Pioneer Elementary School

School Board Policy Book

2019-2020

Last Updated April 2019
# TABLE OF CONTENTS

**SERIES 1000 THE BOARD OF TRUSTEES** .................................................. 1

1000 - Legal Status and Operation .................................................................................. 2
1100 - Legal Status, Organization and Operation ............................................................... 3
1105 - Membership and Terms of Office ........................................................................... 4
1110 - Taking Office ........................................................................................................ 5
1111 - Elections ............................................................................................................... 6
1113 - Vacancies ............................................................................................................. 8
1120 - Annual Organization Meeting .............................................................................. 9
1210 - Qualifications, Terms, and Duties of Board Officers ............................................ 10
1240 - Duties of Individual Trustees .................................................................................. 11
1310 - District Policy and Procedures ............................................................................. 12
1400 - Board Meetings .................................................................................................... 13
1420 - School Board Meeting Procedure ....................................................................... 15
1420F - Notice Regarding Public Comment .................................................................... 18
1441 - Audience Participation ....................................................................................... 19
1512 - Conflict of Interest ............................................................................................. 20
1513 - Management Rights ............................................................................................ 22
1532 - Trustee Insurance ............................................................................................... 23
1610 - Annual Goals and Objectives ............................................................................. 24
1700 - Uniform Complaint Procedure ........................................................................... 25

**SERIES 1000 FLEXIBILITY AND EFFICIENCY** ............................................. 28

1006FE Transfers for School Safety .................................................................................. 29
1009FE Flexible Instructor Licensing ............................................................................... 30
1014FE-F1 Notice of Intent to Impose an Increase in Levies Form .................................... 33

**SERIES 2000 INSTRUCTION** ............................................................................ 34

2000 - Goals ................................................................................................................ 35
2100 - School Year Calendar and Day ........................................................................... 36
2105 - Grade Organization ............................................................................................ 38
2110 - Objectives .......................................................................................................... 39
2120 - Curriculum Development and Assessment ......................................................... 40
2123 - Lesson Plan ............................................................................................................. 41
2130 - Program Evaluation and Diagnostic Tests ............................................................... 42
2132 - Student and Family Privacy Rights ......................................................................... 43
2158 - Family Engagement Policy ..................................................................................... 45
2160 - Title I ..................................................................................................................... 47
2160P - Title I .................................................................................................................. 49
2161 - Special Education ................................................................................................. 51
2161P - Special Education ............................................................................................... 52
2162 - Section 504 of the Rehabilitation Act of 1973 (“Section 504”) ............................. 56
2162P - Section 504 of the Rehabilitation Act of 1973 (“Section 504”) ......................... 57
2166 - Gifted Program ..................................................................................................... 59
2168 - Distance, Online, and Technology-Delivered Learning ......................................... 60
2171 - Significant Writing Program ................................................................................ 61
2221 - School Closure ..................................................................................................... 62
2250 - Community and Adult Education ......................................................................... 63
2309 - Library Materials .................................................................................................. 64
2310P - Selection of Library Materials ........................................................................... 65
2311 - Instructional Materials .......................................................................................... 66
2311P - Selection, Adoption, and Removal of Textbooks and Instructional Materials ....... 67
2312 - Copyright ............................................................................................................... 68
2312P - Copyright Compliance ......................................................................................... 69
2314 - Learning Materials Review ................................................................................... 74
2330 - Controversial Issues and Academic Freedom ......................................................... 75
2413 - Credit Transfer and Assessment for Placement ....................................................... 76
2421 - Promotion and Retention ......................................................................................... 77
2450 - Recognition of Native American Cultural Heritage .............................................. 78
2510 - School Wellness ..................................................................................................... 79
2520 - Animals/Pets in Schools ......................................................................................... 81

SERIES 3000 STUDENTS ............................................................................................................ 82

3110 - Entrance, Placement, and Transfer ....................................................................... 83
3120 - Compulsory Attendance ......................................................................................... 85
3121 - Enrollment and Attendance Records ...................................................................... 86
3121 - Educational Authorization Affidavit ....................................................................... 88
3121P - Enrollment and Attendance Records ................................................................. 91
3124-R Military Compact Waiver .................................................................................. 93
3125 - Education of Homeless Children ........................................................................ 97
3125F - McKinney-Vento Homeless Education Assistance Dispute Resolution Form..... 98
3141 - Discretionary Nonresident Student Attendance ................................................. 99
3200 - Student Rights and Responsibilities ................................................................. 101
3210 - Equal Education, Nondiscrimination and Sex Equity ........................................ 102
3225 - Sexual Harassment/Intimidation of Students ..................................................... 103
3225F - Harassment Reporting Form for Students ......................................................... 105
3226 - Bullying / Harassment /Intimidation / Hazing...................................................... 106
3231 - Searches and Seizure ......................................................................................... 108
3231P - Searches and Seizure ....................................................................................... 110
3300 - Suspension and Expulsion ................................................................................ 111
3310 - Student Discipline ............................................................................................. 112
3310P - Discipline of Students With Disabilities ......................................................... 114
3311 - Firearms and Weapons ...................................................................................... 122
3416 - Administering Medicines to Students ............................................................... 124
3416F - Montana Authorization to Possess or Self-Administer Asthma, Severe Allergy, or
Anaphylaxis Medication .............................................................................................. 128
3416P - Medications Use In Schools .......................................................................... 129
3417 - Communicable Diseases .................................................................................... 131
3431 - Emergency Treatment ....................................................................................... 132
3520 - Student Fees, Fines, and Charges ..................................................................... 133
3600 - Student Records ............................................................................................... 134
3600P - Maintenance of School Student Records ....................................................... 135
3600F1 - Student Records ........................................................................................... 140
3600F2 - Student Directory Information Notification ................................................... 143
3608 - Receipt of Confidential Records ......................................................................... 144
3612 - District-Provided Access to Electronic Information, Services, and Networks .... 145
3612F - Internet Access Conduct Agreement ............................................................... 147
3612P - Acceptable Use of Electric Networks .............................................................. 148

4000 SERIES COMMUNITY RELATIONS ................................................................. 152

4120 - Public Relations ............................................................................................... 153
SERIES 4300 \- \textbf{STAFF}} 

4301 - Visitors to Schools ........................................................................................................... 154  
4310 - Public Complaints and Suggestions ................................................................................. 155  
4316 - Accommodating Individuals with Disabilities .................................................................. 156  
4330 - Community Use of School Facilities ................................................................................ 157  
4330F - Facilities Use Agreement ............................................................................................ 158  
4330P - Rules and Regulations for Building Use ........................................................................ 159  
4350 - Website Accessibility and Nondiscrimination ................................................................. 160  
4411 - Interrogation and Investigations Conducted by School Officials ..................................... 161  
4600 - Notice to Parents Required by No Child Left Behind Act of 2001 ("NCLB") .................. 162  

\textbf{SERIES 5000 PERSONNEL} .......................................................................................... 170  

5002 - Accommodating Individuals With Disabilities ............................................................. 171  
5010 - Equal Employment Opportunity and Non-Discrimination ............................................ 172  
5012 - Sexual Harassment/Sexual Intimidation in the Workplace ............................................ 173  
5015 - Bullying/Harassment/Intimidation .................................................................................. 174  
5120 - Hiring Process and Criteria ............................................................................................ 176  
5121 - Applicability of Personnel Policies ................................................................................. 177  
5122 - Fingerprints and Criminal Background Investigations .................................................. 178  
Applicant Rights and Consent to Fingerprint ............................................................................ 179  
5122F - Authorization to Release Information .......................................................................... 180  
5125 - Whistle Blowing and Retaliation .................................................................................... 182  
5130 - Staff Health .................................................................................................................... 184  
5210 - Assignments, Reassignments, Transfers ...................................................................... 186  
5221 - Work Day ....................................................................................................................... 187  
5222 - Evaluation of Non-Administrative Staff ......................................................................... 188  
5225 - Tobacco Free Policy ....................................................................................................... 189  
5226 - Drug-Free Workplace ..................................................................................................... 190  
5228 - Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers ............... 192  
5228P - Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers ............. 193  
5232 - Abused and Neglected Child Reporting ....................................................................... 197  
5232F - Report of Suspected Child Abuse or Neglect ............................................................... 198  
5240 - Resolution of Staff Complaints/Problem Solving ......................................................... 199  
5250 - Non-Renewal of Employment/Dismissal From Employment ......................................... 200  
5321 - Leaves of Absence .......................................................................................................... 201
5322 - Military Leave ........................................................................................................ 203
5328R - Family Medical Leave ....................................................................................... 204
5328P - Family Medical Leave ....................................................................................... 205
5333 – Holidays ............................................................................................................... 209
5336 - Compensatory Time and Overtime for Classified Employees ......................... 210
5430 - Volunteers ........................................................................................................... 211
5450 - Employee use of Electronic Mail, Internet, and District Equipment ............... 212
5510 - HIPAA Privacy ................................................................................................... 213
5510F - Request for Protected Health Information ....................................................... 217

**SERIES 6000 ADMINISTRATION** ................................................................. 218

6122 - Administration .................................................................................................. 219
6410 - Evaluation of Administrative Staff .................................................................. 220
6420 - PROFESSIONAL DEVELOPMENT (PIR) ...................................................... 221

**SERIES 7000 FINANCIAL MANAGEMENT** ............................................... 223

7320 - Purchasing ......................................................................................................... 224
7500 - Property/Fixed Assets Records........................................................................ 226
7515 - Fund Balances & Governmental Accounting Standards Board (GASB) ........ 227

**SERIES 8000 NONINSTRUCTIONAL OPERATIONS** ............................... 229

8105 - School Bus Replacement ................................................................................ 230
8110 Bus Routes and Schedules ................................................................................ 231
8123 - Driver Training and Responsibility .................................................................. 233
8124 - Student Conduct on Buses; Emergencies ...................................................... 234
8200 - Free and Reduced Milk Services .................................................................... 235
8225 - Tobacco Free Policy ....................................................................................... 236
8301 - District Safety ................................................................................................... 237
8420 - District-Wide Asbestos Program .................................................................... 238
8421 - Lead Renovation ............................................................................................ 239
8425 - Service Animals ............................................................................................. 241
8425F - Service Animals in District Facilities ........................................................... 242
8425P - Service Animal Allowance Procedure ......................................................... 243
8430 - Records Management ..................................................................................... 244

**SERIES 9000 NONINSTRUCTIONAL OPERATIONS** ............................... 246
9000 - Goals; Planning; Educational Specifications................................................................. 247
9221 - Site Acquisition; Bonds .................................................................................................. 248
9242 - Architect Assurance; Contractor Assurance; Changes and Additional Costs; Contractor Surety Bonds and Insurance ......................................................................................... 249
9300 - Operation and Maintenance of District Facilities .......................................................... 251
9320 - Security; Equipment Security; Care of School Property ............................................ 252
9330 - Facilities Operations ....................................................................................................... 254
SERIES 1000
THE BOARD OF TRUSTEES
THE BOARD OF TRUSTEES

1000 - Legal Status and Operation

The Board of Trustees of Pioneer School District #41 is the governmental entity established by the State of Montana to plan and direct all aspects of the District's operations, to the end that students shall have ample opportunity to achieve their individual and collective learning potentials.

Legal References:

<table>
<thead>
<tr>
<th>Code</th>
<th>Reference</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>20-3-323</td>
<td>MCA</td>
<td>District policy and record of acts</td>
</tr>
<tr>
<td>20-3-324</td>
<td>MCA</td>
<td>Powers and duties</td>
</tr>
</tbody>
</table>

Policy History:
Adopted on: 8/2003
Revised on: 11/2005
THE BOARD OF TRUSTEES

1100 - Legal Status, Organization and Operation

The legal name of this School District is Pioneer School District No. 41, Yellowstone County State of Montana. The District is classified as a class III district and is operated according to the laws and regulations pertaining to a class III district.

To achieve its primary goal of providing each child with the necessary skills and attitudes necessary to become an effective citizen, the Board shall exercise the full authority granted to it by the laws of the state. Its legal powers, duties and responsibilities are derived from the Montana Constitution and state statutes and regulations. School laws of Montana and the administrative rules of the Board of Public Education and the Office of Superintendent of Public Instruction delineate the legal powers, duties, and responsibilities of the Board.

Legal References:
20-3-324, MCA Powers and duties
20-6-101, MCA Definition of elementary and high school districts
20-6-201, MCA Elementary district classification
20-6-301, MCA High school district classification

Policy History:
Adopted on: 8/2003
Revised on: 11/2005
THE BOARD OF TRUSTEES

1105 - Membership and Terms of Office

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

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

Legal References:

§ 20-3-301, MCA  Election and term of office
§ 20-3-302, MCA  Legislative intent to elect less than majority of trustees
§ 20-3-305, MCA  Candidate qualification and nomination
§ 20-3-306, MCA  Conduct of election
§ 20-3-307, MCA  Qualification and oath
§ 20-3-341, MCA  Number of trustee positions in elementary districts – transition
§ 20-3-344, MCA  Nomination of candidates by petition in first-class elementary district
§ 20-3-351, MCA  Number of trustee positions in high school districts
§ 20-3-352, MCA  Request and determination of number of high school district additional trustee positions – nonvoting trustee
§ 20-3-361, MCA  Joint board of trustees organization and voting membership

Policy History:
Adopted on: 8/2003
Revised on: 8/13/2007, 4/14/2014
THE BOARD OF TRUSTEES

1110 - Taking Office

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

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

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

Cross Reference: Policy 1113 Vacancies

Legal References:

§ 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

Policy History:
Adopted on: 8/8/2011
Revised on: 4/14/2014
THE BOARD OF TRUSTEES

1111 - Elections

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

Board elections shall take place on the first (1st) Tuesday after the first (1st) Monday in May of each year. Any person who is a qualified voter of the District is legally qualified to become a trustee. Any (5 – second-class and third-class or H.S.; 20 – first-class) 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 different terms are to be filled, the term for which each candidate is nominated also shall be indicated. Any person seeking to become a write-in candidate in a mail ballot election or for a trustee position in a school board election shall file a declaration of intent no later than 5:00 p.m. on the twenty-sixth (26th) day before the election. If the number of candidates filing for vacant positions or filing a declaration of intent to be a write-in candidate is equal to or less than the number of positions to be elected, the trustees may give notice no later than twenty-five (25) days before the election that a trustee election will not take place. If a trustee election is not held, the trustees shall declare the candidates elected by acclamation and shall issue a “certificate of election” to each candidate.

A candidate intending to withdraw from the election shall send a statement of withdrawal to the clerk of the district containing all information necessary to identify the candidate and the office for which the candidate was nominated. The statement of withdrawal must be acknowledged by the clerk of the district. A candidate may not withdraw less than thirty-eight (38) days before the school election.

