
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Cross References:	2040 2050 4025 5000	Special Education and Accommodations Section 504 Procedural Safeguard Accommodating Individuals with Disabilities Equal Employment Opportunity
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Policy History:

Adopted on: August 20, 2012

Revised on:

SCHOOL/COMMUNITY RELATIONS

Family Engagement

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

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

Cross Reference:

Legal Reference:       §10.55.701, ARM                   Board of Trustees

Policy History:

Adopted on: October 21, 2013

Revised on:

## PERSONNEL

Equal Employment Opportunity

The District shall provide equal employment opportunities to all persons regardless of their race, color, creed, religion, national origin, sex, age, ancestry, marital status, use of lawful products while not at work, physical or mental handicap or disability, if otherwise able to perform the essential functions of the job with or without reasonable accommodation, and other legally protected categories.

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

Persons who believe they have not received equal employment opportunities or have been retaliated against should report their claims to the building principal. Claims of sex or disability discrimination will be handled through the District's Title IX and Section 504/ADA Coordinator Grievance Procedures; all other claims will be handled through the Uniform Grievance Procedure. No employee or applicant will be discriminated against because he or she initiated a complaint, was a witness, supplied information, or otherwise participated in an investigation or proceeding involving an alleged violation of this policy or State or federal laws. The District reserves the right to take action against any individual who knowingly false accusations or knowingly provides false information.

Legal References:	29 USC § 621 et seq.	Age Discrimination in Employment Act
	42 USC § 12111, et seq.	Americans with Disabilities Act
	29 USC § 206	Equal Pay Act
	29 USC § 791 et seq.	Rehabilitation Act of 1973
	42 USC § 2000(e) et seq.	Title VII of Civil Rights Act
	§ 49-2-101, et seq. MCA	Human Rights Act
	§ 49-2-301, MCA	Retaliation Prohibited
	§ 49-1-102, MCA	Freedom from discrimination
	§ 49-2-303, MCA	Discrimination in employment
	§ 49-3-201, MCA et seq	Governmental Code of Fair Practices
	28 CFR 35.107	Nondiscrimination on the Basis of Disability in State and Local Government Services
	34 CFR 104.7	Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance
Cross References:	1085	Uniform Grievance Procedure
		Administrative Procedures Manual
		Title IX Grievance Procedure
		Section 504/ADA Grievance Procedure

Policy History:

Adopted on: August 20, 2012

Revised on: October 21, 2013

## PERSONNEL

Sexual Harassment

The District shall provide employees an employment environment free of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct, or communications constituting sexual harassment as defined and otherwise prohibited by State and federal law. Sexual harassment includes sexual violence, which are physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the use of drugs or alcohol or intellectual or other disability. Sexually violent acts could include rape, sexual assault, sexual battery, and sexual coercion.

District employees shall not make unwelcome sexual advances or request sexual favors or engage in any unwelcome conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment prohibited by this policy includes verbal or physical conduct. The terms intimidating, hostile, or offensive include, but are not limited to, conduct which has the effect of humiliation, embarrassment or discomfort. Sexual harassment will be evaluated in light of all the circumstances. A violation of this policy may result in discipline, up to and including discharge. Any person making a knowingly false accusation regarding sexual harassment will likewise be subject to disciplinary action, up to and including discharge.

Employees should report claims of sexual harassment to the Principal or Superintendent or the District's Title IX Coordinator and/or use the District's Title IX Grievance Procedures. Initiating a complaint of sexual harassment shall not adversely affect the complainant's employment, compensation, or work assignments

Legal References:	42 USC § 2000(e) et seq.	Title VII of Civil Rights Act
	20 USC 1681 et seq	Title IX
	§ 49-2-101, et seq. MCA	Human Rights Act
	§ 49-1-102, MCA	Freedom from discrimination
	§ 49-3-201, MCA et seq	Governmental Code of Fair Practices

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

## PERSONNEL

Hiring Process and Criteria

Vacant positions may be advertised in District only or through media sources. Unless stated in a negotiated agreement with staff, a vacancy need not be advertised as determined by the Superintendent. The Superintendent is responsible for recruiting personnel, in compliance with Board policy, and making hiring recommendations to the Board. The District shall hire the person who best meets the criteria consistent with budget and staffing requirements, and shall comply with Board policy on equal employment opportunities and veteran's preference. The Superintendent shall maintain current job descriptions for each position in the District. All applicants must complete the District application in order to be considered for employment, including a written authorization for a criminal background investigation. Applications shall be kept for 2 years after submission pursuant to law.

All newly hired employees must provide the District with documentation of the results of a tuberculin skin test done within the year prior to initial employment, along with the name of the tester and the date and type of test administered, unless the person provides written medical documentation that he or she is known tuberculin reactor.

If the work is of a physically demanding nature, subsequent to a conditional offer of employment and prior to the commencement of work, the District may require an applicant to have a medical examination and to meet any other health requirements that may be imposed by the position description or the State. All bus drivers are required by law to have a satisfactory medical examination prior to employment.

The District requires 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. 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.

Legal References:	§ 20-4-202, MCA	Teacher and specialist certification registration
	§ 39-29-102, MCA	Point preference or alternative preference in initial hiring for certain applicants – substantially equivalent selection procedure
	37.114.1010, ARM	Employee of School
	24.9.805, ARM	Employment Records

## Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

## PERSONNEL

Criminal Background Investigations

Any finalist recommended to be employed in a paid or volunteer position with the District, involving regular unsupervised access to students in schools, as determined by the Superintendent, shall submit to a fingerprint based criminal background investigation conducted by the appropriate law enforcement agency. Any offer of employment or appointment will be contingent on results of the fingerprint based criminal background investigation. Employment or opportunity to volunteer in the District will not begin until a favorable result of the criminal background investigation has been received by the District or an applicant can present the District with a current Montana teaching certificate and provide documentation of contiguous employment by a school district in the state of Montana. This policy shall also be applied to an employee of a person or firm holding a contract with the District, if the employee is assigned to the District, and the employee may have unsupervised access to students.

Any requirement of an applicant or employee of a contractor to submit to a fingerprint based background investigation will be in compliance with the National Child Protection Act 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 Superintendent, who will decide whether the applicant will be declared eligible for appointment or employment. Arrests resolved without conviction will not be considered in the hiring process, unless the charges are pending. The Superintendent and/or Board shall keep all criminal record information confidential as required by law. The Superintendent or designee will develop procedures for conducting a criminal background investigation.

Legal References:	42 USC 5119a	National Child Protection Act
10.55.716, ARM	Substitute Teachers	
10.57.201a, ARM	Criminal History Background Check	

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on: October 20, 2014, December 15, 2014

## PERSONNEL

Drug and Alcohol Free Workplace

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; and
- 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 one that is not legally attainable, being used in a manner other than as prescribed, legally obtainable but has not been legally obtained or referenced in federal or state controlled-substance acts. For purposes of this policy, a controlled substance includes medical marijuana. Any employee must notify his or her supervisor of his or her conviction under any criminal drug statute, for a violation occurring on District premises or while performing work for the District, no later than five (5) days after such conviction.

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

- Provide each employee with notice of the District drug- and alcohol-free workplace policy;
- Enlist the aid of community and state agencies with drug and alcohol informational and rehabilitation programs, to provide information to District employees; and
- Inform employees of available drug and alcohol counseling, rehabilitation, reentry, and any employee-assistance programs.