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

In years when the Legislature meets in regular session or in a special session that affects school funding, the trustees may order the election on a date other than the regular school election day in order for the electors to consider a proposition requesting additional funding under § 20-9-353, MCA.
Legal Reference:
§ 13-10-211, MCA Declaration of intent for write-in candidates
§ 20-3-304, MCA Annual election
§ 20-3-305, MCA Candidate qualification, nomination and withdrawal
§ 20-3-313, MCA Election by acclamation – notice
§ 20-3-322, MCA Meetings and quorum
§ 20-3-322(5), MCA Meetings and quorum (unforeseen emergency definition)
§ 20-3-324(4), MCA Powers and duties
§ 20-3-344, MCA Nomination of candidates by petition in first-class elementary district
§ 20-9-353, MCA Additional financing for general fund – election for authorization to impose
§ 20-20-105, MCA Regular school election day and special school elections – limitation – exception
§ 20-20-204, MCA Election Notice
§ 20-20-301, MCA Qualifications of elector

Policy History:
Adopted on: 8/13/2007
THE BOARD OF TRUSTEES

1113 - Vacancies

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

1. Death of the incumbent;
2. Resignation, in writing, filed with the Clerk;
3. Incumbent moves out of the nominating district, establishing residence elsewhere;
4. Incumbent is no longer a registered elector of the District under the provisions of § 20-20-301, MCA;
5. Incumbent is absent from the District for sixty (60) consecutive days;
6. Incumbent fails to attend three (3) consecutive meetings of the trustees without good reason;
7. Incumbent has been removed under the provisions of § 20-3-310, MCA; or
8. Incumbent 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.

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

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

Cross Reference: 1240 Duties of Individual Trustees

Legal References:

- § 20-3-308, MCA Vacancy of trustee position
- § 20-3-309, MCA Filling vacated trustee position – appointee qualification and term of office

Policy History:
Adopted on: 4/14/2014
Revised on:
THE BOARD OF TRUSTEES

1120 - Annual Organization Meeting

After issuance of election certificates to newly elected trustees in May, and no later than fifteen (15) days after the election, the Board shall elect from among its members a Chairperson and a Vice Chairperson to serve one-(1)-year terms. If a Board member is unable to continue to serve as an officer, a replacement shall be elected immediately. In the absence of both the Chairperson and the Vice Chairperson, the Board shall elect a Chairperson pro tempore, who shall perform the functions of the Chairperson during the latter’s absence. The Clerk shall act as Board secretary.

The normal order of business shall be modified for the annual organizational meeting by considering the following matters after the approval of the minutes of the previous meeting:

1. Welcome and introduction of newly elected Board members by the current Chairperson
2. Swearing in of newly elected trustees
3. Call for nominations for Chairperson to serve during the ensuing year
4. Election of a Chairperson
5. Assumption of office by the new Chairperson
6. Call for nominations for Vice Chairperson to serve during the ensuing year
7. Election of a Vice Chairperson
8. Appointment of a Clerk

Policies and bylaws remain in effect until and unless changed by the Board.

Legal References:

§ 20-3-321, MCA Organization and officers
§ 20-3-322(a), MCA Meetings and quorum
§ 1-5-416(1)(b), MCA Powers and duties of Notary Public

Policy History:
Adopted on: 8/8/11
Revised on:
THE BOARD OF TRUSTEES

1210 - Qualifications, Terms, and Duties of Board Officers

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

Chairperson

The Board elects a Chairperson from its members for a one-(1)-year term. The Chairperson may be any trustee of the board, including an additional trustee as provided for in 20-3-352(2). If an additional trustee is chosen to serve as the Chairperson of an elementary district described in 20-3-351(1)(a), the additional trustee may not vote on issues pertaining only to the elementary district. The duties of the Chairperson include the following:

- Preside at all meetings and conduct meetings in the manner prescribed by the Board’s policies;
- Make all Board committee appointments, subject to Board approval;
- Sign all papers and documents as required by law and as authorized by action of the Board;
- Close Board meetings as authorized by Montana law; and
- Act as spokesperson for the Board.

The Chairperson is permitted to participate in all Board meetings in a manner equal to all other Board members, including the right to participate in debate and to vote. The Chairperson may not make a motion, but may second motions.

Vice Chairperson

The Vice Chairperson shall preside at all Board meetings in the absence of the Chairperson and shall perform all the duties of the Chairperson during the Chairperson’s absence or unavailability. The Vice Chairperson shall work closely with the Chairperson and shall assume whatever duties the Chairperson may delegate.

Legal References:

- § 2-3-203, MCA Meetings of public agencies and certain associations of public agencies to be open to public – exceptions
- § 20-3-321(2), MCA Organization and officers
- § 20-3-351(1)(a), MCA Number of trustee positions in high school districts
- § 20-3-352(2), MCA Request and determination of number of high school district additional trustee positions – nonvoting trustee

Policy History:
Adopted on: 8/8/11
Revised on:
THE BOARD OF TRUSTEES

1240 - Duties of Individual Trustees

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

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

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

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

Cross Reference: 1113 Vacancies
Legal References: § 20-3-301, MCA Election and term of office
                § 20-3-308, MCA Vacancy of trustee position
                § 20-3-324(22), MCA Powers and duties
                § 20-3-332, MCA Personal immunity and liability of trustees

Policy History:
Adopted on: 8/2003
Revised on: 11/2005, 4/14/2014
THE BOARD OF TRUSTEES
R
1310 - District Policy and Procedures

Adoption and Amendment of Policies

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

All new or amended policies shall become effective on adoption; unless a specific effective date is stated in the motion for adoption.

Policies, as adopted or amended, shall be made a part of the minutes of the meeting at which action was taken and also shall be Included in the District’s policy manual. Policies of the District shall be reviewed on a regular basis.

Policy Manuals

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

Suspension of Policies

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

Procedures

The Board shall develop such procedures as are necessary to ensure consistent implementation of policies adopted.

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

Policy History:
Adopted on: 8/2003
Revised on: 11/2005, 4/14/2014, 1/12/15
THE BOARD OF TRUSTEES

1400 - Board Meetings

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

Regular Meetings

Unless otherwise specified, all meetings will take place in the room #105. Regular meetings shall take place on the 2nd Monday of each month, or at other times and places determined by a majority vote. Except for an unforeseen emergency, meetings must be held in school buildings or, upon the unanimous vote of the trustees, in a publicly accessible building located within the District. If regular meetings are scheduled at places other than as stated above or are adjourned to times other than the regular meeting time, notice of the meeting shall be made in the same manner as provided for special meetings. The trustees may meet outside the boundaries of the District for collaboration or cooperation on educational issues with other school boards, educational agencies, or cooperatives. Adequate notice of the meeting, as well as an agenda, must be provided to the public in advance. Decision making may only occur at a properly noticed meeting held within the District’s boundaries. When a meeting date falls on a school holiday, the meeting may take place the next business day.

Emergency Meetings

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

Budget Meetings

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

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

Special Meetings

Special meetings may be called by the Chairperson or by any two (2) trustees. A written notice of a special meeting, stating the purpose of the meeting, shall be delivered to every trustee not less than forty-eight (48) hours before the time of the meeting, except that the forty-eight-(48)-hour notice is waived in an unforeseen emergency as stated in § 20-3-322(5), MCA. Such written notice shall be posted conspicuously within the District in a manner that will receive public attention. Written notice also shall be sent not less than twenty-four (24) hours prior to the meeting, to each newspaper and radio or television station that has filed a written request for such notices. Business transacted at a special meeting will be limited to that stated in the notice of the meeting.

Closed Sessions

Under Montana law, the Board may meet in closed sessions to consider matters of individual privacy. Before closing a meeting, the presiding officer must determine that the demands of individual privacy exceed the
merits of public disclosure and so state publicly before going into closed session. The Board also may go into closed session to discuss a strategy to be followed with respect to litigation, when an open meeting would have a detrimental effect on the litigating position of the District. This exception does not apply if the litigation involves only public bodies or associations as parties. Before closing a meeting for litigation purposes, the District may wish to consult legal counsel on the appropriateness of this action. No formal action shall take place during any closed session.

Legal References:
§ 2-3-103, MC  Public participation – governor to ensure guidelines adopted
§ 2-3-104, MCA  Requirements for compliance with notice provisions
§ 2-3-105, MCA  Supplemental notice by radio or television
§ 2-3-201, MCA  Legislative intent – liberal construction
§ 2-3-203, MCA  Meetings of public agencies and certain associations of public agencies to be open to public – exceptions
§ 20-1-305, MCA  School Holidays
§ 20-3-322, MCA  Meeting and quorum
§ 20-9-115, MCA  Notice of final budget meeting
§ 20-9-131, MCA  Final budget meeting
10.55.701, ARM  Board of Trustees

Policy History:
Adopted on: 8/2005
THE BOARD OF TRUSTEES

1420 - School Board Meeting Procedure

Agenda

The agenda for any Board meeting shall be prepared by the Board Chairman, District Clerk, and Administrator. Items submitted by Board members to be placed on the agenda must have prior approval of the Board Chairperson. Citizens may also suggest inclusions on the agenda. Such suggestions must be received by the District Clerk at least five (5) days before the Board meeting, unless of immediate importance. Individuals who wish to be placed on the Board agenda must also notify the District Clerk, in writing, of the request. The request must include the reason for the appearance. If the reason for the appearance is a complaint against any District employee, the individual filing the complaint must demonstrate the Uniform Complaint Procedure has been followed. Citizens wishing to make brief comments about school programs or procedures or items on the agenda need not request placement on the agenda, and may ask for recognition by the Chairman at the appropriate time.

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

With consent of a majority of members present, the order of business at any meeting may be changed. Copies of the agenda for the current Board meeting, minutes of the previous Board meeting, and relevant supplementary information will be prepared and distributed to each trustee at least twenty-four (24) hours in advance of a Board meeting and will be available to any interested citizen at the District Clerk’s office twenty-four (24) hours before a Board meeting. An agenda for other types of Board meetings will be prepared, if circumstances require an agenda.

Consent Agenda

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

Minutes

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

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

When issues are discussed that may require a detailed record, the Board may direct the Clerk to record the discussion verbatim. Any verbatim record may be destroyed after the minutes have been approved, pursuant to §20-1-212, MCA.

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

Unofficial minutes shall be delivered to Board members in advance of the next regularly scheduled meeting of the Board. Minutes need not be read publicly, provided that Board members have had an opportunity to review them before adoption. A file of permanent minutes of Board meetings shall be maintained in the office of the Clerk, to be made available for inspection upon request. A written copy shall be made available five (5) working days following approval by the Board.

Quorum

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

Electronic Participation

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

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

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

Meeting Conduct and Order of Business

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

Cross Reference: 1441 Audience Participation

Legal References: §2-3-103, MCA Public participation - governor to ensure guidelines adopted
§2-3-212, MCA Minutes of meetings B public inspection
§20-1-212, MCA Destruction of records by school officer
§20-3-322, MCA Meetings and quorum
§20-3-323, MCA District policy and record of acts

Policy History:
Adopted on: 8/2003
Revised on: 11/8/2010, 8/8/11
THE BOARD OF TRUSTEES

1420F - Notice Regarding Public Comment

MTSBA recommends that you attach the following notice to your agendas for your regular Board meetings and/or have the Board Chairman read it aloud at the beginning of the Board meeting, until the public becomes educated about the process:

Montana law requires school districts and other public agencies to include on the agenda for public meetings an item allowing public comment on any public matter not otherwise specifically listed on the agenda that is within the jurisdiction of the agency. As has also been the practice of the District, and in accordance with Montana law, if any member desires to speak to an item that is specifically listed/identified on the agenda, you will be allowed to do so when the item comes up for discussion and action. The public comment portion of the agenda is not the time designated to hear items that are specifically listed/identified on the agenda.

For those individuals who desire to address the Board during the "public comment" portion of the meeting, if you haven't already done so; please sign your name to the sheet located on the table and indicate the general topic on which you will be commenting. The Board Chairman will call individuals to speak in the order listed on the sheet provided. The Board would like to remind everyone in attendance that to avoid violations of individual rights of privacy, a member of the public wishing to address the Board during this time will not be allowed to make comments about any student, staff member, or member of the general public during his/her designated time to speak. In addition the Board will not hear comments on contested cases or other adjudicative proceedings.

Depending on the number of persons who wish to address the Board, the Board Chairman may place reasonable time limits on comments, in order to maintain and ensure effective and efficient operations of the Board.

By law the District cannot take any action on any matter discussed during the public comment portion of the meeting, until such time as the matter is specifically noticed on the agenda, and the public has been allowed the opportunity to comment.
THE BOARD OF TRUSTEES

1441 - Audience Participation

The Board recognizes the value of public comment on educational issues and the importance of involving members of the public in its meetings. The Board also recognizes the public's statutory and constitutional right of the public to participate in governmental operations. To allow fair and orderly expression of public comment, the Board will permit public permit public participation through oral or written comments during the "public comment" section of the Board agenda and prior to a final decision on a matter of significant interest to the public. The Chairman may control such comment to insure an orderly progression of the meeting, and allow for public comment.

Individuals wishing to be heard by the Chairman shall first be recognized by the Chairman. Individuals, after identifying themselves, will proceed to make comments as briefly as the subject permits. The Chairman may interrupt or terminate an individual's statements when appropriate including when statements are out of order, too lengthy, personally directed, abusive, obscene or irrelevant. The Board as a whole shall have the final decision in determining the appropriateness of all such rulings. It is important for all participants to remember that Board meetings are held in public, but are not public meetings. Members of the public shall be recognized and allowed input during the meeting, at the discretion of the Chairman.

Cross Reference: 1420 School Board Meeting Procedure

Legal Reference: Article II, Section 8, Montana Constitution
Article II. Section 10, Right of Privacy
§ 2-3-101, et seq., MCA, Right of Participation

Policy History:
Adopted on: 8/2003
Revised on: 1112005
THE BOARD OF TRUSTEES

1512 - Conflict of Interest

A trustee may not:

1. 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.

2. Perform an official act directly and substantially affecting, to its economic benefit, a business or other undertaking in which the trustee either has a substantial financial interest or is engaged as counsel, consultant, representative, or agent.

3. Act as an agent or solicitor in the sale or supply of goods or services to a district.

4. Have a pecuniary interest, directly or indirectly, in any contract made by the Board, when the trustee has more than a ten percent (10%) interest in the corporation. A contract does not include: 1) merchandise sold to the highest bidder at public auctions; 2) investments or deposits in financial institutions that are in the business of loaning or receiving money, when such investments or deposits are made on a rotating or ratable basis among financial institutions in the community or when there is only one (1) financial institution in the community; or 3) contracts for professional services other than salaried services or for maintenance or repair services or supplies when the services or supplies are not reasonably available from other sources, if the interest of any Board member and a determination of such lack of availability are entered in the minutes of the Board meeting at which the contract is considered.

5. Be employed in any capacity by the District, with the exception of officiating at athletic competitions under the auspices of the Montana officials association.

6. Appoint to a position of trust or emolument any person related or connected by consanguinity within the fourth (4th) degree or by affinity within the second (2nd) degree.

   a) This prohibition does not apply to the issuance of an employment contract to a person as a substitute teacher who is not employed as a substitute teacher for more than thirty (30) consecutive school days.

   b) This prohibition does not apply to the renewal of an employment contract of a person related to a Board member, who was initially hired before the Board member assumed the trustee position.

   c) This prohibition does not apply if trustees comply with the following requirements:

      ▪ **All trustees**, except the trustee related to the person to be employed or appointed, vote to employ the related person;

      ▪ the trustee related to the person to be employed abstains from voting; and

      ▪ the trustees give fifteen (15) days written notice of the time and place of their intended action in a newspaper of general circulation in the county where the school is located.

**Degrees of Affinity**

Affinity is the legal relationship arising as the result of marriage. Relationship by affinity terminates upon the death of one of the spouses or other dissolution of marriage, except when the marriage has resulted in issue still living.
Degrees of Consanguinity

4
Great Great Grandparent
3
Great Grandparent
2
Grandparent
1
Parent

5
Great Great Uncle
4
Great Uncle
3
Uncle
2
Child of Great Uncle
1
Child of GG Uncle

6
Child of Great Uncle

7
Grandchild of GG Uncle

Trustee

2
Brother
1
Child

4
1st Cousin
3
Nephew
2
1st Cousin

6
Once removed
5
2nd Cousin
4
2nd Cousin
3
Once removed

8
3rd Cousin

Great Great Grandchild

Degrees of Affinity

3
Great Grandfather-in-law
2
Grandfather-in-law
1
Father-in-law

1
1

1
Spouse

Brother-in-law

Step Child

3
Uncle-in-law

Nephew-in-law

Step Grandchild

Policy History:
Adopted on: 8/10/2009
Revised on: 11/8/2010

Step Great Grandchild
THE BOARD OF TRUSTEES

1513 - Management Rights

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

1. Direct employees.
2. Employ, dismiss, promote, transfer, assign, and retain employees.
3. Relieve employees from duties because of lack of work or funds under conditions where continuation of such work would be inefficient and 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 missions of the District in situations of emergency.
7. Establish the methods and processes by which work is performed;

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

The Board also reserves the right to delegate authority to the Administrator for the on-going direction of District programs.

Legal Reference:

§ 20-3-324, MCA Powers and duties
§ 93-31-303. MCA Management rights of public employers

Policy History
Adopted on: 8/2003
Revised on: 1112005
THE BOARD OF TRUSTEES

1532 - Trustee Insurance

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

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

Legal References:

§ 20-3-331, MCA Purchase of insurance – self-insurance plan
§ 20-3-332, MCA Personal immunity and liability of trustees
§ 20-3-352(2), MCA Request and determination of number of high school district additional trustee positions – nonvoting trustee

Policy History:
Adopted on: 8/8/11
Revised on:
THE BOARD OF TRUSTEES

1610 - Annual Goals and Objectives

Each year, during the month of, the Board will formulate or review the annual objectives for the District and will have available a written comprehensive philosophy of education with goals that reflect the District’s philosophy of education. The philosophy of education and goals shall be in writing and shall be available to all.

At the conclusion of the year, the Superintendent shall submit a report to the Board which reflects the degree to which annual objectives have been accomplished.

Legal Reference: 10.55.701, ARM Board of Trustees

Policy History:
Adopted on: 11/2005, 10/8/12
Revised on: 9/10/12
THE BOARD OF TRUSTEES
1700 - Uniform Complaint Procedure

The Board establishes this Uniform Complaint Procedure as a means to address complaints arising within the District. This Uniform Complaint Procedure is intended to be used for all complaints except those involving challenges to educational material and those governed by a collective bargaining agreement.

The District requests all individuals to use this complaint procedure, when the individual believes the Board or its employees or agents have violated the individual’s rights under: (1) Montana constitutional, statutory, or administrative law; (2) United States constitutional, statutory, or regulatory law; or (3) Board policy.

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

Level 1: Informal

An individual with a complaint is first encouraged to discuss it with the teacher with the objective of resolving the matter promptly and informally.

Formal Level 1: Principal

1. If the grievance is not resolved to the satisfaction of the grievant at the Informal Level, a formal grievance may be initiated.

2. If a formal written grievance is initiated it must be filed with the Principal no later than fifteen (15) Pupil Instruction Days after the informal conference with the appropriate member of the Administration.

3. A formal written grievance shall be a clear, concise statement of the grievance denoting the specific violation in question, the circumstances involved, the decision(s) rendered at the Informal Level, and the specific remedy sought.

4. The Principal shall communicate his/her decision in writing no later than ten (10) Pupil Instruction Days after the written grievance is received.

5. Failure by a grievant to appeal a decision within ten (10) Pupil Instruction Days after the Principal's decision shall be deemed an acceptance of the decision. Failure by the Administration to communicate his/her decision within the specified time limits shall permit the grievant to appeal to Level II without waiting for the decision.

Formal Level 2: Principal

1. If the grievant is not satisfied with the decision rendered in Level I, he/she may appeal, in writing to the Superintendent, no later than ten (10) Pupil Instruction Days after receiving the Level I decision.

2. The appeal shall be in writing and include a copy of the initial alleged grievance, a copy of the written decision by the Principal at Level I, and a clear, concise, statement of the reasons for the appeal.

3. The Superintendent shall communicate his/her decision in writing no later than ten (10) Pupil Instruction Days after receiving the written appeal.
4. Failure by a grievant to appeal the decision of the Superintendent within ten (10) Pupil Instruction Days shall be deemed an acceptance of the decision. Failure by the Superintendent to communicate his/her decision within the specified time limit shall permit the grievant to appeal to Level III without waiting for a decision.

**Formal Level 3: Board**

1. If the grievant is not satisfied with the decision rendered pursuant to Level II, he/she may appeal the decision within ten (10) Pupil Instruction Days to the Board of Trustees.

2. The appeal shall include a copy of the written grievance, the decisions rendered at Level I and II, and a clear, concise statement of the reasons for the appeal.

3. If the grievant appeals to the board the following procedure will apply:
   
   d) No later than ten (10) Pupil Instruction Days, subsequent to receiving the appeal, the Board shall ask the grievant to appear at a hearing within ten (10) days.
   
   e) A written decision shall be rendered to the grievant no later than ten (10) days following this board meeting. Failure of the board to submit such a letter shall indicate their acceptance and award of the grievance.

**Formal Level 4:**

1. If the grievant is not satisfied with the decision rendered pursuant to Level III, he/she will inform the Superintendent within ten (10) Pupil Instruction Days that he/she intends to appeal to have the grievance or disputed interpretations of the agreement resolved either by final and binding arbitration or by any other available legal method and forum, but not by both as outlined in State Law. After a grievance has been submitted to arbitration, the grievant and the exclusive representative waive any right to pursue against the school, any action or complaint that seeks the same remedy. If a grievant or the exclusive representative files a complaint or other action against the school, arbitration seeking the same remedy may not be filed or pursued under this section. After notice of submission to arbitration, the Association shall request from the Montana Board of Appeals a list of qualified arbitrators. Within 10 pupil instruction days of receipt, each party shall alternately strike names from the list, and the name remaining shall be the arbitrator.

2. The arbitrator’s decision shall be final and binding upon the parties.

3. Costs associated with binding arbitration shall be shared equally by the Association and School District. If one of the parties wants a transcript of the arbitration proceedings, the party requesting the transcript will pay the cost for the transcript. If both parties request transcripts, they shall share equally in the cost.

4. The Board, the Administration, the Association, and the Employee will cooperate with the other in its investigation of any grievance and further will furnish the other such information as is requested for processing of any grievance.

5. The arbitrator will have no power to alter, add to, or subtract from, the terms of this agreement. The arbitrator’s decision will be based upon the specific provisions of this agreement. This arbitration provision shall be for grievances only. There shall be no interest arbitration.
Legal Reference:
§ 504 of the Rehabilitation Act of 1973
Title IX of the Education Amendments of 1972 (Civil Rights Act) Title II of the Americans with Disabilities Act of 1990

Policy History:
Adoption on: 11/01/2005
Revised on: 6/2017
SERIES 1000
FLEXIBILITY AND EFFICIENCY
FLEXIBILITY AND EFFICIENCY

1006FE Transfers for School Safety

It is the policy of the District to increase the flexibility and efficiency of the District’s resources by utilizing the provision of law allowing transfers of funds to improve school safety and security.

The District may transfer state or local revenue from any budgeted or non-budgeted fund, other than the debt service fund or retirement fund, to its building reserve fund in an amount not to exceed the school district's estimated costs of improvements to school safety and security.

The transfer of such funds can be for:

1. planning for improvements to school safety, including but not limited to the cost of services provided by architects, engineers, and other consultants;
2. installing or updating locking mechanisms and ingress and egress systems at public school access points, including but not limited to systems for exterior egress doors and interior passageways and rooms, using contemporary technologies;
3. installing or updating bullet-resistant windows and barriers; and
4. installing or updating emergency response systems using contemporary technologies.

Any transfers made under this policy and Montana law are not considered expenditures to be applied against budget authority. Any revenue transfers that are not encumbered for expenditures in compliance with the four reasons stated above, within 2 full school fiscal years after the funds are transferred, must be transferred back to the originating fund from which the revenue was transferred.

If transfers of funds are made from a District fund supported by a non-voted levy, the District may not increase its non-voted levy for the purpose of restoring the transferred funds.

Legal Reference: 20-9-503, MCA  Budgeting, tax levy, and use of building reserve fund.
20-9-236, MCA  Transfer of funds – improvements to school safety and security

Policy History:
Adopted on: 10/2017
Revised on:
FLEXIBILITY AND EFFICIENCY

1009FE Flexible Instructor Licensing

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

- **Internships**
  - Available to anyone with a current license and endorsement in one subject who wants to move to a new licensed role/endorsed area.
  - Requirements must be satisfied within 3 years
  - Must include a plan between the intern, the school district and an accredited preparation program

- **Provisionally Certified**
  - May be issued to an otherwise qualified applicant who can provide satisfactory evidence of:
    - The intent to qualify in the future for a class 1 or class 2 certificate and
    - Who has completed a 4-year college program or its equivalent, and
    - Holds a bachelor’s degree from a unit of the Montana university system or its equivalent.

- **Substitutes**
  - Must have a GED or high school diploma
  - Will have completed 3 hours of training by the district
  - Will have submitted a fingerprint background check (All requirements can be waived by the district if the substitute has prior substitute teaching experience in another public school from November 2002 to earlier)
  - May not substitute more than 35 consecutive days for the same teacher, however the same substitute can be used for successive absences of different staff as long as each regular teacher for whom the substitute is covering is back by 35 consecutive teaching days

- **Retired Educators**
  - School district must certify to OPI and TRS that the district has been unable to fill the position due to no qualified applications or no acceptance of offer by a non-retired teacher
  - No limit on the district
  - Retired teacher must have 30 years of experience in TRS
  - There is a 3 year lifetime limit on the retired individual going to work under this provision

- **Class 3 Administrative License**
  - Valid for a period of 5 years
  - Appropriate administrative areas include: elementary principal, secondary principal, K-12 principal, K-12 superintendent, and supervisor.
  - Must be eligible for an appropriately endorsed Class 1, 2 or 5 license to teach in the school(s) in which
the applicant would be an administrator or would supervise, and qualify as set forth in ARM 10.57414 through 10.57.418

○ An applicant for a Class 3 administrative license who completed an educator preparation program which does not meet the definition in ARM 10.57.102(2), who is currently licensed in another state at the same level of licensure, may be considered for licensure with verification of five years of successful administrative experience as defined in ARM 10.57.102 as documented by a recommendation from a state accredited P-12 school employer on a form prescribed by the Superintendent of Public Instruction and approved by the Board of Public Education. The requirements of ARM 10.57.414(1)(c)(i-iii) must be met by an applicant seeking a superintendent endorsement.

- Class 4 for CTE
  ○ Valid for a period of 5 years
  ○ Renewable pursuant to the requirements of 10.57.215, ARM and the requirements specific to each type of Class 4 license.
  ○ 4A – for licensed teachers without a CTE endorsement
  ○ 4B – for individuals with at least a bachelor’s degree
  ○ 4C – for individuals with a minimum of a high school diploma or GED

- Class 5 alternatives
  ○ Good for a maximum of 3 years
  ○ Requirements dependent upon the alternative the district is seeking

- Emergency authorization of employment
  ○ Individual must have previously held a valid teacher or specialist certificate or have met requirements of rule 10.57.107, ARM
  ○ Emergency authorization is valid for one year, but can be renewed from year to year provided conditions of scarcity continue to persist

Legal References: 10.55.716, ARM Substitute Teachers
10.55.607, ARM Internships
10.57.107, ARM Emergency Authorization of Employment
10.57.215, ARM Renewal Requirements
10.57.420, ARM Class 4 Career and Technical Education License
10.57.424, ARM Class 5 Provisional License
19-20-732, MCA Reemployment of certain retired teachers, specialists and administrators – procedure – definitions

Policy History:
Adopted on: 10/2017
Revised on:
FLEXIBILITY AND EFFICIENCY

1014FE Intent to Increase Non-Voted Levy

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

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

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

a) Adopting a resolution of intent to impose an increase in a non-voted levy that includes, at a minimum, the estimated number of increased or decreased mills to be imposed and the estimated increased or decreased revenue to be raised compared to non-voted levies under a-e imposed in the current school fiscal year and, based on the district’s taxable valuation most recently certified by the department of revenue under 15-10-202, the estimated impacts of the increase or decrease on a home valued at $100,000 and a home valued at $200,000, and

b) Publish a copy of the resolution in a newspaper that will give notice to the largest number of people of the district as determined by the trustees and posting a copy of the resolution to the school district’s website.