An employee who violates this policy may be subject to disciplinary action, including termination. Should District employees be engaged in the performance of work under a federal contract or grant, or under a state contract or grant of \$5,000 or more, the Superintendent will notify the appropriate state or federal agency from which the District receives contract or grant moneys of an employee's conviction, within ten (10) days after receiving notice of the conviction

Legal References:	20 USC 7101 § 50-46-101 <i>et al.</i> , MCA 10.57.601a, ARM	Safe and Drug Free Schools & Community Act Montana Medical Marijuana Act Definition of Immoral Conduct
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Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

## PERSONNEL

Employment and Assignment

Each certificated employee will be employed under a written contract, subject to the terms and conditions of the collective bargaining agreement and District policies. Renewal and non-renewal will be determined by the Board after receiving a recommendation from the Superintendent and in conformance with law.

Each classified employee will be employed under a written contract for a specified term, with a beginning and ending date. Such employees shall have no expectation of continued employment from year to year, and contracts of employment may be renewed or non-renewed each year, at the District's sole option. The District reserves the right to change employment conditions affecting an employee's duties, assignment, supervisor, or grade.

*Assignment, Reassignment and Transfer*

The Superintendent may assign, reassign, and/or transfer positions and duties of all staff, subject to any provisions contained in the collective bargaining agreement. Teachers will be assigned at the levels and in the subjects for which their certificates are endorsed. The Superintendent 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.

Legal References:     § 39-2-912, MCA     Exemptions (wrongful discharge)  
                          10.57.601a, ARM     Definition of Immoral Conduct

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

PERSONNEL

Abused and Neglected Child Reporting

A District employee who has reasonable cause to suspect that a student may be an abused or neglected child shall report such a case to the Montana Department of Public Health and Human Services and notify the Superintendent or principal that a report has been made. An employee does not discharge the obligation to personally report by notifying the Superintendent or principal.

Any District employee who fails to report a suspected case of abuse or neglect to 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 of abuse or neglect or suspicions thereof, the Montana Department of Public Health and Human Services may share information with that individual or others under 41-3-201 (5), MCA. In such instance, District employees receiving information from the Montana Department of Public Health and Human Services regarding abuse and neglect reporting shall maintain the confidentiality of the information received.

Legal References:	§ 41-3-201, MCA	Reports
	§ 41-3-202, MCA	Action on reporting
	§ 41-3-203, MCA	Immunity from liability
	§ 41-3-205, MCA	Confidentiality – disclosure exceptions
	§ 41-3-207, MCA	Penalty for failure to report

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on: July 8, 2013

## PERSONNEL

Staff Ethics and Political Activity

All District employees are expected to maintain high standards in their school relationships, to demonstrate integrity and honesty, to be considerate and cooperative, and to maintain professional relationships with students, parents, staff members, and others. Employees should not dispense or utilize any 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.

Further, employees must maintain confidentiality with respect to information pertaining to student records, employee records or confidential communications from staff. Employees also will respect the confidentiality of people served in the course of an employee's duties and use information gained in a responsible manner. The 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. Discretion should be used even within the school system's own network of communication.

*Political Activity*

The Board recognizes its employees' rights of citizenship, including, but not limited to, engaging in political activities. A District employee may seek an elective office, provided the employee does not campaign on school property during working hours, and provided all other legal requirements are met. An employee elected to office is entitled to take a leave of absence without pay.

Employees may not, in or on District property, attempt to coerce, command, or require another to support or oppose any political committee, the nomination or election of any person to public office, or the passage of a ballot issue. Employees may not solicit support for or in opposition to any political committee, the nomination or election of any person to public office, or the passage of a ballot issue, while on the job or in or on District property. Employees may not use the District's electronic communication system for political activity, except as permitted by law.

Legal References:	5 USC 7321, et seq.	Hatch Act
	§ 2-18-620, MCA	Mandatory leave of absence for employees holding public office - return requirements
	§ 20-1-201, MCA	School officers not to act as agents
	§ 13-35-266, MCA	Unlawful acts of employers and employees
	§ 41-3-205, MCA	Confidentiality – disclosure exceptions

## Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

## PERSONNEL

Personnel Records

The District maintains a complete personnel record for every current and former employee. The employees' personnel records will be maintained in the District's administrative office, under the Superintendent's direct supervision. Employees and their designees will be given access to their personnel records, in accordance with guidelines developed by the Superintendent. In addition to the Superintendent or other designees, the Board may grant a committee or a member of the Board access to cumulative personnel files. Counsel retained by the Board will also have access to a cumulative personnel file. Personnel files shall be maintained for 10 years after the employee's separation from employment.

No material derogatory to an employee's conduct, service, character, or personality shall be placed in the file, unless such placement is authorized by the Superintendent, as indicated by his initials, and unless the employee has had the opportunity to read the material. The employee shall be entitled to respond to the material and to have that response placed in the file, if requested in a reasonable period of time, not to exceed 60 days.

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

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

Legal References:	20 USC 6301	No Child Left Behind Act
	29 USC 201, et seq	Fair Labor Standards Act
	§ 2-6-101, et al MCA	Public Records Generally
	§ 20-1-212, MCA	Destruction of Records by School Officer
	24.9.805, ARM	Employment Records

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on: July 8, 2013

## PERSONNEL

Family Medical Leave

In accordance with provisions of the Family Medical Leave Act, a leave of absence of up to 12 weeks during a 12 month period may be granted to an eligible employee for the following reasons: 1) birth of a child; 2) placement of a child for adoption or foster care; 3) a serious health condition which makes the employee unable to perform functions of the job; 4) to care for the employee's spouse, child, or parent with a serious health condition; or 5) because of a qualifying exigency (as the Secretary shall, by regulation, determine) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces. The Board has determined that the 12 month period during which an employee may take FMLA leave is July 1 to June 30.

Subject to section 103 of the FMLA of 1993, as amended, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 workweeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall only be available during a single 12-month period.

An employee is eligible for FMLA leave, if the employee has been employed for at least twelve (12) months and has worked at least one thousand two hundred fifty (1,250) hours during the twelve (12) months immediately prior to the date leave is requested and there have been at least fifty (50) District employees within seventy-five (75) miles for each working day during twenty (20) or more workweeks in the current or preceding calendar year.

Employees will be required to use appropriate paid leave while on FMLA leave. Workers' compensation absences will be designated FMLA leave. The Superintendent has discretion to require medical certification to determine initial or continued eligibility under FMLA, as well as fitness for duty.

Legal References:	29 USC 2601, et seq.	Family and Medical Leave Act
	29 USC 201, et seq	Fair Labor Standards Act
	§ 2-6-101, et al MCA	Public Records Generally
	24.9.805, ARM	Employment Records

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

PERSONNEL

Insurance Benefits for Employees

Certified employees are eligible for insurance benefits offered by the District as stated in the current collective bargaining agreement.

A medical examination at the expense of the employee may be required, if the employee elects to join the District health insurance program after initially refusing coverage during the “open season,” as defined in the plan documents. An eligible employee wishing to discontinue or change health insurance coverage must initiate the action by contacting the personnel office and completing appropriate forms.

Trustees may choose to participate in the District’s group health insurance program at their own expense.

Legal References:       § 2-18-702, MCA       Group insurance for public employees and officers  
                                  § 2-18-703, MCA       Contributions

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

## PERSONNEL

Leave of Absence

The District provides leave to its employees pursuant to Montana law, collective bargaining agreements and individual contracts. Those employees in paid leave status continue to accrue seniority and are eligible for District benefits. Employees in unpaid leave status do not accrue seniority and may not be eligible for benefits through the District.