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

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

Legal Reference: SB 307, 2017 Legislative Session

Policy History:
Adopted on: 10/2017
Revised on:
FLEXIBILITY AND EFFICIENCY

1014FE-F1 Notice of Intent to Impose an Increase in Levies Form

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

<table>
<thead>
<tr>
<th>Fund Supported</th>
<th>Estimated Change in Revenues*</th>
<th>Estimated Change in Mills*</th>
<th>Estimated Impact, Home of $100,000*</th>
<th>Estimated Impact, Home of $200,000*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult Education</td>
<td>$___ increase/decrease</td>
<td>$___ increase/decrease</td>
<td>$___ increase/decrease</td>
<td>$___ increase/decrease</td>
</tr>
<tr>
<td>Bus Depreciation</td>
<td>$___ increase/decrease</td>
<td>$___ increase/decrease</td>
<td>$___ increase/decrease</td>
<td>$___ increase/decrease</td>
</tr>
<tr>
<td>Transportation</td>
<td>$___ increase/decrease</td>
<td>$___ increase/decrease</td>
<td>$___ increase/decrease</td>
<td>$___ increase/decrease</td>
</tr>
<tr>
<td>Tuition</td>
<td>$___ increase/decrease</td>
<td>$___ increase/decrease</td>
<td>$___ increase/decrease</td>
<td>$___ increase/decrease</td>
</tr>
<tr>
<td>Building Reserve</td>
<td>$___ increase/decrease</td>
<td>$___ increase/decrease</td>
<td>$___ increase/decrease</td>
<td>$___ increase/decrease</td>
</tr>
<tr>
<td>Total</td>
<td>$___ increase/decrease</td>
<td>$___ increase/decrease</td>
<td>$___ increase/decrease</td>
<td>$___ increase/decrease</td>
</tr>
</tbody>
</table>

*Impacts above are based on current certified taxable valuations from the current school fiscal year regarding the increase in the building reserve levy referenced above, the following are school facility maintenance projects anticipated to be completed at this time:

5. ____________________________________________
6. ____________________________________________
7. ____________________________________________
8. ____________________________________________

Legal Reference: SB 307, 2017 Legislative Session

Policy History:
Adopted on: 10/2017
Revised on:
SERIES 2000
INSTRUCTION
INSTRUCTION

2000 - Goals

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

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

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

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

Legal Reference: 10.55.701, ARM Board of Trustees

Policy History:
Adopted on:
Reviewed on: 4/14/2014, 6/2017
INSTRUCTION

2100 - School Year Calendar and Day

School Calendar

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

Commemorative Holidays

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

Saturday School

Pupil instruction may be held on a Saturday at the discretion of a school district for the purpose of providing additional pupil instruction, provided that: (a) Saturday school is not a pupil-instruction day and does not count toward the minimum aggregate hours of pupil instruction; and (b) student attendance is voluntary.

School Fiscal Year

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

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

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

1. Pre-school staff orientation for the purpose of organization of the school year;
2. Staff professional development programs (minimum of three (3) days);
3. Parent/teacher conferences; and
4. Post-school record and report (not to exceed one (1) day, or one-half (½) day at the end of each semester or quarter).

Legal References: § 20-1-301, MCA School fiscal year
§ 20-1-302, MCA School day and week
§ 20-1-303, MCA Conduct of School on Saturday or Sunday prohibited - exceptions
§ 20-1-304, MCA  
Pupil-instruction-related day

§ 20-1-306, MCA  
Commemorative exercises on certain days

ARM 10.55.701  
Board of Trustees

ARM 10.65.101-103  
Pupil-Instruction-Related Days

ARM 10.55.906  
High School Credit

Policy History:
Adopted on: 8/2005
Revised on: 8/12/2008, 8/8/2011
INSTRUCTION

2105 - Grade Organization

The District maintains instructional levels for grades kindergarten (K) through eight (8). The grouping and housing of instructional levels in school will be according to plans developed by the Administrator and approved by the Board.

Instructional programs will be coordinated between each grade and between levels of schools. A student will be assigned to an instructional group or to a classroom which will best serve the needs of that individual while still considering the rights and needs of other students. Criteria for grouping will be based on learning goals and objectives addressed and the student’s ability to achieve those purposes.

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

Policy History:
Adopted on: 11/2005
Revised on: 4/14/2014, 6/2017, 1/14/2019
INSTRUCTION

2110 - Objectives

Accreditation Standards

The Board will review state accreditation standards annually and provide in the school building at least one (1) copy of the standards, for staff and public review.

Continuous Progress Education

The Board acknowledges its responsibility to develop and implement a curriculum designed to provide for sequential intellectual and skill development necessary for students to progress on a continuous basis from elementary through secondary school.

The Administrator is directed to develop instructional programs which will enable each student to learn at the student’s best rate. The instructional program will strive to provide for:

1. Placement of a student at the student’s functional level;
2. Learning materials and methods of instruction considered to be most appropriate to the student’s learning style; and
3. Evaluation to determine if the desired student outcomes have been achieved.

Each year, the Administrator will determine the degree to which such instructional programs are being developed and implemented. Accomplishment reports submitted annually will provide the Board with the necessary information to make future program improvement decisions.

Policy History:
Adopted on: 4/14/2014
Revised on: 6/2017
INSTRUCTION

2120 - Curriculum Development and Assessment

The Board is responsible for curriculum adoption and must approve all significant changes, including the adoption of new textbooks and new courses, before such changes are made. The Administrator is responsible for making curriculum recommendations. The curriculum will be designed to accomplish learning objectives and goals for excellence contained in the District’s educational philosophy, mission statement, objectives, and goals.

Development and Assessment

A written sequential curriculum will be developed for each subject area. The curricula will address learner goals, content and program area performance standards, and District education goals and will be constructed to include such parts of education as content, skills, and thinking. A curriculum review cycle and timelines for curriculum development and evaluations will be developed, as well.

The staff will suggest materials and resources, to include supplies, books, materials, and equipment necessary for development and implementation of the curriculum and assessment, which are consistent with goals of the education program. These materials will be reviewed at least every five (5) years.

In all program areas and at all levels, the District will assess student progress toward achieving learner goals and program area performance standards, 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 education program and will use effective and appropriate tools for assessing such progress. These may include but are 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 carryover skills to other program areas and outside of school.

Cross Reference: 2000 Goals
2110 Objectives

Legal Reference: § 20-3-324, MCA Powers and duties
§ 20-4-402, MCA Duties of district superintendent or county high school principal
§ 20-7-602, MCA Textbook selection and adoption 10.55.603, ARM Curriculum and Assessment

Policy History:
Adopted on: 11/2005
Revised on: 4/14/2014
INSTRUCTION

2123 - Lesson Plan

To ensure proper planning and continuity of instruction, the Board requires that each teacher prepare a curriculum map and/or lesson plans for daily instruction. To facilitate more effective instruction, lesson plans and/or curriculum maps must be prepared by the last day of the week for the upcoming week. The format for the lesson plan will be specified by the building principal and will be reviewed on a regular basis. The plan book must be readily available, when a substitute teacher is needed.

Policy History:
Adopted on: 4/14/2014
Revised on: 1/14/2019
INSTRUCTION

2130 - Program Evaluation and Diagnostic Tests

The Board strives for efficiency and effectiveness in all facets of its operations. To achieve this goal, the Board will set forth:

1. A clear statement of expectations and purposes for the District instructional program;
2. A provision for staff, resources, and support to achieve stated expectations and purposes; and
3. A plan for evaluating instructional programs and services to determine how well expectations and purposes are being met.

Parents who wish to examine any assessment materials may do so by contacting the Administrator/Administrator. Parental approval is necessary before administering an individual intelligence test or a diagnostic personality test. No tests or measurement devices which include questions about a student’s or the student’s family’s personal beliefs and practices in family life, morality, and religion will be administered, unless the parent gives written permission for the student to take such test, questionnaire, or examination.

Legal Reference: 20 U.S.C. § 1232h Protection of pupil rights
10.55.603, ARM Curriculum and Assessment
10.56.101, ARM Student Assessment

Policy History:
Adopted on: 4/14/2014
Revised on:
BOARD OF TRUSTEES

2132 - Student and Family Privacy Rights

Surveys - General

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

Surveys Created by a Third Party

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

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

Surveys Requesting Personal Information

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

2. Political affiliations or beliefs of the student or the student=s parent/guardian;

3. Mental or psychological problems of the student or the student=s family;

4. Behavior or attitudes about sex;

5. Illegal, anti-social, self-incriminating, or demeaning behavior;

6. Critical appraisals of other individuals with whom students have close family relationships;

7. Legally recognized privileged or analogous relationships, such as those with lawyers, physicians, and ministers;

8. Religious practices, affiliations, or beliefs of the student or the student=s parent/guardian;

9. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

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

1. Inspect the survey within a reasonable time of the request, and/or

2. Refuse to allow their child to participate in any survey requesting personal information. The school shall not penalize any student whose parent(s)/guardian(s) exercise this option.

Instructional Material

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

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

Collection of Personal Information from Students for Marketing Prohibited

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

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

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

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

Notification of Rights and Procedures

The Superintendent or designee shall notify students= parents/guardians of:

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

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

Cross Reference: 2311 Instructional Materials

Legal Reference: 20 U.S.C. 1232h Protection of Pupil Rights

Policy History:
Adopted on: 11/2005
Revised on:
INSTRUCTION

2158 - Family Engagement Policy

The Pioneer School District #41 Board of Trustees believes that engaging parents/families in the education process is essential to improved academic success for students. The Board recognizes that a student’s education is a responsibility shared by the district, parents, families and other members of the community during the entire time a student attends school. The Board believes that the district must create an environment that is conducive to learning and that strong, comprehensive parent/family involvement is an important component. Parent/Family involvement in education requires a cooperative effort with roles for the Office of Public Instruction (OPI), the district, parents/families and the community.

Parent/Family Involvement Goals and Plan

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

1. Promote families to actively participate in the life of the school and feel welcomed, valued, and connected to each other, to school staff, and to what students are learning and doing in class;

2. Promote families and school staff to engage in regular, two-way meaningful communication about student learning;

3. Promote families and school staff to continuously collaborate to support student learning and healthy development both at home and at school and have regular opportunities to strengthen their knowledge and skills to do so effectively;

4. Empower parents to be advocates for their own and other children, to ensure that students are treated equitably and have access to learning opportunities that will support their success;

5. Encourage families and school staff to be partners in decisions that affect children and families and together inform, influence, and create policies, practices, and programs; and

6. Encourage families and school staff to collaborate with members of the community to connect students, families, and staff to expand learning opportunities, community services, and civic participation.

The district’s plan for meeting these goals is to:

1. Provide activities that will educate parents regarding the intellectual and developmental needs of their children at all age levels. This will include promoting cooperation between the district and other agencies or school/community groups (such as parent-teacher groups, Head Start, etc.) to furnish learning opportunities and disseminate information regarding parenting skills and child/adolescent development.

2. Implement strategies to involve parents/families in the educational process, including:

3. Keeping parents/families informed of opportunities for involvement and encouraging participation in various programs.

4. Providing access to educational resources for parents/families to use together with their children.

5. Keeping parents/families informed of the objectives of district educational programs as well as of their child's participation and progress within these programs.
6. Enable families to participate in the education of their children through a variety of roles. For example, parents/family members should be given opportunities to provide input into district policies and volunteer time within the classrooms and school programs.

7. Provide professional development opportunities for teachers and staff to enhance their understanding of effective parent/family involvement strategies.

8. Perform regular evaluations of parent/family involvement at each school and at the district level.

9. Provide access, upon request, to any instructional material used as part of the educational curriculum.

10. If practical, provide information in a language understandable to parents.

Policy History:
Adopted on: 4/14/2014
Revised on:
BOARD OF TRUSTEES

2160 - Title I

Title I Parent Involvement

The District endorses the parent involvement goals of Title I and encourages the regular participation of parents of Title I eligible children in all aspects of the program. The education of children is viewed as a cooperative effort among the parents, school, and community. In this policy the word “parent” also includes guardians and other family members involved in supervising the child's schools.

Pursuant to federal law the District will develop jointly with, agree upon with, and distribute to parents of children participating in the Title I program a written parent involvement policy.

At the required annual meeting of Title I parents, parents will have opportunities to participate in the design, development, operation, and evaluation of the program for the next school year. Proposed activities to fulfill the requirements necessary to address the requirements of parental-involvement goals shall be presented.

In addition to the required annual meeting, at least three (3) additional meetings shall be held at various times of the day and/or evening for parents of children participating in the Title I program. These meetings shall be used to provide parents with:

1. Information about programs provided under Title I;
2. A description and explanation of the curriculum in use, the forms of academic assessment used to measure student progress, and the proficiency levels students are expected to meet;
3. Opportunities to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children; and
4. The opportunity to bring parent comments, if they are dissatisfied with the school's Title I program, to the District level.

Title I funding, if sufficient, may be used to facilitate parent attendance at meetings, through payment of transportation and childcare costs.

The parents of children identified to participate in Title I programs shall receive from the school County Superintendent and Title I staff an explanation of the reasons supporting each child's selection for the program, a set of objectives to be addressed, and a description of the services to be provided. Opportunities will be provided for the parents to meet with the teachers to discuss their child's progress. Parents will also receive guidance as to how they can assist at home in the education of their children.

The District shall develop jointly with parents of children served in the program a “School-Parent Compact” outlining the manner in which parents, teacher, and students share the responsibility for improved student academic achievement in meeting state standards. The “School-Parent Compact” shall:

1. Describe the school's responsibility to provide high quality curriculum and instruction in a supportive and effective learning environment enabling children in the Title I program to meet the state's academic achievement standards;
2. Indicate the ways in which each parent will be responsible for supporting their child's learning, such as monitoring attendance, homework completion, and television watching; volunteering in the classroom; and participating, as appropriate, in decisions related to their child's education and positive use of extracurricular time; and
3. Address the importance of parent-teacher communication on an ongoing basis with, at a minimum,
parent-teacher conference, frequent reports to parents, and reasonable access to staff.

The Title I teacher is the Title I coordinator for the Pioneer School District.

Legal Reference:
“6301-6514, as implemented by 34 CFR parts 200, 201, 203, 205, and 212
Improving America's Schools Act, P.L. 103-382, ' 1112 Local Education Agency Plans
P.L. 107-110, ANo Child Left Behind Act of 2001,@ Title I B Improving the Academic Achievement of the
Disadvantaged, ' 1118

Policy History:
Adopted on: 11/2005
Revised on:
BOARD OF TRUSTEES

2160P - Title I

Title I Parent Involvement

In order to achieve the level of Title I parent involvement desired by District policy on this topic, these procedures guide the development of each school annual plan designed to foster a cooperative effort among parents, school, and community.

Guidelines

Parent involvement activities developed at each school will include opportunities for:

- Volunteering;
- Parent education;
- Home support for the child’s education;
- Parent participation in school decision making.

The school system will provide opportunities for professional development and resources for staff and parents/community regarding effective parent involvement practices.

Roles and Responsibilities

Parents

It is the responsibility of the parent to:

- Actively communicate with school staff;
- Be aware of rules and regulations of school;
- Take an active role in the child’s education by reinforcing at home the skills and knowledge the student has learned in school;
- Utilize opportunities for participation in school activities.

Staff

It is the responsibility of staff to:

- Develop and implement a school plan for parent involvement;
- Promote and encourage parent involvement activities;
- Effectively and actively communicate with all parents about skills, knowledge, and attributes students are learning in school and suggestions for reinforcement;
- Send information to parents of Title I children in a format and, to the extent practicable, in a language the parents can understand.

Community

Community members who volunteer in the schools have the responsibility to:

- Be aware of rules and regulations of the school;
- Utilize opportunities for participation in school activities.
Administrator

It is the responsibility of the Administrator to:

- Facilitate and implement the Title I Parent Involvement Policy and Plan;
- Provide training and space for parent involvement activities;
- Provide resources to support successful parent involvement practices;
- Provide in-service education to staff regarding the value and use of contributions of parents and how to communicate and work with parents as equal partners;
- Send information to parents of Title I children in a format and, to the extent practicable, in a language the parents can understand.

Policy History:
Adopted on: 8/2003
Revised on: 11/2005, 6/2017
BOARD OF TRUSTEES

2161 - Special Education

The District will 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 (IDEA), provisions of Montana law, and the Americans with Disabilities Act.

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

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

Legal Reference:

- § 20-7-Part Four. MCA Special Education for Exceptional Children

Policy History
Adopted on: 8/2003
Revised on: 11/2005
BOARD OF TRUSTEES  
2161P - Special Education

The Administrator shall place the annual application on the agenda of a regular meeting of the Board, for action prior to submission to the state educational agency for final approval.

**Child Find**

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

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

1. Procedures used to annually inform the public of all child find activities, for children zero through twenty-one;

2. Identity of the special education coordinator;

3. Procedures used for collecting, maintaining, and reporting data on child identification;

4. Procedures for Child Find Activities (including audiological, health, speech/language, and visual screening and review of data or records for students who have been or are being considered for retention, delayed admittance, long-term suspension or expulsion or waiver of learner

   a) Infants and Toddlers (Birth through Age 2)  
      Procedures for referral of infants and toddlers to the appropriate early intervention agency, or procedures for conducting child find.

   b) Preschool (Ages 3 through 5)  
      Part C Transition planning conferences; frequency and location of screenings; coordination with other agencies; follow-up procedures for referral and evaluation; and procedures for responding to individual referrals.

   c) In-School (Ages 6 through 18)  
      Referral procedures, including teacher assistance teams, parent referrals, and referrals from other sources; and follow-up procedures for referral and evaluation.

   d) Post-School (Ages 19 through 21)  
      Individuals who have not graduated from high school with a regular diploma and who were not previously identified. Describe coordination efforts with other agencies.

   e) Private Schools (This includes home schools.)  
      Child find procedures addressing the provisions of A.R.M. 10.16.3125(1); follow-up procedures for referral and evaluation.

   f) Homeless Children
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. 300.530-300.536 and the following state administrative rules:

- 10.16.3320 - Referral;
- 10.60.103 - Identification of Children with Disabilities;
- 10.16.3321 - Comprehensive Educational Evaluation Process;
- 10.16.3322 - Composition of an Evaluation Team

Procedural Safeguards and Parental Notification

The District implements the procedural safeguard procedures as identified in 34 C.F.R. 300.500 - 300.529 and A.R.M. 10.16.3129.

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

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

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

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

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

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

Administrative Representative on Evaluation Team

The Superintendent shall be 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. 300.342-300.350 and A.R.M. 10.16.3342.

**Least Restrictive Environment**

To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled, and special classes, separate schooling, or other removal of children with disabilities from the regular class occurs only if the nature or severity of the disability is such that education in regular classes, with the use of supplementary aids and services, cannot be achieved satisfactorily. Educational placement decisions are made in accordance with A.R.M. 10.16.3340 and the requirements of 34 C.F.R. 300.550 - 300.556, and a continuum of alternate placements is available as required in 34 C.F.R. 300.551.

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

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. 300.453 - 300.462, 612(a)(10) and A.R.M. 10.16.3122. If a child with a disability is placed in or referred to a private school or facility by the District, or parentally placed, the District will provide special education and related services in accordance with the requirements and procedures of 34 C.F.R. 300.401 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. 300.562-300.577, 300.622, § 20-1-213, MCA, and A.R.M. 10.16.3560.

**B. Access Rights**

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

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

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

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

E. Destruction of Information

The District will inform parents five (5) years after the termination of special education services that personally identifiable information is no longer needed for program purposes. The parent will be advised that such information may be important to establish eligibility for certain adult benefits. At the parent’s request, the record information shall either be destroyed or made available to the parent or to the student if eighteen (18) years or older. Reasonable effort shall be made to provide the parent with notification sixty (60) days prior to taking any action on destruction of records. Unless consent has been received from the parent to destroy the record, confidential information will be retained for five (5) years beyond legal school age.

F. Children’s Rights

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

Discipline

Students with disabilities may be suspended from school the same as students without disabilities for the same infractions or violations for up to ten (10) consecutive school days. Students with disabilities may be suspended for additional periods of not longer than ten (10) consecutive school days for separate, unrelated incidents, so long as such removals do not constitute a change in the student’s educational placement. However, for any additional days of removal over and above ten (10) school days in the same school year, the District will provide educational services to a disabled student, which will be determined in consultation with at least one of the child’s teachers, determining the location in which services will be provided. The District will implement the disciplinary procedures in accord with the requirements of CFR 300.519 – 300. 530.

Legal Reference:

- 34 CFR 300.1, et seq. Individuals with Disabilities Act (IDEA)
- § 20-1-213, MCA Transfer of school records
- 10.16.3122 ARM Local Educational Agency Responsibility for Students with Disabilities
- 10.16.3129 ARM Parental Involvement
- 10.16.3220 ARM Program Narrative
- 10.16.3321 ARM Comprehensive Educational Evaluation Process
- 10.16.3322 ARM Composition of a Child Study Team
- 10.16.3340 ARM Individualized Education Program and Placement Decisions
- 10.16.3342 ARM Transfer Students: Intrastate and Interstate
- 10.16.3560 ARM Special Education Records
- 10.60.103 ARM Identification of Children with Disabilities

Policy History:
Adopted on: 8/2003
Revised on: 9/8/08, 8/12/2008, 6/2017
2162 - Section 504 of the Rehabilitation Act of 1973 ("Section 504")

Section 504 of the Rehabilitation Act of 1973 ("Section 504")

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

The County Superintendent is the 504 Coordinator for the Pioneer School District.

Legal Reference:


Policy History:
Adopted on: 11/2005
Revised on:
BOARD OF TRUSTEES

2162P - Section 504 of the Rehabilitation Act of 1973 ("Section 504")

(1) Impartial Due Process Hearing. If the parent or legal guardian of a student who qualifies under Section 504 for special instruction or related services disagrees with a decision of the District with respect to: (1) the identification of the child as qualifying for Section 504; (2) the District's evaluation of the child; and/or (3) the educational placement of the child, the parents of the student are entitled to certain procedural safeguards. The student shall remain in his/her current placement until the matter has been resolved through the process set forth herein.

A. The District shall provide written notice to the parent or legal guardian of a Section 504 student, prior to initiating an evaluation of the child and/or determining the appropriate educational placement of the child, including special instruction and/or related services;

B. Upon request, the parent or legal guardian of the student shall be allowed to examine all relevant records relating to the child's education and the District's identification, evaluation, and/or placement decision;

C. The parent or legal guardian of the student may make a request in writing for an impartial due process hearing. The written request for an impartial due process hearing shall identify with specificity the areas in which the parent or legal guardian is in disagreement with the District;

D. Upon receipt of a written request for an impartial due process hearing, a copy of the written request shall be forwarded to all interested parties within three (3) business days;

E. Within ten (10) days of receipt of a written request for an impartial due process hearing, the District shall select and appoint an impartial hearing officer who has no professional or personal interest in the matter. In that regard, the District may select a hearing officer from the list of special education hearing examiners available at the Office of Public Instruction, the county superintendent or any other person who would conduct the hearing in an impartial and fair manner;

F. Once the District has selected an impartial hearing officer, the District shall provide the parent or legal guardian and all other interested parties with notice of the person selected;

G. Within five (5) days of the District's selection of a hearing officer, a 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;

H. The hearing officer shall, in writing, notify all parties of the date, time, and location of the due process hearing;

I. Anytime prior to the hearing, the parties may mutually agree to submit the matter to mediation. A mediator may be selected from the Office of Public Instruction's list of trained mediators;

J. At the hearing, the District and the parent or legal guardian may be represented by counsel;

K. The hearing shall be conducted in an informal but orderly manner. Either party may request that the hearing be recorded. Should either party request that the hearing be recorded, it shall be recorded using either appropriate equipment or a court reporter. The District shall be allowed to present its case first. Thereafter the parent or legal guardian shall be allowed to present its case. Witnesses may be called to testify, and documentary evidence may be admitted; however, witnesses will not be subject to cross-examination, and the Montana Rules of Evidence will not apply. The hearing officer shall make all decisions relating to the relevancy of all evidence intended to be presented by the parties. Once all evidence has been received, the hearing officer shall close the hearing. The hearing officer may request that both parties submit proposed findings of fact,
conclusions, and decision;
L. Within twenty (20) days of the hearing, the hearing examiner should issue a written report of his/her decision to the parties;
M. Appeals may be taken as provided by law. The parent or legal guardian may contact the Office of Civil Rights, 1244 Speer Boulevard, Suite 310, Denver, CO 80204-3582; (303) 844-5695 or (303) 844-5696.

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

Cross Reference: 1700 Uniform Complaint Procedure

Legal Reference:
- 34 C.F.R. 104.36 Procedural safeguards

Policy History:
Adopted on: 11/2005
Revised on:
INSTRUCTION

2166 - Gifted Program

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

The District shall:

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

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

Legal References: §§ 20-7-901 - 904, MCA Gifted and Talented Children

10.55.804, ARM Gifted and Talented

Policy History:
Adopted on: 4/14/2014
Revised on: 6/6/2016
INSTRUCTION

2168 - Distance, Online, and Technology-Delivered Learning

For purposes of this policy, “distance learning” is defined as: instruction in which students and teachers are separated by time and/or location with synchronous or asynchronous content, instruction, and communication between student and teacher (e.g., correspondence courses, online learning, videoconferencing, streaming video).

The District may receive and/or provide distance, online, and technology-delivered learning programs, provided the following requirements are met:

1. The distance, online, and technology-delivered learning programs and/or courses shall meet the learner expectations adopted by the District and be aligned with state content and performance standards;

2. The District shall provide a report to the Superintendent of Public Instruction, documenting how it is meeting the needs of students under the accreditation standards, who are taking a majority of courses during each grading period via distance, online, and/or technology-delivered programs;

3. The District will provide qualified instructors and/or facilitators as described in ARM 10.55.907(3)(a)(b)(c);

4. The District will ensure that the distance, online, and technology-delivered learning facilitators receive in-service training on technology-delivered instruction as described in ARM 10.55.907(3)(d); and

5. The District will comply with all other standards as described in ARM 10.55.907(4)(5)(a-e).

The District will permit a student to enroll in an approved distance learning course, in order that such student may include a greater variety of learning experiences within the student’s educational program.

Credit for distance learning courses may be granted, provided the following requirements are met:

1. Prior permission has been granted by the principal;

2. The program fits the education plan submitted by the regularly enrolled student;

3. The course does not replace a required course offered by the District;

4. The course is needed as credit retrieval and cannot fit into the student’s schedule; and

5. Credit is granted for schools and institutions approved by the District after evaluation for a particular course offering.

6. The District will not be obligated to pay for a student’s distance learning courses.

Cross Reference: 2410 and 2410P High School Graduation Requirements
Legal Reference: ARM 10.55.602 Definitions
ARM 10.55.705 Administrative Personnel; Assignment of School Administrators/Principals
ARM 10.55.906 High School Credit
ARM 10.55.907 Distance, Online, and Technology Delivered Learning

Policy History:
Adopted on: 8/12/2008
Revised on: 4/14/2014
INSTRUCTION

2171 - Significant Writing Program

The Board of Trustees has determined that incorporating an independent significant writing program in the District is not possible given the financial status of the district, the number of staff employed, and the time available within the class schedule. Writing will be incorporated in all aspects of the curriculum.

Legal References:

10.55.701(2) (p) ARM   Board of Trustees
10.55.713 (4) ARM       Teacher Load and Class Size

Policy History:
Adopted on: 4/14/2014
Revised on:
BOARD OF TRUSTEES

2221 - School Closure

School Closure

The Administrator, in coordination with at least one Board member may order closure of schools in the event of extreme weather or other emergency, in compliance with established procedures for notifying parents, students, and staff. In the event that no Board member can be reached, the Administrator will order the closure.

The Trustees may order the emergency closure of schools for one school day each year, without the need to reschedule the lost pupil instruction time when the closure is the result of an emergency.

Legal Reference:

§§ 20-9-801 - 802, MCA

Emergency school closure

Policy History:
Adopted on: 11/2005
Revised on: 2/12/2019
BOARD OF TRUSTEES

2250 - Community and Adult Education

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

Legal Reference:

20-7-703, MCA

Trustees = policies for adult education

Policy History:
Adopted on: 11/2005
Revised on:
BOARD OF TRUSTEES

2309 - Library Materials

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

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

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

Cross Reference:
1700 Uniform Complaint Procedure
2314 Learning Materials Review

Legal Reference:

§ 20-4-402(5), MCA   Duties of district superintendent or county high school principal
§ 20-7-203, MCA       Trustees’ policies for school library
§ 20-7-204, MCA       School library book selection

Policy History:
Adopted on: 8/2003
Revised on: 11/2005
BOARD OF TRUSTEES

2310P - Selection of Library Materials

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

Weeding

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

Discarded materials will be clearly indicated:

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

Gifts

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

Policy History:
Adopted on: 8/2003
Revised on: 11/2005
INSTRUCTION

2311 - 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;
- Provide background information to enable students to make intelligent judgments;
- Present opposing sides of controversial issues;
- Be representative of the many religious, ethnic, and cultural groups and their contributions to our American heritage;
- Depict in an accurate and unbiased way the cultural diversity and pluralistic nature of American society.

Basic instructional course material in the fundamental skill areas of language arts, mathematics, science, and social studies should be reviewed at intervals not exceeding five (5) years. All instructional materials must be sequential and must be compatible with previous and future offerings.