*Sick Leave and Bereavement Leave*

Certified employees will be granted sick leave according to terms of the collective bargaining agreement. The Administrator shall be granted sick leave pursuant to the terms of their individual contract and Montana Law. Sick leave credits must be used for sick days taken by the Administrator during Pupil Instruction days. Classified employees shall be granted sick leave pursuant to Montana law governing public employees. Unless otherwise stated by contract, "sick leave" means a leave of absence, with pay, for an illness suffered by an employee of his or her immediate family. "Immediate family" means the employee's spouse, parents, grandparents, siblings, children and like relations of the spouse. A maximum of three (3) days of accumulated sick leave may be used per year because of death in the immediate family

If the District has established, either through collective bargaining or through policy, a sick leave fund, employees may contribute any portion of the employee's accumulated sick leave or accumulated vacation leave to a nonrefundable sick leave fund and become eligible to draw upon the fund pursuant to the rules established for the fund.

*Personal and Emergency Leave*

Certified employees will be granted personal and emergency leave according to the terms of their teaching contracts. The Administrator will be granted personal and emergency leave pursuant to the terms of their individual contract, or at the discretion of the Board. Personal days taken by the Administrator during Pupil Instruction days must be pre-approved by the Board and personal leave days must be used for those days. Classified staff may be granted personal and emergency leave pursuant to the terms and conditions stated in the current classified staff handbook. Personal and emergency leave is without pay unless otherwise stated.

*Civic Duties Leave*

Employees shall be granted leave for service on a jury, in the Legislature or in response to a subpoena in accordance with state law. The District will notify employees of any reimbursement requirements in the employee handbook.

*Military Leave*

Employees shall be granted leave for service in the military in accordance with state and federal law. The District will comply with all federal regulations regarding the employee's return to service following military leave.

*Vacation Leave*

The Administrator will be granted vacation leave pursuant to the terms of their individual contracts and Montana law. Vacation days taken by the Administrator during Pupil Instruction days must be taken at a time or times as will least interfere with the performance of their contracted duties and pre-approved by the Board. Annual vacation leave credits must be used for those days. Classified employees will be granted vacation leave pursuant to Montana law. The District, in its sole discretion and/or subject to the terms of the collective bargaining agreement, may provide cash compensation for unused vacation leave in lieu of the accumulation of vacation leave.

Legal References:	§ 2-18-601, MCA	Definitions
	§ 2-18-611, MCA	Annual vacation leave
	§ 2-18-617, MCA	Accumulation of leave -- cash for unused -- transfer
	§ 2-18-618, MCA	Sick Leave
	§ 2-18-619, MCA	Jury duty – service as witness
	§ 2-18-620, MCA	Mandatory leave for employees holding public office – return requirements
	2.21.222, ARM	Calculating Annual Vacation Leave Credits

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on: March 23, 2015

PERSONNEL

Holidays

Holidays for certified staff are dictated in part by the school calendar. Temporary employees will not receive holiday pay. Part-time employees will receive holiday pay on a prorated basis. The District will observe all school holidays as required by statute.

When an eligible employee is required to work any of the school holidays, another day shall be granted in lieu of such holiday, unless the employee elects to be paid for the holiday in addition to the employee's regular pay for all time worked on the holiday.

When one of the above holidays falls on Sunday, the following Monday will not be a holiday. When one of the above holidays falls on Saturday, the preceding Friday will not be a holiday. When a holiday occurs during a period in which vacation is being taken by an employee, the holiday will not be charged against the employee's annual leave

Legal References:      § 20-1-305, MCA      School holidays

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

PERSONNEL

Evaluation of Non-Administrative Staff

Each non-administrative staff (classified) member’s job performance will be evaluated by the staff member’s direct supervisor. The evaluation process uses forms applicable to the job classification and description, and day-to-day appraisals. Certified staff members may be evaluated according to the terms stated in the current collective bargaining agreement.

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

Legal References:	§ 20-3-324, MCA	Powers and duties
	§ 20-4-402, MCA	Duties of district superintendent
	10.55.701, ARM	Board of Trustees

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

PERSONNEL

Disciplinary Action

District employees who fail to fulfill their job responsibilities or to follow reasonable directions of their supervisors, or who conduct themselves on or off the job in ways that affect their effectiveness on the job, may be subject to disciplinary action up to and including termination. Behavior, conduct, or action that may call for disciplinary action or dismissal includes, but is not limited to, reasonable job-related grounds based on a failure to satisfactorily perform job duties, disruption of the District’s operation, or other legitimate reasons

Discipline will be reasonably appropriate to the circumstance and will include, but not be limited to, a supervisor’s right to reprimand an employee and the Superintendent’s right to suspend an employee, with or without pay, or to impose other appropriate disciplinary sanctions. In accordance with Montana law, only the Board may terminate an employee or non-renew employment.

Legal References:	§ 20-3-324, MCA	Powers and duties
	§ 20-4-402, MCA	Duties of district superintendent
	§ 39-2-903, MCA	Definitions
	10.55.701, ARM	Board of Trustees

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

## PERSONNEL

Termination of Employment*Dismissal and Non-renewal*

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

*Resignation*

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

*Optional Exit Questionnaire*

In an effort to ensure a positive, safe, discrimination free workplace and to facilitate employee retention, it is the policy of the Board to request employees who are separating to participate in the Employee Exit Questionnaire Process (EEQ). The purpose of the EEQ is to obtain employees' input regarding District working conditions and employment policies, practices and/or procedures. Information obtained will be used for statistical purposes and to meet the Board's goals to facilitate employee retention and enhancing the work environment.

*Reduction in Force*

The Board has exclusive authority to determine the appropriate number of employees. A reduction in employees may occur as a result of, but not be limited to, changes in the education program, staff realignment, changes in the size or nature of the student population, financial considerations, or other reasons deemed relevant by the Board. The Board will follow the procedure stated in the current collective bargaining agreement when considering a reduction in force of certified staff. The Board will consider 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.

*Payment of Wages Upon Termination*

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



## PERSONNEL

Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers

School bus and commercial vehicle drivers shall be subject to a drug and alcohol testing program that fulfills the requirements of the federal law. Other persons who drive vehicles designed to transport sixteen (16) or more passengers, including the driver, are likewise subject to the drug and alcohol testing program. Testing procedures and facilities used for the tests shall conform with the requirements of the Code of Federal Regulations, Title 49, §§ 40, et seq.

*Pre-Employment Testing*

Tests shall be conducted before the first time a driver performs any safety-sensitive function for the District. Safety-sensitive functions include all on-duty functions performed from the time a driver begins work or is required to be ready to work, until he/she is relieved from work and all responsibility for performing work. It includes driving; waiting to be dispatched; inspecting and servicing equipment; supervising, performing, or assisting in loading and unloading; repairing or obtaining and waiting for help with a disabled vehicle; performing driver requirements related to accidents; and performing any other work for the District or paid work for any entity. Exceptions may be made for drivers who have had the alcohol test required by law within the previous six (6) months and participated in the drug testing program required by law within the previous thirty (30) days, provided that the District has been able to make all verifications required by law.

*Post Accident Testing*

Alcohol and controlled substance tests shall be conducted as soon after an accident as practicable on any driver:

- who was performing safety-sensitive functions with respect to the vehicle, if the accident involved loss of human life; or
- who receives a citation under state or local law, for a moving traffic violation arising from the accident where there is bodily injury or vehicle damage.