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

Cross Reference: 2314 Learning Materials Review

Legal Reference:
§ 20-4-402, MCA Duties of district superintendent or county high school principal
§ 20-7-601, MCA Free textbook provisions
§ 20-7-602, MCA Textbook selection and adoption

Policy History:
Adopted on: 8/2003
INSTRUCTION

2311P - Selection, Adoption, and Removal of Textbooks and Instructional Materials

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

Selection and Adoption

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

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

Removal

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

Policy History:
Adopted on:
Revised on: 4/14/2014, 6/2017
INSTRUCTION

2312 - Copyright

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

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

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

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

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 Administrator/Administrator. The Administrator/Administrator will assist staff in obtaining proper authorization to copy or use protected materials, when such authorization is required.


Policy History:
Adopted on: 8/2003
Revised on: 11/2005, 4/14/2014
INSTRUCTION

2312P - Copyright Compliance

**Authorized Reproduction and Use of Copyrighted Material in Print**

- Materials on the Internet should be used with caution since they may, and likely are, copyrighted.
- Proper attribution (author, title, publisher, place and date of publication) should always be given.
- Notice should be taken of any alterations to copyrighted works, and such alterations should only be made for specific instructional objectives.
- Care should be taken in circumventing any technological protection measures. While materials copied pursuant to fair use may be copied after circumventing technological protections against unauthorized copying, technological protection measures to block access to materials may not be circumvented.

In preparing for instruction, a teacher may make or have made a single copy of a chapter from a book; an article from a newspaper or periodical; a short story, short essay, or short poem; or a chart, graph, diagram, drawing, cartoon, or picture from a book, periodical, or newspaper. A teacher may make multiple copies, not exceeding more than one (1) per student, for classroom use if the copying meets the tests of “brevity, spontaneity and cumulative effect” set by the following guidelines. Each copy must include a notice of copyright.

1. **Brevity**
   a) A complete poem, if less than 250 words and two pages long, may be copied; excerpts from longer poems cannot exceed 250 words.
   b) Complete articles, stories or essays of less than 2500 words or excerpts from prose works less than 1000 words or 10% of the work, whichever is less, may be copied; in any event, the minimum is 500 words. (Each numerical limit may be expanded to permit the completion of an unfinished line of a poem or prose paragraph.)
   c) One chart, graph, diagram, drawing, cartoon, or picture per book or periodical issue may be copied. “Special” works cannot be reproduced in full; this includes children’s books combining poetry, prose, or poetic prose.

2. **Spontaneity.** Should be at the “instance and inspiration” of the individual teacher. When there is not a reasonable length of time to request and receive permission to copy.

3. **Cumulative Effect.** Teachers are limited to using copied material for only one (1) course in the school in which copies are made. No more than one (1) short poem, article, story or two (2) excerpts from the same author may be copied, and no more than three (3) works can be copied from a collective work or periodical issue during one (1) class term.

4. Teachers are limited to nine (9) instances of multiple copying for one (1) course during one (1) class term. Limitations do not apply to current news periodicals, newspapers, and current news sections of other periodicals.

Performances by teachers or students of copyrighted dramatic works without authorization from the copyright owner are permitted as part of a teaching activity in a classroom or instructional setting. All other performances require permission from the copyright owner. The copyright law prohibits using copies to replace or substitute for anthologies, consumable works, compilations, or collective works. “Consumable” works include: workbooks, exercises, standardized tests, test booklets, and answer sheets. Teachers cannot substitute copies for the purchase of books, publishers’ reprints or periodicals, nor can they repeatedly copy the same item from term-to-term. Copying cannot be directed by a “higher authority,” and students cannot be charged more than actual cost.
of photocopying. Teachers may use copyrighted materials in overhead or opaque projectors for instructional purposes.

**Authorized Reproduction and Use of Copyrighted Materials in the Library**

A library may make a single copy or three digital copies of:

- An unpublished work which is in its collection;
- A published work in order to replace it because it is damaged, deteriorated, lost or stolen, provided the unused replacement cannot be obtained at a fair price.
- A work that is being considered for acquisition, although use is strictly limited to that decision. Technological protection measures may be circumvented for purposes of copying materials in order to make an acquisition decision.

A library may provide a single copy of copyrighted material to a student or staff member at no more than the actual cost of photocopying. The copy must be limited to one (1) article of a periodical issue or a small part of other material, unless the library finds that the copyrighted work cannot be obtained elsewhere at a fair price. In the latter circumstance, the entire work may be copied. In any case, the copy shall contain the notice of copyright, and the student or staff member shall be notified that the copy is to be used only for private study, scholarship, or research. Any other use may subject the person to liability for copyright infringement.

At the request of a teacher, copies may be made for reserve use. The same limits apply as for single or multiple copies designated in “Authorized Reproduction and Use of Copyrighted Material in Print.”

**Authorized Reproduction and Use of Copyrighted Music or Dramatic Works**

Teachers may:

- Make a single copy of a song, movement, or short section from a printed musical or dramatic work that is unavailable except in a larger work for purposes of preparing for instruction;
- Make multiple copies for classroom use of an excerpt of not more than 10% of a printed musical work if it is to be used for academic purposes other than performance, provided that the excerpt does not comprise a part of the whole musical work which would constitute a performable unit such as a complete section, movement, or song;
- In an emergency, a teacher may make and use replacement copies of printed music for an imminent musical performance when the purchased copies have been lost, destroyed or are otherwise not available.
- Make and retain a single recording of student performances of copyrighted material when it is made for purposes of evaluation or rehearsal;
- Make and retain a single copy of excerpts from recordings of copyrighted musical works for use as aural exercises or examination questions; and,
- Edit or simplify purchased copies of music or plays provided that the fundamental character of the work is not distorted. Lyrics shall not be altered or added if none exist.

Performance by teachers or students of copyrighted musical or dramatic works is permitted without the authorization of the copyright owner as part of a teaching activity in a classroom or instructional setting. The purpose shall be instructional rather than for entertainment.

Performances of nondramatic musical works that are copyrighted are permitted without the authorization of the copyright owner, provided that:
The performance is not for a commercial purpose;
- None of the performers, promoters or organizers are compensated; and,
- Admission fees are used for educational or charitable purposes only.

All other musical and dramatic performances require permission from the copyright owner. Parents or others wishing to record a performance should check with the sponsor to ensure compliance with copyright.

**Recording of Copyrighted Programs**

Television programs, excluding news programs, transmitted by commercial and non-commercial television stations for reception by the general public without charge may be recorded off-air simultaneously with broadcast transmission (including simultaneous cable retransmission) and retained by a school for a period not to exceed the first forty-five (45) consecutive calendar days after date of recording. Upon conclusion of this retention period, all off-air recordings must be erased or destroyed immediately. Certain programming such as that provided on public television may be exempt from this provision; check with the [principal, teacher or teacher librarian – choose all that apply or add others] or the subscription database, e.g. united streaming.

**Use of Information Resources Regulation**

Off-air recording may be used once by individual teachers in the course of instructional activities, and repeated once only when reinforcement is necessary, within a building, during the first 10 consecutive school days, excluding scheduled interruptions, in the 45 calendar day retention period. Off-air recordings may be made only at the request of and used by individual teachers, and may not be regularly recorded in anticipation of requests. No broadcast program may be recorded off-air more than once at the request of the same teacher, regardless of the number of times the program may be broadcast. A limited number of copies may be reproduced from each off-air recording to meet the legitimate needs of teachers. Each additional copy shall be subject to all provisions governing the original recording.

After the first ten consecutive school days, off-air recordings may be used up to the end of the 45 calendar day retention period only for evaluation purposes, i.e., to determine whether or not to include the broadcast program in the teaching curriculum. Permission must be secured from the publisher before the recording can be used for instructional purposes after the 10 day period.

Off-air recordings need not be used in their entirety, but the recorded programs may not be altered from their original content. Off-air recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations. All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.

**Authorized Reproduction and Use of Copyrighted Computer Software**

Schools have a valid need for high-quality software at reasonable prices. To assure a fair return to the authors of software programs, the school district shall support the legal and ethical issues involved in copyright laws and any usage agreements that are incorporated into the acquisition of software programs. To this end, the following guidelines shall be in effect:

- All copyright laws and publisher license agreements between the vendor and the school district shall be observed;
- Staff members shall take reasonable precautions to prevent copying or the use of unauthorized copies on school equipment;
- A back-up copy shall be purchased, for use as a replacement when a program is lost or damaged. If the vendor is not able to supply a replacement, the school district shall make a back-up copy that will be used for replacement purposes only;
A copy of the software license agreement shall be retained by the, [board secretary, technology director or teacher-librarian - choose all that apply or add others]; and,

A computer program may be adapted by adding to the content or changing the language. The adapted program may not be distributed.

**Fair Use Guidelines for Educational Multimedia**

Students may incorporate portions of copyrighted materials in producing educational multimedia projects such as videos, Power Points, podcasts and web sites for a specific course, and may perform, display or retain the projects.

**Use of Information Resources Regulation**

Educators may perform or display their own multimedia projects to students in support of curriculum-based instructional activities. These projects may be used:

- In face-to-face instruction;
- In demonstrations and presentations, including conferences;
- In assignments to students;
- For remote instruction if distribution of the signal is limited;
- Over a network that cannot prevent duplication for fifteen days, after fifteen days a copy may be saved on-site only; or,
- In their personal portfolios.

Educators may use copyrighted materials in a multimedia project for two years, after that permission must be requested and received.

The following limitations restrict the portion of any given work that may be used pursuant of fair use in an educational multimedia project:

- Motion media: ten percent or three minutes, whichever is less;
- Text materials: ten percent or 1,000 words, whichever is less;
- Poetry: an entire poem of fewer than 250 words, but no more than three poems from one author or five poems from an anthology. For poems of greater than 250 words, excerpts of up to 250 words may be used, but no more than three excerpts from one poet or five excerpts from an anthology;
- Music, lyrics and music video: Up to ten percent, but no more than thirty seconds. No alterations that change the basic melody or fundamental character of the work;
- Illustrations, cartoons and photographs: No more that five images by an artist, and no more than ten percent or fifteen images whichever is less from a collective work;
- Numerical data sets: Up to ten percent or 2,500 field or cell entries, whichever is less;

Fair use does not include posting a student or teacher’s work on the Internet if it includes portions of copyrighted materials. Permission to copy shall be obtained from the original copyright holder(s) before such projects are placed online. The opening screen of such presentations shall include notice that permission was granted and materials are restricted from further use.

**Notices**

Before including this section, make sure employees are ready to comply with it and notices are posted.
The [superintendent, principal, teacher, teacher-librarian, choose all that apply or add others] is responsible for ensuring that appropriate warning devices are posted. The warnings are to educate and warn individuals using school district equipment of the copyright law. Warning notices must be posted:

- On or near copiers;
- On forms used to request copying services;
- On video recorders;
- On computers; and,
- At the library and other places where interlibrary loan orders for copies of materials are accepted.

Policy History:
Adopted on: 11/2005
Revised on: 10/8/2012, 4/14/2014
BOARD OF TRUSTEES

2314 - Learning Materials Review

Citizens objecting to specific materials used in the District are encouraged to submit a complaint in writing and discuss the complaint with the Administrator prior to pursuing a formal complaint pursuant to the Uniform Complaint Procedure.

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

Cross Reference: Policy 1700 Uniform Complaint Procedure

Policy History:
Adopted on: 11/2005
Revised on: 6/2017
INSTRUCTION

2330 - 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. Relative maturity of students;
2. District philosophy of education;
3. Community standards, morals, and values;
4. Necessity for a balanced presentation; and
5. Necessity to seek administrative counsel and guidance in such matters.

Legal Reference: Article X, Sec. 8, Montana Constitution - School district trustees § 20-3-324(16) and (17), MCA Powers and duties

Policy History:
Adopted on: 8/2005
Revised on: 11/2005, 4/14/2014
INSTRUCTION

2413 - Credit Transfer and Assessment for Placement

Grades 1-6

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

1. The Administrator;
2. One (1) teacher of the grade in which the student is being considered for enrollment; and

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

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

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

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

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

Legal Reference: § 20-5-110, MCA

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

Policy History:
Adopted on: 11/2005
Revised on: 4/14/2014
INSTRUCTION

2421 - Promotion and Retention

Student placement, promotion, or retention will be determined after a careful evaluation of the advantages and disadvantages of alternatives.

All factors must be considered when an alteration to a student’s normal progression through school is contemplated. Quantitative measures, such as age, physical size, ability, and level of academic achievement, shall be supplemented by a qualitative assessment of student motivation, self-image, and social adjustment. Students will not be promoted for purely social reasons.

Teaching staff and administrator will make final decisions respecting promotion or retention.

Policy History:
Adopted on: 08/09/2010
Reviewed on: 10/13/2014, 11/10/2014, 10/12/2015
Revised on: 10/12/2015
INSTRUCTION

2450 - Recognition of Native American Cultural Heritage

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

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

Working cooperatively with Montana Tribes in close proximity to the District, when providing instruction, when implementing educational goals or adopting rules relating to education of students in the District;

Periodically reviewing its curriculum to ensure the inclusion of cultural heritage of Native Americans, which will include but not necessarily be limited to:

Considering methods by which to provide books and materials reflecting authentic historical and contemporary portrayals of Native Americans;

Taking into account individual and cultural diversity and differences among students;

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

The Board may require certified staff to satisfy the requirements for instruction in American Indian studies, set forth in § 20-1-503, MCA.

Legal Reference:  
Art. X, Sec. 1(2), Montana Constitution
§§ 20-1-501, et seq., MCA Indian Education for All
10.55.603 ARM Curriculum and Assessment
10.55.701 ARM Board of Trustees
10.55.803 ARM Learner Access

Policy History:
Adopted on: 8/2003
Revised on: 11/2005, 4/14/2014
INSTRUCTION
2510 - School Wellness

The Pioneer School District is committed to providing school environments that promote and protect children’s health, well-being, and ability to learn, by supporting healthy eating and physical activity. Therefore, it is the policy of the Pioneer School District that:

- The School District will engage students, parents, teachers (especially teachers of physical education), food service professionals, school health professionals, and other interested community members in developing, implementing, monitoring, and reviewing District-wide nutrition and physical activity policies and procedures.
- All students in grades K-12 will have opportunities, support, and encouragement to be physically active on a regular basis.
- The School District will inform and update the public every 3 years, at a minimum, (including parents, students, and others in the community) about the content and implementation of the local wellness policies. The District will also measure periodically and make available to the public an assessment of the local wellness policy, including:
  - The extent to which schools are in compliance with the local wellness policy;
  - The extent to which the LEA’s local wellness policy compares to model local school wellness policies; and
  - The progress made in attaining the goals of the local wellness policy.
- Foods and beverages sold or served at school will meet the nutrition recommendations of the U.S. Dietary Guidelines for Americans.
- Qualified child nutrition professionals will provide students with access to a variety of affordable, nutritious, and appealing foods that meet the health and nutrition needs of students; will accommodate the religious, ethnic, and cultural diversity of the student body in meal planning; and will provide clean, safe, and pleasant settings and adequate time for students to eat.
- To the maximum extent practicable, all schools in the District will participate in available federal school meal programs, including the School Breakfast Program and the National School Lunch Program (including after-school snacks).
- Schools will provide nutrition education and physical education to foster lifelong habits of healthy eating and physical activity and will establish linkages between health education and school meal programs and with related community services.