Drivers shall make themselves readily available for testing, absent the need for immediate medical attention. No such driver shall use alcohol for 8 hours after the accident, or until after he/she undergoes a post-accident alcohol test, whichever occurs first.

If an alcohol test is not administered within 2 hours or if a drug test is not administered within 32 hours, the District shall prepare and maintain records explaining why the test was not conducted. Tests will not be given if not administered within 8 hours after the accident for alcohol or within 32 hours for drugs. Tests conducted by authorized federal, state, or local officials will fulfill post-accident testing requirements, provided they conform to applicable legal requirements and are obtained by the District. Breath tests will validate only the alcohol test and cannot be used to fulfill controlled substance testing obligations.

*Random Tests*

Tests shall be conducted on a random basis at unannounced times throughout the year. Tests for alcohol shall be conducted just before, during, or just after the performance of safety-sensitive functions. The number of random alcohol tests annually must equal 25% of the average number of driver positions. The number of random drug tests annually must equal 50% of the average number of driver positions. Drivers

shall be selected by a scientifically valid random process, and each driver shall have an equal chance of being tested each time selections are made.

#### *Reasonable Suspicion Tests*

Tests shall be conducted when a supervisor or District official trained in accordance with law has reasonable suspicion that the driver has violated the District's alcohol or drug prohibitions. This reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the driver's appearance, behavior, speech, or body odors. The observations may include indications of the chronic and withdrawal effects of controlled substances.

Alcohol tests are authorized for reasonable suspicion only if the required observations are made during, just before, or just after the period of the work day when the driver must comply with alcohol prohibitions. An alcohol test may not be conducted by the person who determines that reasonable suspicion exists to conduct such a test. If an alcohol test is not administered within 2 hours of a determination of reasonable suspicion, the District shall prepare and maintain a record explaining why this was not done. Attempts to conduct alcohol tests shall terminate after 8 hours. A supervisor or District official who makes observations leading to a controlled substance reasonable suspicion test shall make a written record of his/her observations within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

#### *Enforcement*

Any driver who refuses to submit to a post-accident, random, reasonable suspicion or follow-up test shall not perform or continue to perform safety-sensitive functions, and will be subject to discipline up to and including termination. Drivers who test positive for alcohol or drugs shall be subject to disciplinary action up to and including termination. A driver who violates District prohibitions related to drugs and alcohol shall receive from the District the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs available to evaluate and resolve drug and alcohol-related problems. The employee shall be evaluated by a substance abuse professional who shall determine what help, if any, the driver needs in resolving such a problem. Any substance abuse professional who determines that 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 or she has properly followed the prescribed rehabilitation program and shall be subject to unannounced follow-up tests if permitted to return to work.

#### *Return to Duty Tests*

A drug or alcohol test shall be conducted when a driver who has violated the District's drug or alcohol prohibition returns to performing safety-sensitive duties. Employees whose conduct involved drugs cannot return to duty in a safety-sensitive function until the return-to-duty drug test produces a verified negative result. Employees whose conduct involved alcohol cannot return to duty in a safety-sensitive function until the return-to-duty alcohol test produces a verified result that meets federal and District standards.

### *Follow Up Tests*

A driver who violates the District's drug or alcohol prohibition and is subsequently identified by a substance abuse professional as needing assistance in resolving a drug or alcohol problem shall be subject to unannounced follow-up testing as directed by the substance abuse professional in accordance with law. Follow-up alcohol testing shall be conducted just before, during, or just after the time when the driver is performing safety-sensitive functions.

### *Records*

Employee drug and alcohol test results and records shall be maintained under strict confidentiality and released only in accordance with law. Upon written request, a driver shall receive copies of any records pertaining to his/her use of drugs or alcohol, including any records pertaining to his/her drug or alcohol tests. Records shall be made available to a subsequent employer or other identified persons only as expressly requested in writing by the driver.

### *Notifications*

Each driver shall receive educational materials that explain the requirements of the Code of Federal Regulations, Title 49, Part 382, together with a copy of the District's policy and regulations for meeting these requirements. Representatives of employee organizations shall be notified of the availability of this information. The information shall identify:

- the person designated by the District to answer driver questions about the materials;
- the categories of drivers who are subject to the Code of Federal Regulations, Title 49, Part 382;
- sufficient information about the safety-sensitive functions performed by drivers to make clear what period of the work day the driver is required to comply with Part 382;
- specific information concerning driver conduct that is prohibited by Part 382;
- the circumstances under which a driver will be tested for drugs and/or alcohol under Part 382;
- the procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of test results, and ensure that test results are attributed to the correct driver;
- the requirement that a driver submit to drug and alcohol tests administered in accordance with Part 382;
- an explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences;
- the consequences for drivers found to have violated the drug and alcohol prohibitions of Part 382, including the requirement that the driver be removed immediately from safety-sensitive functions and the procedures for referral, evaluation, and treatment;
- the consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04; and
- information concerning the effects of drugs and alcohol on an individual's health, work, and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a coworker's); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to an employee assistance program, and/or referral to management.

Drivers shall also receive information about legal requirements, District policies, and disciplinary consequences related to the use of alcohol and drugs. Each driver shall sign a statement certifying that he/she has received a copy of the above materials. The District shall notify a driver of the results of a pre-employment drug test if the driver requests such results within 60 calendar days of being notified of the disposition of his/her employment application. The District shall notify a driver of the results of random, reasonable suspicion, and post-accident drug tests if the test results are verified positive. The District shall also tell the driver which controlled substance(s) were verified as positive. Drivers shall inform their supervisors if at any time they are using a controlled substance which their physician has prescribed for therapeutic purposes. Such a substance may be used only if the physician has advised the driver that it will not adversely affect his/her ability to safely operate a commercial motor vehicle.

Legal References:      49 USC § 31306              Alcohol and Controlled Substances Testing  
                                 49 CFR Parts 40, 382 and 383

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

PERSONNEL

Substitutes

The Board authorizes the use of substitute teachers as necessary 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 a private substitute. All substitute teachers will be required to undergo fingerprint and background checks prior to being placed in a classroom.

The Board annually establishes a daily rate of pay for substitute teachers. No fringe benefits are given to substitute teachers.

Substitutes for classified positions will be paid by the hour. When a classified employee is called upon to substitute for a teacher, the teacher sub rate shall apply unless the classified rate of pay is higher.

Legal References: 10.55.716, ARM Substitutes

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

## PERSONNEL

Employee Electronic Services

The District provides computers, networks, and Internet access to support the educational mission of the school system and to enhance the curriculum and learning opportunities for students and school system staff. Employees are to utilize the school system's computers, networks and Internet services for school system related purposes and performance of job duties. Incidental personal use of school system computers is permitted as long as such use does not interfere with the employee's job duties and performance, with system operations, or other system users. "Incidental personal use..." is defined as use by an individual employee for occasional personal communications. Employees are reminded that such personal use must comply with this policy and all other applicable policies, procedures, and rules.

General examples of *unacceptable* uses that are prohibited include, but are not limited to the following:

1. Any use that is illegal or in violation of other policies, including harassing, discriminatory or threatening communications and behavior; violations of copyright laws, etc.;
2. Any use involving materials that are obscene, pornographic, sexually explicit or sexually suggestive;
3. Any inappropriate communications with students or minors;
4. Any use for private financial gain or commercial advertising or solicitation purposes;
5. Any use as a forum for communicating by e-mail or other medium with other school users or outside parties to solicit, proselytize, advocate or communicate the views of an individual or non-school sponsored organization; to solicit membership in or support of any non-school sponsored organization; or to raise funds for any non-school purpose, whether profit or non-profit. No employee shall knowingly provide school e-mail addresses to outside parties whose intent is to communicate with school employees, students and/or their families for non-school purposes. Employees who are uncertain as to whether particular activities are acceptable should seek further guidance from their immediate supervisor;
6. Any communication that represents personal views as those of the school system or any school unit or that could be misinterpreted as such;
7. Any use of unauthorized, personal networking hardware;
8. Downloading or loading of software applications without permission;
9. Opening and forwarding any e-mail attachments (executable files) from unknown sources and/or that may contain viruses;
10. Sending or facilitating mass e-mails to school users or outside parties for school or non-school purposes without permission;
11. Any misuse or damage to the school system's computer equipment; and
12. Misuse of computer passwords or accounts, including providing personal passwords to non-school system personnel;

The employee is responsible for his/her actions and activities involving school unit computers, network and Internet services, and for his/her computer files, passwords and accounts. The school system retains control, custody and supervision of all computers, networks, and Internet services owned or leased by the school system. The school system reserves the right to monitor all computer and Internet activity by employees and other system users. Employees have no expectation of privacy in their use of school computers, including e-mail messages and stored files.

Employees are expected to use appropriate judgment and caution in communications concerning students and staff to ensure that personally identifiable information remains confidential.

Teachers, staff members and volunteers who utilize school computers for instructional purposes with students have a duty of care to supervise such use. Teachers, staff and volunteers are expected to be familiar with the school system's policies and rules concerning student computer and Internet use and to enforce them. When, in the course of their duties, employees/volunteers become aware of student violations, they are expected to stop the activity and inform the building principal or other appropriate administrator.

Employees shall be responsible for any losses, costs or damages incurred by the school system related to violations of this policy and/or rules.

The school system assumes no responsibility for any unauthorized charges made by employees including but not limited to credit card charges, subscriptions, long distance telephone charges, equipment and line costs, or for any illegal use on its computers.

Legal References:

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

## PERSONNEL

Privacy of Medical Records

It shall be the policy of the District to protect and safeguard the protected health information (“PHI”) created, acquired, and maintained by the school district consistent with the Standards for Privacy of Individually Identifiable Health Information (the “Privacy Rule”) promulgated pursuant to the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”), and any case law arising from the interpretation thereof, and applicable state laws.

All health information created and maintained by the District and its agents that is considered part of a student’s “education record” under FERPA (“Family Educational Rights and Privacy Act”) is not subject to this policy.

The Board and administration recognize that, as an employer and health plan sponsor, and as a provider of health care services, certain components within the school district engage in HIPAA-covered functions and must comply with the HIPAA Privacy Rule (hereafter the “Covered Component(s)"); however, there are other components of the school district that engage in non-covered functions and so are not required to comply with the HIPAA Privacy Rule (hereafter the “non-Covered Component(s).” Therefore, Board hereby designates itself as a “Hybrid Covered Entity” under HIPAA and its rules and regulations.

The Superintendent is the Privacy Officer, who will, with individuals appointed by the Superintendent as members of a “Privacy Team,” undertake the following tasks to ensure compliance with the HIPAA Privacy Rule:

1. Conduct a thorough initial assessment of all existing policies, procedures, and practices for creating, maintaining, using, disclosing, and destroying health information to determine where the gaps may be with respect to meeting HIPAA and/or FERPA standards and as to whether there are reasonable administrative, technical, and physical safeguards to protect the privacy of PHI.
2. Draft, adopt, and maintain administrative policies and procedures to allow the school district to meet the requirements of the HIPAA Privacy Rule as they may apply to the employee health plan and/or its health care provider Covered Components.
3. Draft and adopt a “Notice of Privacy Practices” that describes, among other things, the uses and disclosures that the District is permitted or required to make under the HIPAA Privacy Rule, its obligations under HIPAA, and the rights related thereto for employees, and students who may receive services from the school district’s health care provider Covered Component.
4. Draft and adopt HIPAA-compliant written authorizations to use or disclose PHI for purposes unrelated to treatment, payment, health care operations, and other designated purposes under the HIPAA Privacy Rule.
5. Identify Business Associates and enter into Business Associate Agreements with all third parties that access PHI when providing services on behalf of the District in relation to its employee health plan and/or health care provider component(s).

6. Establish a training program for all members of the District workforce on HIPAA and the District's policies and procedures related thereto "as necessary and appropriate" for said employees to carry out their functions. Such a training program shall include periodic refresher courses.
7. Develop a process for handling complaints, such process to include the designation of a specific individual to handle such complaints and appropriate procedures for documenting said complaints and the disposition thereof.

The Privacy Officer shall ensure the appropriate development and implementation of sanctions against those members of the workforce who fail to comply with the administrative policies and procedures developed hereunder. In addition to ensuring that appropriate administrative policies and procedures are adopted and implemented to ensure compliance with the HIPAA Privacy Rule, the District will mitigate, to the extent possible, any harmful effects of improper disclosures of PHI and will refrain from any activity that may intimidate, threaten, coerce, discriminate against, or retaliate against an individual for exercising his/her rights under HIPAA.

Legal References:      20 USC 1232 g      FERPA  
                                 42 USC 1395      HIPAA

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

PERSONNEL

Breastfeeding in the Workplace

The District recognizes that breastmilk is the optimal food for growth and development of infants and it encourages employees and management to have a positive, accepting attitude toward working women and breastfeeding. The District promotes and supports breastfeeding and the expression of breastmilk by employees who are breastfeeding when they return to work.

Discrimination and harassment of breastfeeding mothers in any form is unacceptable and will not be tolerated at the District. Any incident of harassment of a breastfeeding employee will be addressed in accordance with the District’s Uniform Grievance Procedure.

**Time to Express Milk or Breastfeed (Lactation Time)**

Lactation times shall be established for each employee based on her work schedule. If possible, the lactation time is to run concurrently with any break time already provided. If a break time is not provided, the District shall consider each case and make accommodations as possible. Lactation time beyond the regular break time is unpaid.

**Space and Equipment for Expressing Milk or Breastfeeding**

Employees shall be provided the use of a clean, comfortable space or “Lactation Area.” A toilet shall not serve as the lactation area.

The Lactation Area will:

- be equipped with an electrical outlet
- be in close proximity to the employee’s work area, if possible
- contain comfortable seating.

Legal References:	§ 39-2-215, MCA	Public employer policy on support of women and breastfeeding – unlawful discrimination
	§ 39-2-216, MCA	Private place for nursing mothers
	§ 39-2-217, MCA	Break time for nursing
	§ 50-19-501, MCA	Nursing mother and infant protection

Cross References:	Policy 1085	Uniform Grievance Procedure
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Policy History:

Adopted on: August 20, 2012

Revised on:

PERSONNEL

Conflicts of Interest

Employees shall refrain from any activity that can be reasonably seen as creating a conflict of interest with their duties and responsibilities as employees of the District.