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

- Nutrition Education Goals
- Physical Activity Goals
- Nutrition Standards for All Foods and Beverages
- Other School-Based Wellness Activities
- Governance and Evaluation

Legal Reference P.L. 108-265 Child Nutrition and WIC Reauthorization Act of 2004
Policy History:
Reviewed on: 1/9/12
Revised on: 2/13/12, 11/7/2016
NONINSTRUCTIONAL OPERATIONS

2520 - Animals/Pets in Schools

The District recognizes that there are medical and physical dangers associated with animals, both wild and domesticated, in the classroom and/or on school property. The District also recognizes that under proper conditions, animals can be an effective teaching aid. The following guidelines are adopted regarding all animals (mammals, birds, reptiles/amphibians, fish, insects,) in the classroom or on school property.

- Under no circumstances are animals to be transported on school buses.
- All requests to have animals in the classroom or on school property must have prior written approval from the school board and classroom teacher. The request must identify type of animal/pet, educational purpose, length of activity, and plan for the care of the animal. The board and/or classroom teacher has the discretion to permit or deny the presence of animals.
- Students and teachers with allergies must receive special consideration before animals are brought into the school. Prior to any exposure to animals in school, the teacher should be aware of any condition such as allergies which could be exacerbated by exposure to animals.
- All requests to take field trips involving animals must be submitted to the board in writing. The board shall be guided by the district policy on field trips and shall also take into consideration any known allergies among the students.
- No domesticated animals, including dogs, cats, primates, or livestock, shall be allowed in schools unless proof of appropriate and/or current rabies vaccination is provided. Any domesticated mammal that is too young to be immunized for rabies will not be handled by students.
- No wild animals (e.g., skunks, raccoons, badgers, lynx, bobcats, bats, coyotes, or fox) shall be allowed unless under the control of an individual trained in the care and management of the animals (e.g., zookeepers, docents, veterinarians, etc.)
- All animals brought for exhibit must be restrained by the owner/handler.
- No poisonous animals are allowed unless brought in cages/containers that prevent contact with students and faculty.
- Each teacher is responsible for the proper supervision and control of students under his/her direction whenever there is an exhibit or activity involving animals in the school.
- Animals will be allowed to be housed in classrooms only for specified and appropriate educational purpose for the time necessary to achieve the educational goal.
- It is the responsibility of the teacher to provide a plan of care for classroom-housed animals including care on weekends, holidays, and during emergency closure.
- No animals will be allowed free range in district facilities or on district property.
- The principal and parent/guardian must be notified as soon as possible if an individual is bitten by an animal or any incident occurs which could have an adverse effect on physical or emotional health.

Policy History:
Adopted on: 04/12/2010
Revised on:
SERIES 3000
STUDENTS
STUDENT

3110 - Entrance, Placement, and Transfer

Entrance, Date, and Age

The trustees will enroll a child in kindergarten or in first grade whose fifth (5th) or sixth (6th) birthday occurs on or before the tenth (10th) day of September of the school year in which the child registers to enter school. Parents may request a waiver of the age requirement. All waivers are granted in the sole discretion of the District. A child who meets the requirement of being six (6) years old, but who has not completed a kindergarten program, will be tested and placed at the discretion of the administration. The District requires proof of identity and an immunization record for every child to be admitted to District schools. The trustees may at their discretion assign and admit a child to a school in the district who is under 6 years of age or an adult who is 19 years of age or older if there are exceptional circumstances that merit waiving the age provision.

School Entrance

5. The District requires that a student’s parents, legal guardian, or legal custodian present proof of identity of the child1 to the school within forty (40) days of enrollment, as well as proof of residence in the District. Students who are not residents of the District may apply for admission pursuant to Policy 3141. Homeless students shall be admitted pursuant to state and federal law, and Policy 3125.

6. To be admitted to District schools, in accordance with the Montana Immunization Law, a child must have been immunized against varicella, diphtheria, pertussis, tetanus, poliomyelitis, rubella, mumps, and measles in the manner and with immunizing agents approved by the department. Immunizations may not be required if a child qualifies for conditional attendance or an exemption is filed as provided by Montana law.

Placement

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

Transfer

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

Elementary Grades (K-8)

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

1. For the purposes of this section “proof of identity” means a certified copy of a birth certificate, a certified transcript or similar student records from the previous school, or any documentary evidence that a school district considers to be satisfactory proof of identity. 44-2-511(6)(a), MCA
Legal Reference:

- §20-5-101, MCA Admittance of child to school
- §20-5-403, MCA Immunization required B release and acceptance of Immunization records
- §20-5-404, MCA Conditional attendance
- §20-5-405, MCA Medical or religious exemption
- §20-5-406, MCA Immunization record
- §44-2-511, MCA School enrollment procedure
- 10.55.601, et seq., ARM Accreditation Standards: Procedures

Policy History:
Adopted on: 8/2003
Reviewed on: 7/14/2008
Revised on: 8/12/2008, 11/7/2016
STUDENTS

3120 - Compulsory Attendance

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

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

- Child’s sixteenth (16th) birthday; or
- Completion date of the work of eighth (8th) grade.

The provisions above do not apply in the following cases:

- The child has been excused under one of the conditions specified in 20-5-102.
- The child is absent because of illness, bereavement, or other reason prescribed by the policies of the trustees.
- The child has been suspended or expelled under the provisions of 20-5-202.

Compulsory attendance stated above will not apply when children:

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

Legal Reference:

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

Policy History:
Adopted on: 11/2005
Reviewed on: 1/9/12
Revised on: 2/13/12
STUDENTS

3121 - Enrollment and Attendance Records

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

A district may only include, for ANB purposes, an enrolled student who is:

- A resident of the district or a nonresident student admitted by trustees under a student attendance agreement and who is attending a school of the district;
- Unable to attend school due to a medical reason certified by a medical doctor and receiving individualized educational services supervised by the district, at district expense, at a home or facility that does not offer an educational program;
- Unable to attend school due to the student’s incarceration in a facility, other than a youth detention center, and who is receiving individualized educational services supervised by the district, at district expense, at a home or facility that does not offer an educational program;
- Living with a caretaker relative under § 1-1-215, MCA;
- Receiving special education and related services, other than day treatment, under a placement by the trustees at a private nonsectarian school or private program if the student’s services are provided at the district’s expense under an approved individual education plan supervised by the district;
- Participating in the Running Start Program at district expense under § 20-9-706, MCA;
- Receiving education services, provided by the district, using appropriately licensed district staff at a private residential program or private residential facility licensed by the Department of Public Health and Human Services;
- Enrolled in an educational program or course provided at district expense using electronic or offsite delivery methods, including but not limited to tutoring, distance learning programs, online programs, and technology delivered learning programs, while attending a school of the district or any other nonsectarian offsite instructional setting with the approval of the trustees of the district; or
- A resident of the district attending a Montana job corps program under an interlocal agreement with the district under § 20-9-707, MCA.
- A resident of the district attending a Montana Youth Challenge Program under an interlocal agreement with the district under § 20-9-707, MCA.

In order for a student who is served through distance learning or offsite delivery methods to be included in the calculation of average number belonging, the student must meet the residency requirements for that district; live in the district, and must be eligible for educational services under the Individuals with Disabilities Education Act or under 29 U.S.C. 794; or attend school in the district under a mandatory attendance agreement as provided in § 20-9-707, MCA.

Legal References:

§ 20-9-706, MCA Running Start Program
§ 20-9-706, MCA Running start program – authorizing class credits at postsecondary institution – eligibility – payment for credits
§ 20-9-707, MCA Agreement with Montana youth challenge program or
Policy History:
Adopted on: 8/2003
Reviewed on: 7/13/2009

29 U.S.C. 794  accredited Montana job corps program
Nondiscrimination under Federal grants and programs

34 CFR 300.1, et seq.  Assistance to states for the education of children with Disabilities
STUDENTS

3121 - Educational Authorization Affidavit

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

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

Name of child: ________________________________

Child's date of birth: __________________________

My name (caretaker relative) __________________________

My date and year of birth: __________________________

My home address: _________________________________

My relationship to the child: __________________________

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

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

___ The child was subject to formal disciplinary action, including suspension or expulsion, at the child's previous school. The school may require the child to comply with a behavior contract as a condition of enrollment.

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

___ A parent of the child identified above has left the child with me and has expressed no definite time period when the parent will return for the child.

___ The child is now residing with me on a full-time basis.

___ I am unable to locate or contact the parents of the child at this time to notify them of my intended authorization, or the parents refuse to regain custody of the child even though I have asked in writing that the parents do so.

___ No adequate provision, such as appointment of a guardian ad item or execution of a power of attorney, has been made for enrollment of the child in school, other educational services, or educationally related medical services.
Do not sign this form if any of the above statements are incorrect, or you will be committing a crime punishable by a fine, imprisonment, or both.

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

(Signature of caretaker relative)

Signed this ____________________________ day of ____________________, 20_____

Notary Public Must Complete Below

County of ________________________________

On this ____________________________ day of ____________________, 20__, before me, Notary Public for the state of Montana, personally appeared ________________________, known to me to be the person named in the foregoing Educational Authorization Affidavit, and acknowledged to me that ________________________

executed the same as ________________________ free act and deed for the purposes therein mentioned.

IN WITNESS THEREOF, I have hereunto set my hand and affixed my notarial seal the day and year in this certificate first above written.

Name: ________________________________ (SEAL)

NOTARY PUBLIC for the state of Montana

Residing at ____________________________, Montana

My commission expires: ________________________________

Notes

1. Completion of this affidavit does not affect the rights of the child’s parents or legal guardian regarding the care, custody, and control of the child and does not mean that the caretaker relative has legal custody of the child.

2. A person who relies on this affidavit has no obligation to make any further inquiry or investigation.

3. The completed affidavit is effective until the earlier of:
   a) The end of the first school year after delivery of the affidavit to a school district;
   b) Until it has been revoked by the caretaker relative; or
   c) Until the child no longer resides with the caretaker relative.
To caretaker relatives:

If the child stops living with you, you shall notify anyone to whom you have given this affidavit, as well as anyone who received the affidavit from someone else.

To public and private school officials and public and private healthcare providers:

- A public or private school official may require additional reasonable evidence that the caretaker relative lives at the address provided on the affidavit.
- A public or private entity or individual who acts in good-faith reliance upon a caretaker relative educational authorization affidavit to enroll a child in school or provide educational services or educationally related medical care, or both, without actual knowledge of facts contrary to those indicated in the affidavit, is not subject to criminal prosecution or civil liability to any person, or subject to any professional disciplinary action, for reliance on the affidavit completed.
STUDENTS

3121P - Enrollment and Attendance Records

**Average Number Belonging**

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

For a child to be counted for ANB purposes:

The child must meet the definition of pupil as found in § 20-1-101(11), MCA;

a) Attending 180 to 359 aggregate hours = One-quarter time enrollment
b) Attending 360 to 539 aggregate hours = One-half time enrollment
c) Attending 540 to 719 aggregate hours = Three-quarter time enrollment
d) Attending 720 aggregate hours or more = Full-time enrollment

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

**Homebound Students**

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

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

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

**Attendance Accounting**

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

On the first (1st) Monday in October and the first (1st) Monday in February, the number of all enrolled students (whether present or absent) by grade level and class will be recorded on the forms provided by the District. Special education children who are enrolled in special programs sixteen (16) hours or more a week will be listed separately. The Director of Special Education should be contacted to verify this count. Monthly student counts of enrolled children by grade and classroom will be provided by the office.
Legal Reference: 10.20.102, ARM Calculation of Average Number Belonging (ANB)
§ 20-1-101, MCA Definitions
§ 20-9-311, MCA Calculation of average number belonging (ANB) – three-year averaging

Policy History:
Adopted on:
Revised on: 6/6/2016
STUDENTS

3124-R Military Compact Waiver

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

Purpose

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

Applicability

This Compact applies only to children of:

1. Active duty members of the uniformed services as defined in the Compact, including member of the national guard and reserve on active duty orders pursuant to 10 U.S.C., 12301(d) and 12304;

2. Members of the veterans of the uniformed services who are severely injured and medically discharged or retired for a period of 1 year after medical discharge or retirement; and

3. Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of 1 year after death.

Educational Records and Enrollment

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

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

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

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

3. **Immunizations**: The District shall provide a period of thirty (30) days from the date of enrollment, or such other time frame as determined by the rules of the Interstate Commission, within which students may obtain any immunizations required by the District. Where the District’s requirements include a series of immunizations, initial vaccinations must be obtained within thirty (30) days, or within the timeline determined to be reasonable by the Interstate Commission.
4. **Kindergarten and First Grade Entrance Age:** Students shall be allowed to continue their enrollment at grade level at the District, commensurate with their grade level from their receiving school, including kindergarten, at the time of transition. However, the provisions of Montana Code 20-5-101 regarding trustees enrolling a child in kindergarten or in first grade whose fifth (5th) or sixth (6th) birthday occurs on or before the tenth (10th) day of September of the school year in which the child is to enroll but is not yet 19 years of age, shall continue to apply.

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

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

**Placement and Attendance**

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

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

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

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

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

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

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

4. **Placement Flexibility:** The District’s Administration shall have the flexibility to waive course/program prerequisites or other preconditions for placement in courses/programs offered by the receiving District.

5. **Absences Relating to Deployment Activities:** A student whose parent/legal guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or immediately returned from deployment in a combat zone or combat support position, shall be granted additional excused absences at the discretion of the District’s Superintendent to visit with his or her parent/legal guardian relative to such leave or deployment of the parent/guardian.

94
Eligibility

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

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

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

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

Graduation

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

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

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

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

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

   A. Exit exams or end-of-course exams required for graduation from the sending school;

   B. National norm-referenced achievement tests; or

   C. Alternative testing.

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

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

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

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

Cooperation

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

Cross Reference:
- 2333 Participation in Commencement Exercises
- 2410 – 2410P High School Graduation Requirements
- 2413 Credit Transfer and Assessment for Placement
- 3110 Participation in Commencement Exercises High School Graduation Requirements Credit Transfer and Assessment for Placement Entrance, Placement, and Transfer

Legal Reference:
- 20-1-230, MCA Enactment – interstate Compact on Educational Opportunity for Military Children – provisions

Policy History:
Adopted on: 10/2017
Revised on:
STUDENTS

3125 - 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 children with permanent housing. The District must assign and admit a child who is homeless to a District school regardless of residence and irrespective of whether the homeless child is able to produce records normally required for enrollment. The District may not require an out-of-District attendance agreement and tuition for a homeless child.