The following conduct is specifically prohibited:

- Using public time, facilities, equipment, supplies, personnel, or funds for the employee's private business purposes;
- Engaging in a substantial financial transaction for the employee's private business purposes with a person whom the employee inspects or supervises in the course of official duties;
- Assisting any person for a fee or other compensation in obtaining a contract, claim, license, or other economic benefit from the District;
- Assisting any person for a contingent fee in obtaining a contract, claim, license, or other economic benefit from the District;
- Performing an official act directly and substantially affecting to its economic benefit a business or other undertaking in which the employee either has a substantial financial interest or is engaged as counsel, consultant, representative, or agent; or
- Soliciting or accepting employment, or engaging in negotiations or meetings to consider employment, with a person whom the employee regulates in the course of official duties without first giving written notification to the employee's supervisor and Superintendent.

Employees who violate this policy will be subject to disciplinary action, up to and including termination from employment.

Cross Reference:

Legal Reference:       § 2-2-121, MCA       Rules of conduct for public officers and public employees

Policy History:

Adopted on: October 21, 2013

Revised on:

SCHOOL ADMINISTRATION

Goals and Objectives

The administrative staff's primary functions are to manage the District and to facilitate the implementation of a quality educational program. The administrative staff is responsible for:

- (1) effectively and efficiently managing the District's programs, budget, and buildings;
- (2) providing educational leadership;
- (3) developing and maintaining channels for communication between the school system and community;
- (4) developing procedures and regulations which implement Board policy; and
- (5) planning, organizing, implementing, and evaluating educational programs.

Legal References:	Mont. Const. Art. X, § 8	
	§ 20-3-324, MCA	Powers and duties
	§ 20-4-402, MCA	Duties of district superintendent
	10.55.701, ARM	Board of Trustees

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

SCHOOL ADMINISTRATION

District Organization

The Superintendent shall develop an organizational chart indicating the channels of authority and reporting relationships for school personnel. These channels should be followed, and no level should be bypassed, except in unusual circumstances.

All personnel should refer matters requiring administrative action to the responsible administrator, and may appeal a decision to a higher administrative officer. Whenever possible, each employee should be primarily responsible to only one immediate supervisor. Where this is not possible, the division of responsibility must be clear.

If the Superintendent is temporarily absent, the succession of authority and responsibility of the respective office shall follow a succession plan, developed by the Superintendent and provided to the Board

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

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

## SCHOOL ADMINISTRATION

Superintendent

The Superintendent is the District's chief executive officer and is responsible for the administration and management of the District schools in accordance with Board policies and directives, and State and federal law. The Superintendent is authorized to develop administrative procedures/regulations to implement Board policy and to delegate duties and responsibilities. Delegation of power or duty, however, shall not relieve the Superintendent of responsibility for the action that was delegated.

*Qualifications and Appointment*

The Superintendent shall have the experience and the skills necessary to work effectively with the Board, District employees, students, and the community. The Superintendent shall have a valid administrative certificate and superintendent's endorsement issued by the State. When the office of the Superintendent becomes vacant, the Board shall determine the appropriate process for filling that vacancy, and shall appoint the individual chosen by the majority of the Board to fill the position.

*Evaluation*

The Board will evaluate, at least annually, the performance of the Superintendent, using standards and objectives developed by the Superintendent and Board which are consistent with the District's mission and goal statements. A specific time should be designated for a formal evaluation session. The evaluation should include a discussion of professional strengths as well as performance areas needing improvement.

*Compensation and Benefits*

The Board and the Superintendent shall enter into a contract that conforms to this policy and State law. This contract shall govern the employment relationship between the Board and the Superintendent.

Legal References:	§ 20-4-402, MCA	Duties of district superintendent
	§ 20-4-401, MCA	Appointment and dismissal of district superintendent
	10.55.701, ARM	Board of Trustees

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

SCHOOL ADMINISTRATION

District Clerk & Business Manager

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

The Clerk & Business Manager will keep accurate and detailed accounts of all receipts and disbursements made by the District. The Business Manager 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 & Business Manager shall prepare and submit to the Board a financial report of receipts and disbursements of all school funds on an annual basis unless the Board requests such reports on a more frequent basis. The Clerk shall perform other duties as prescribed by state law or as directed by the Board and the Superintendent.

Legal References:	§ 20-3-325, MCA	Clerk of the district
	§ 20-3-321, MCA	Organization and officers
	10.55.701, ARM	Board of Trustees

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

SCHOOL ADMINISTRATION

Administrative Personnel

Administrative and supervisory positions are established by the Board in accordance with state law and regulation. General duties and authority of each administrative or supervisory position are approved by the Board, upon the Superintendent's recommendation, and contained in the respective position's job description.

All administrative and supervisory staff will be employed under written contracts for a specified term. Unless tenure attaches to the position, there is no expectation of continued employment following the expiration of the contract.

Legal References:      10.55.701, ARM      Board of Trustees

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

OPERATIONAL SERVICES

Fiscal and Business Management

The Superintendent is responsible for the District’s fiscal and business management. To that end, the Superintendent, in conjunction with the Clerk, shall prepare a budget that supports immediate and long-range goals and established priorities within all areas i.e., instructional, non-instructional, and administrative programs. This budget shall be discussed by the Board and the community prior to final adoption by the Board.

*Budget Year, Adoption and Amendments*

The District’s fiscal year is from July 1 until June 30. Prior to presentation of the proposed budget for adoption, the Superintendent and the Clerk shall prepare recommendations for the Board’s consideration, with supporting documentation when necessary. This budget shall represent the culmination of an ongoing process of planning for the fiscal support needed for the District’s educational programs. Upon adoption by the Board, the budget shall be forward to the County Superintendent as provided by law.

The Board may transfer money between funds as provided by law. In addition, the Board, by resolution, may determine that a budget amendment is necessary and shall proceed to amend the budget pursuant to law.

Budget Implementation

The Superintendent shall implement the District’s budget and provide the Board with a monthly financial report. The amount budgeted as the expenditure in each fund is the maximum amount that may be expended for that category, except when a transfer of funds is authorized by the Board. All purchasing shall be handled pursuant to Board policy and any administrative regulations.

Legal References:	§ 20-9-115, MCA	Notice of final budget meeting
	§ 20-9-131, MCA	Final budget meeting
	§ 20-9-133, MCA	Adoption and expenditure limitations of final budget
	§ 20-9-162, MCA	Authorization for budget amendment adoption
	§ 20-9-163, MCA	Resolution for budget amendment

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

OPERATIONAL SERVICES

Revenue and Investments

The Superintendent is responsible for making all claims for property tax revenue, state aid, special state funds for specific programs, federal funds, and categorical grants when such grants may assist in improving the educational program. The County Treasurer is the depository and custodian of all District funds except as provided by law and by agreement between the County Treasurer and the Board.

*Investments*

The Board shall either direct the County Superintendent to invest its funds or establish an independent investment account as provided by law. In addition, the Board may choose to participate in an investment pool as provided by law. All decisions regarding the investment of District funds shall be made by the Board, after receiving financial information from the Superintendent and public input.

*Gifts and Endowments*

The Board may accept gifts, endowments, legacies, and devises subject to the lawful conditions imposed by the donor. Endowments received by the District will be deposited in an endowment fund as an expendable or non-expendable trust. Neither the Board nor the Superintendent will approve any gifts that are inappropriate.

*Advertising as Revenue*

The Board may choose to enhance its revenue through a variety of District approved marketing activities, including but not limited to advertising, corporate sponsorship, signage, etc. These opportunities are subject to certain restrictions as approved by the Board on a case by case basis. Advertising or corporate sponsorship opportunities from the tobacco industry will not be considered or approved. All sponsorship contracts will allow the District to terminate the contract at least on an annual basis if it is determined that it will have an adverse impact on implementation of curriculum or the educational experience of students.

Legal References:	§ 20-6-702, MCA	Funding for K-12 school districts
	§ 20-9-235, MCA	Authorization for school district investment account
	§ 20-9-212, MCA	Duties of county treasurer
	§ 20-9-604, MCA	Gifts, legacies, devises and administration of endowment fund
	10.10.306, ARM	Bank Accounts or Other Repositories
	10.10.611, ARM	Establishment of Investment Accounts
	10.10.625, ARM	Investment Pools

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

## OPERATIONAL SERVICES

Accounting Standards

The Board intends that accounting practices follow state and federal laws and regulations and generally accepted accounting principles. Therefore, the District shall follow a uniform financial accounting system required by state and federal agencies. Determination of liabilities and assets, prioritization of expenditures of governmental funds, and provisions for accounting disclosures shall be made in accordance with governmental accounting standards.

Fund balance measures the net financial resources available to finance expenditures of future periods. The District's Unassigned General Fund Balance will be maintained to provide the District with sufficient working capital and a margin for safety to address emergencies without borrowing. The Unassigned General Fund Balance may only be appropriated by resolution of the Board of Trustees.

Fund Balance of the District may be committed for a specific source by formal action of the Board of Trustees. Amendments or modifications to the committed fund balance must also be approved by formal action of the Board of Trustees. Committed fund balance does not lapse at year-end. The formal action required to commit fund balance shall be by board resolution or majority vote.

The Board delegates authority to assign fund balance for a specific purpose to the Superintendent of the District.

For purposes of fund balance classification, expenditures are to be spent from restricted fund balance first then unrestricted. Expenditures incurred in the unrestricted fund balances shall be reduced first from the committed fund balance, then from the assigned fund balance and lastly, the unassigned fund balance.

The Board recognizes that good fiscal management comprises the foundational support of the entire District. To make that support as effective as possible, the Board intends to maintain a minimum fund balance of 10% of the District's general fund operating expenditures. If a fund balance drops below 10% the Superintendent shall promptly notify the Board of Trustees to take additional action.

The Board must annually review and approve this policy.

## Legal References:

Statement 54

Governmental Standards Accounting Board

## Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

## OPERATIONAL SERVICES

Purchasing

The Superintendent is authorized to direct expenditures and purchases within limits of the annual budget for the school year. The Board must approve capital outlay items, when the aggregate total of a requisition exceeds \$15,000, except the Superintendent shall have the authority to make capital outlay purchases without prior approval when necessary to protect the interests of the District or the health and safety of staff or students. The Clerk will establish requisition and purchase order procedures to control and maintain proper accounting of expenditure of funds. Staff who obligate the District without proper authorization may be held personally responsible for payment of such obligations. The Board adopts all applicable provisions of the Montana Procurement Act.

*Bids and Contracts*

Whenever the cost of any supplies, equipment, or work shall exceed \$80,000, the District will call for formal bids by issuing public notice as specified by law. Specifications will be prepared and made available to all vendors interested in submitting a bid. The contract shall be awarded to the lowest responsible bidder, except that the trustees may reject any or all bids. The Board, in making a determination as to which vendor is the lowest responsible bidder, will take into consideration not only the amount of each bid, but will also consider the skill, ability, and integrity of a vendor to do faithful, conscientious work and to promptly fulfill the contract according to its letter and spirit. Bidding requirements do not apply to a registered professional engineer, surveyor, real estate appraiser, or registered architect; a physician, dentist, pharmacist, or other medical, dental, or health care provider; an attorney; a consulting actuary; a private investigator licensed by any jurisdiction; a claims adjuster; or an accountant licensed under Title 37, Chapter 50. The Superintendent will establish bidding and contract-awarding procedures.

*Cooperative Purchasing*

The District may enter into cooperative purchasing contracts with one or more districts for procurement of supplies or services. Such services and supplies may be purchased without complying with the above stated bidding requirements if the cooperative purchasing group has a publicly available master list of items available with pricing included and provides and opportunity at least twice yearly for any vendor to compete, based on lowest responsible bidder standard, for inclusion of the vendor's supplies and services on the cooperative purchasing group's master list.

Legal References:	§ 18-1-101 et seq., MCA	Public Contracts
	§ 20-9-204, MCA	Conflicts of interest, letting contracts and calling for bids

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on: October 8, 2012, July 8, 2013

OPERATIONAL SERVICES

Tuition

The Board may choose to charge tuition for non-resident students attending the District, either by choice or by placement. Whenever a nonresident student is to be enrolled in the District, 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.

Legal References:	§ 20-5-320, MCA	Attendance with discretionary approval
	§ 20-5-321, MCA	Attendance with mandatory approval – tuition and transportation rates
	§ 20-5-323, MCA	Tuition and transportation rate
	10.10.301, ARM	Calculating Tuition Rates

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

OPERATIONAL SERVICES

Travel Allowances and Personal Reimbursements

The District will reimburse employees and trustees for travel expenses while traveling outside the District and engaged in official District business. District employees who are not exempted by another policy will be reimbursed according to the current State levels pursuant to Montana law. All travel expenses must be reported on the established travel expense and voucher forms and approved by the employee’s supervisor and the Superintendent. The District business office is responsible for development of procedures and forms to be used in connection with travel expense claims and reimbursements.

While it is recommended that all purchases of goods or services be made within established purchasing procedures, there may be an occasional need for an employee to make a purchase for the benefit of the District from personal funds. In that event, an employee will be reimbursed for a personal purchase under the following criteria:

- It is clearly demonstrated that the purchase is of benefit to the District;
- The purchase was made with the prior approval of an authorized administrator;
- The item purchased was not available from District resources; and
- The claim for personal reimbursement is properly accounted for and documented with an invoice or receipt.

The District business office is responsible for development of procedures and forms to be used in connection with personal reimbursement for goods and services.

Legal References:	§ 2-18-501, MCA	Meals, lodging, and transportation of persons in state service
	§ 2-18-502, MCA	Computation of meal allowance
	§ 2-18-503, MCA	Mileage allowance

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

OPERATIONAL SERVICES

Extra and Co-Curricular Funds

The Board is responsible for establishment and management of student extra- and co-curricular funds. The purpose of student extra- and co-curricular funds is to account for revenues and disbursements of those funds raised by students through recognized student body organizations and activities. The funds shall be deposited and expended by check, in a bank account maintained by the District for student extra- and co-curricular funds. The use of the student extra- and co-curricular funds is limited to the benefit of the students.

The Board directs the administration to follow the *Student Activity Funding Accounting* in establishing accounting procedures for administration of student extra- and co-curricular funds and will appoint a fund administrator.

Legal References:	§ 20-9-504, MCA	Extra-curricular fund for pupil functions
	10.10.304, ARM	Student extra-curricular activity funds

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

OPERATIONAL SERVICES

Fundraising

The Board recognizes that fundraisers may be conducted by the District or by recognized student body organizations and activities. This policy applies to all fundraising by District staff members and on behalf of recognized student body organizations and activities, including, without limitation, school stores, charitable giving campaigns, and concessions/vending. This policy does not apply to school support organizations that may conduct approved fundraisers.

Any fundraising activity to be conducted must be approved in advance by the superintendent. Students shall not be required to participate in any District-, school-, or student body organization/activity-sponsored fundraiser. No money raised by the fundraiser may be expended without the prior approval of the superintendent.

The Superintendent or designee shall establish procedures for fundraisers conducted by the District or by recognized student body organizations and activities.

Legal References:

Cross References:	Policy 4005	School Support Associations
	Policy 7025	Extra and Co-Curricular Funds

Policy History:

Adopted on: March 24, 2014

Revised on:

OPERATIONAL SERVICES

Accounting and Audits

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.

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 year and cover the immediately preceding fiscal year.

*Inventories*

The Superintendent is responsible for developing and maintaining an inventory of District buildings and capital equipment. The inventory record of equipment shall include such items as a description of each item, the quantity, the location, the date of purchase, and the cost or the estimated replacement cost.

*Disposition of District Property*

The Board is authorized to dispose of a site, building, or any other real or personal property of the District, pursuant to the specific procedures outlined in Montana law.

Legal References:	§ 20-9-203, MCA	Examination of district accounting records
	§ 20-6-602, MCA	Trustees' power of over property
	§ 20-6-603, MCA	Trustees' authority to acquire or dispose of sites and buildings -- when election required.
	§ 20-6-604, MCA	Sale of property when resolution passed after hearing -- appeal procedure.

Cross Reference:

Policy History:

Adopted on: August 20, 2012

Revised on:



OPERATIONAL SERVICES

Insurance Management

The Superintendent shall recommend an insurance program that provides the broadest and most complete coverage available at the most economical cost, consistent with sound insurance principles.

The insurance program shall include:

- Liability coverage to insure against any loss or liability of the District; Board members; employees; and volunteer personnel, by reason of civil rights damage claims and suits, statutory, contractual and constitutional rights damage claims and suits, and death and bodily injury and property damage claims and suits, including defense costs, when damages are sought for negligent or wrongful acts allegedly committed during the scope of employment or under the direction of the Board.
- Comprehensive property insurance covering a broad range of causes of loss involving building and personal property;
- Workers' Compensation to protect the individual employees against financial loss in case of a work-related injury, certain types of disease, or death incurred in an employee-related situation.

Legal Reference:	§ 2-9-211, MCA	Political subdivision insurance
	§ 20-3-331, MCA	Purchase of insurance – self insurance plan
	§ 20-10-109, MCA	Liability insurance for school bus

Cross Reference:

Policy History:

Adopted on: August 20, 2012

Revised on:

## OPERATIONAL SERVICES

Transportation

The District may provide free transportation for all students in the District: (1) residing at a distance of three (3) miles or more over the shortest practical route, from the District schools; or (2) has another compelling and legally sufficient reason to receive transportation services. The District may provide and charge a fee for transportation of other students residing within three (3) miles from the District schools. Free transportation services and vehicle adaptation for special education students shall be provided if included in the students' individualized educational programs. Homeless students shall be transported in accordance with the McKinney Homeless Assistance. The District may elect to reimburse the parent of a student for individually transporting any eligible student.

Non-public school students may be transported as permitted by law.

*Bus Routes and Schedules*

The Superintendent is responsible for scheduling bus transportation, including determination of routes and bus stops. Such routes are subject to approval of the county transportation committee.

*Provision of Transportation Services*

The Board reserves the right to own and operate or contract bus services for students within the District. If it is necessary to replace a bus for the safety and welfare of the students and staff, the Board will use the Bus Depreciation Schedule, as a guide, when determining the time for bus replacements.

Legal References:	§ 20-10-102, MCA	School bus requirements
	§ 20-10-103, MCA	School bus driver requirements
	§ 20-10-105, MCA	Determination of residence
	§ 20-10-107, MCA	Powers of trustees
	10.7.106, ARM	Contracts with individual families

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

OPERATIONAL SERVICES

Food Services

The District will provide school meals which meet or exceed nutritional standards required by state and federal school lunch programs. The Superintendent will establish rules for the sale of foods during the school day. To encourage students to eat nutritious lunches, competitive food services will not be permitted to operate anywhere on school premises during or for a period of 1 hour before and after the lunch period. The principal may authorize any food sales of an occasional nature.

The Board may authorize a portion of federal funds received in lieu of taxes to be used to provide free meals for federally connected indigent pupils. Because of the potential liability of the District, the food services program will not accept donations of food without approval of the Board. Should the Board approve a food donation; the Superintendent will establish inspection and handling procedures for the food and determine that provisions of all state and local laws have been met before selling the food as part of school meals.

*Free and Reduced Meal Prices*

The District will provide free and reduced-price meals to students, according to the terms of the National School Lunch Program and the laws, rules, and regulations of the state. The District will inform parents of the eligibility standards for free or reduced-price meals. Identity of students receiving free or reduced-price meals will be confidential. The District Clerk shall be responsible for determining eligibility. Students in the foster care system and other students as provided by the Child Nutrition Act shall be categorically eligible for free meals. A parent has the right to appeal to a designated hearing official any decision with respect to his or her application for free or reduced-price food services.

Legal References:	P.L. 108-265	Child Nutrition and WIC Reauthorization Act of 2004
	§ 20-10-204, MCA	Duties of trustees
	§ 20-10-205, MCA	Allocation of federal funds to school food services fund for federally connected, indigent pupils

Cross Reference:

Policy History:

Adopted on: August 20, 2012

Revised on: October 21, 2013

OPERATIONAL SERVICES

Operation and Maintenance of District Facilities

The District seeks to maintain and operate its facilities in a safe and healthful condition. The Superintendent shall provide for a program to maintain the facilities of the District, and the Board shall annually inspect the District facilities as part of its duties.

In addition, the Board believes the District must identify and measure risks of loss that 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.

Legal References:      10.55.908, ARM      School Facilities

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

OPERATIONAL SERVICES

Use of Automated External Defibrillation

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

As part of the AED program, the District will identify and train AED providers. All AED-certified staff must maintain current certification. Use of the AED will be in accordance with § 50-6-505, MCA.

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

Legal References:	MCA § 50-6-501, <i>et seq.</i>	Automated External Defibrillator Programs
	37.104.601, ARM, et.al.	Automated External Defibrillators (AED)

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on:

## OPERATIONAL SERVICES

School Safety

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

The Superintendent will develop a plan of fire, civil defense, tornado, and earthquake warning, protection, and evacuation. This plan and procedures will be discussed and distributed to each teacher at the beginning of each school year. There will be at least eight (8) disaster drills a year. All teachers will discuss drill procedures with their class at the beginning of each year and will have them posted in a conspicuous place next to the exit door. A record will be kept of all drills. The drills will be held at different hours of the day or evening to avoid distinction between drills and actual disasters. The Superintendent will develop safety and health standards that comply with the Montana Safety Culture Act.

*School Closure*

The Superintendent is authorized to close the schools in the event of hazardous weather or other emergencies that threaten the safety of students, staff members, or school property. Specific procedures for school closures may be found in the District's Safety Plan.

*Hazardous and Infectious Materials*

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

Legal References:	§ 20-1-401, MCA	Disaster drills
	§ 20-1-402, MCA	Number of disaster drills required – time of drills to vary
	§ 20-1-801, et al., MCA	Emergency School Closure
	§§ 39-71-1501, MCA	Montana Safety Culture Act
	§§ 50-71-311, MCA	Montana Safety Act

Cross References:

Policy History:

Adopted on: August 20, 2012

Revised on: October 21, 2013