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

The Board of Trustees 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.

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

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

The Board of Trustee will give special attention to ensuring the enrollment and attendance of homeless children and youths not currently attending school. The Board of Trustee 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.

Cross Reference: 1700 Uniform Complaint Procedure

Legal Reference:

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

Policy History:
Adopted on: 11/2005
Reviewed on: 10/10/2016
Revised on: 11/7/2016
STUDENTS

3125F - Mckinney-Vento Homeless Education Assistance Dispute Resolution Form

School District ______________________ Liaison __________________________________________
Telephone ________________________________________________
Date of first contact by homeless individual, guardian, or representative __________________________
Homeless Student’s Name ________________________________________________________________
Describe the issue(s) in question
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
School District Contact ______________________ Telephone ______________________________
(Superintendent/Principal)
Date ________________ (within 7 business days)
Resolution of Liaison/School District Level (describe below) ________________________________
Forwarded to OPI Homeless Coordinator (please contact at (406) 444-2036) ____________________
Date ________________ (within 15 business days)
Resolution to OPI Homeless Coordinator Level (describe below) ____ or
Forwarded to Superintendent of Public Instruction _____________________________________________
Describe Resolution Results
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
Homeless Coordinator Signature ___________________________________________________________

This form must be filed with Heather Denny

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

Policy History:
Adopted on: 3/21/2018
Revised on:
STUDENTS
3141 - Discretionary Nonresident Student Attendance

The Board of Trustees of Pioneer School District #41 recognizing that the education need of its resident students include the need for an orderly educational process, free from disruption, overcrowding, and any kind of violence or disruptive influences, hereby establishes the following criteria for the admission of non-resident students:

a) The Pioneer School Board will make the final decision on admission of any nonresident student to Pioneer School. Except as required by §20-5-321, MCA, the district will admit nonresident students at its discretion.

b) Admission to Pioneer School as a nonresident student is a privilege, not a right granted by law. As such, the district will screen all non-resident students in order to determine that Pioneer School accept only those who meet the criteria set forth in this policy.

c) The District will examine a student’s records from previous school districts before any Board approval for admission. The student must have a passing academic record in the most recently attended school, on the most recent report card.

d) The student must have an acceptable behavior and conduct record in the most recently attended school and not have taken part of a behavioral plan.

e) The student must be able to demonstrate an attendance record free of truancy or excessive absences (meaning more than 5 per quarter or 10 per semester).

f) Have no criminal record.

g) Have correctly completed the application process. All nonresident students will be considered ineligible transportees for school transportation services. (§20-10-101

h) The District will not admit nonresident students when doing so would require hiring additional staff or providing educational services not currently offered or would create overcrowding of existing classes.

i) In reviewing the request for attendance the school administration shall consider the following:
  ▪ Accreditation standards
  ▪ Previous Attendance record
  ▪ Classroom teacher recommendation
  ▪ Classroom climate and morale

j) The Board will NOT admit any student who is expelled from another school district.

The District has the option of accepting a nonresident student who does not meet the criteria set forth by the administration, if the student agrees to special conditions of admission as set forth by the District.

Every nonresident student who attends Pioneer School District must reapply for admission for the succeeding year by June 15. Admission in one school year does not infer or guarantee admission in subsequent years. Parents will need to write a letter to the board requesting to remain at Pioneer School. The letter must be received by June 15th. All resident students who become nonresidents because their parent or guardians move out of the District may continue attendance for the completion of the school year, barring registration in another District. At the completion of the school year, the student must apply as a nonresident student.
The District reserves the right to charge tuition for nonresident students. At its discretion, the Board may charge or waive tuition for all students whose tuition is required to be paid by one kind of entity, defined as either a parent or guardian or a school district. Any waiver of tuition will be applied equally to all students whose tuition is paid by the same kind of entity (i.e., if the District charges tuition in those circumstances where a resident district pays but waives tuition in those circumstances where a parent or guardian is responsible for tuition, the tuition waiver will be applicable to all students whose parents or guardians bear the responsibility for payment).

The Board may declare an emergency which, in its opinion, necessitates the removal of all nonresident students from Pioneer School.

The Board will NOT admit any student who is expelled from another school district.

Legal Reference:

- § 20-5-314, MCA Reciprocal attendance agreement with adjoining state or province.
- §20-5-320, MCA Attendance with discretionary approval
- §20-5-321, MCA Attendance with mandatory approval - tuition and transportation.
- §20-5-322, MCA Residency determination - notification - appeal for attendance agreement
- §20-5-323, MCA Tuition and transportation rates
- 10.10.301B, ARM Out of District Attendance Agreements

Policy History:
Adopted on: 8/9/2010
Revised on: 3/21/2018
STUDENTS

3200 - Student Rights and Responsibilities

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

Cross Reference: 3231 Searches and Seizure
3310 Student Discipline

Legal Reference: § 20-4-302, MCA Discipline and punishment of pupils – definition of corporal punishment – penalty – defense

Policy History:
Adopted on: 4/14/14
Revised on:
STUDENTS

3210 - Equal Education, Nondiscrimination and Sex Equity

The District will make equal educational opportunities available for all students without regard to race, color, national origin, ancestry, sex, ethnicity, language barrier, religious belief, physical or mental handicap or disability, economic or social condition, or actual or potential marital or parental status, or in accordance with binding guidance of the Federal Office of Civil Rights regarding the scope of Title IX’s sex discrimination prohibition, gender identity, sexual orientation, or failure to conform to stereotypical notions of masculinity or femininity.

No student, on the basis of sex, will be denied equal access to programs, activities, services, or benefits or be limited in the exercise of any right, privilege, or advantage, or denied equal access to educational and extracurricular programs and activities.

Inquiries regarding discrimination or intimidation should be directed to the District Title IX Coordinator. Any individual may file a complaint alleging violation of this policy by following the Uniform Complaint Procedure (Policy 1700).

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

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

Cross Reference: 1700 Uniform Complaint Procedure

Legal Reference: Art. X, Sec. 7, Montana Constitution- Nondiscrimination in education

§ 49-2-307, MCA Discrimination in education

24.9.1001, et seq., ARM Sex Discrimination in Education

Policy History:
Adopted on: 8/2005
Revised on: 11/2005, 4/14/2014, 1/12/15
STUDENTS

3225 - Sexual Harassment/Intimidation of Students

Sexual harassment is a form of sex discrimination and is prohibited. An employee, District agent, or student engages in sexual harassment whenever that individual makes unwelcome advances, requests sexual favors, or engages in other verbal, non-verbal, or physical conduct of a sexual or sex-based nature, imposed on the basis of sex, that:

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

2. Has the purpose or effect of:
   a) Substantially interfering with a student’s educational environment;
   b) Creating an intimidating, hostile, or offensive educational environment;
   c) Depriving a student of educational aid, benefits, services, opportunities, or treatment; or
   d) Making submission to or rejection of such unwelcome 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 are not limited to unwelcome touching, crude jokes or pictures, discussions of sexual experiences, pressure for sexual activity, intimidation by words, actions, insults, or name calling, teasing related to sexual characteristics, and spreading rumors related to a person’s alleged sexual activities.

Students who believe that they may have been sexually harassed or intimidated should consult a teacher, or Title IX coordinator, or administrator, who will assist them in the complaint process. Supervisors or teachers who knowingly condone or fail to report or assist a student to take action to remediate such behavior of sexual harassment or intimidation may themselves be subject to discipline.

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

The District will make every effort to ensure that employees or students accused of sexual harassment or intimidation are given an appropriate opportunity to defend themselves against such accusations.

To the greatest extent possible, the District will treat complaints in a confidential manner. The District realizes that limited disclosure may be necessary in order to complete a thorough investigation. Retaliation against persons who file a complaint is a violation of law prohibiting discrimination and will lead to disciplinary action against an offender.

Any individual seeking further information should consult the Administrator/administrator for the name of the current Title IX Coordinator for the District. The Administrator/County Superintendent will ensure that student and employee handbooks include the name, address, and telephone number of an individual responsible for coordinating District compliance efforts.

An individual with a complaint alleging a violation of this policy should follow the Uniform Complaint Procedure.

Cross Reference: 1700 Uniform Complaint Procedure
Legal References:

Art. X, Sec. 1, Montana Constitution – Educational goals and duties

§§ 49-3-101, et seq., MCA Montana Human Rights Act


34 CFR Part 106 Nondiscrimination on the basis of sex in education programs or activities receiving Federal financial assistance

10.55.701(1)(f), ARM Board of Trustees

10.55.719, ARM Student Protection Procedures

10.55.801(1)(a), ARM School Climate

Policy History:
Adopted on: 8/2003
STUDENTS

3225F - Harassment Reporting Form for Students

School ____________________________ Date ____________________________

Student's name ____________________________

(If you feel uncomfortable leaving your name, you may submit an anonymous report, but please understand that an anonymous report will be much more difficult to investigate. We assure you that we’ll use our best efforts to keep your report confidential.)

* Who was responsible for the harassment or incident(s)? ____________________________

* Describe the incident(s). ____________________________

* Date(s), time(s), and place(s) the incident(s) occurred. ____________________________

* Were other individuals involved in the incident(s)? _____ yes _____ no
If so, name the individual(s) and explain their roles. ____________________________

* Did anyone witness the incident(s)? _____ yes _____ no
If so, name the witnesses. ____________________________

* Did you take any action in response to the incident? _____ yes _____ no
If yes, what action did you take? ____________________________

* Were there any prior incidents? _____ yes _____ no
If so, describe any prior incidents. ____________________________

__________________________
Signature of complainant

__________________________
Signatures of parents/legal guardians
STUDENTS  R

3226 - Bullying / Harassment /Intimidation / Hazing

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. This includes bullying, harassment, or intimidation via electronic communication devices ("cyberbullying").

Definitions

1. “Third parties” include but are not limited to coaches, school volunteers, parents, school visitors, service contractors or others engaged in District business, such as employees of businesses or organizations participating in cooperative work programs with the District, and others not directly subject to District control at inter-district and intra-District athletic competitions or other school events.

2. “District” includes District facilities, District premises, and non-District property if the student or employee is at any District-sponsored, District-approved, or District-related activity or function, such as field trips or athletic events, where students are under the control of the District or where the employee is engaged in District business.

3. “Hazing” includes but is not limited to any act that recklessly or intentionally endangers the mental or physical health or safety of a student for the purpose of initiation or as a condition or precondition of attaining membership in or affiliation with any District-sponsored activity or grade-level attainment, including but not limited to forced consumption of any drink, alcoholic beverage, drug, or controlled substance, forced exposure to the elements, forced prolonged exclusion from social contact, sleep deprivation, or any other forced activity that could adversely affect the mental or physical health or safety of a student; requires, encourages, authorizes, or permits another to be subject to wearing or carrying any obscene or physically burdensome article, assignment of pranks to be performed, or other such activities intended to degrade or humiliate.

4. “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, at any official school bus stop, or anywhere conduct may reasonably be considered to be a threat or an attempted intimidation of a student or staff member or an interference with school purposes or an educational function, and that has the effect of:

   a) Physically harm a student or damaging a student’s property;

   b) Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student’s property.

   c) Creating a hostile educational environment.

5. “Electronic communication device” means any mode of electronic communication, including but not limited to computers, cell phones, PDAs, or the internet.

Reporting

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

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

Responsibilities

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

Consequences

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

Retaliation and Reprisal

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

Cross Reference: 3225F Harassment Reporting Form for Students

Legal Reference: 10.55.701(1)(g), ARM Board of Trustees 10.55.801(1)(d), ARM School Climate

Policy History:
Adopted on: 4/14/2014
Revised on:
STUDENTS

3231 - Searches and Seizure

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

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

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

1. A “pat down” of the exterior of the student’s clothing;
2. A search of the student’s clothing, including pockets;
3. A search of any container or object used by, belonging to, or otherwise in the possession or control of a student; and/or
4. Devices or tools such as breath-test instruments, saliva test strips, etc.
5. The “pat down” or “search” of a student, if conducted, will be conducted by a school official or employee of the same gender as the student being searched.

School Property and Equipment and Personal Effects of Students

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

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

Students

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

Students may not use, transport, carry, or possess illegal drugs or any weapons in their vehicles on school property. While on school property, vehicles may be inspected at any time by staff, or by contractors employed by the District utilizing trained dogs, for the presence of illegal drugs, drug paraphernalia, or weapons. In the event the school has reason to believe that drugs, drug paraphernalia, or weapons are present, including by alert-trained dogs, the student’s vehicle will be searched, and the student expressly consents to such a search.
Also, by parking in the school parking lots, the student consents to having his/her vehicle searched if the school authorities have any other reasonable suspicion to believe that a violation of school rules or policy has occurred.

**Seizure of Property**

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

Legal Reference:  
*Terry v. Ohio*, 392 U.S. 1, 20 (1968)

Policy History:  
Adopted on: 11/2005  
Revised on: 8/12/2008, 4/14/2014, 1/12/15
STUDENTS

3231P - Searches and Seizure

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

1. The Administrator and the authorized assistant shall be authorized to conduct any searches or to seize property on or near school premises, as further provided in this procedure.

2. If the authorized individual have reasonable suspicion to believe that any locker, car, or other container of any kind on school premises contains any item or substance which constitutes an imminent danger to the health and safety of any person or to the property of any person or the District, the individual is authorized to conduct a search of any car or container and to seize any such item or substance.

3. The authorized individual may perform random searches of any locker or container of any kind on school premises without notice or consent.

4. If the authorized individual has any reasonable suspicion to believe that any student has any item or substance in his/her possession, which constitutes an imminent danger to the property of any person or the District, the individual is authorized to conduct a search of any car or container and to seize any such item or substance.

5. No student shall hinder, obstruct, or prevent any search authorized by this procedure.

6. Whenever circumstances allow, any search or seizure authorized in this procedure shall be conducted in the presence of at least one (1) adult witness, and a written record of the time, date, and results shall be made by the individual.

7. In any instance where an item or substance is found which would appear to be in violation of the law, the circumstance shall be reported promptly to the appropriate law enforcement agency.

8. In any situation where the individual is in doubt as to the propriety of proceeding with any search or seizure, the individual is authorized to report to and comply with the directions of any public law enforcement agency.

Policy History:
Adopted on: 11/2005
Revised on: 8/13/2007, 4/14/2014
STUDENTS

3300 - Suspension and Expulsion

The District recognizes and honors students’ constitutional right to education opportunity. However, as provided under Montana law, the District will exercise its right to suspend or expel a student when necessary. The District expects all students to know and follow District policies and rules. The District considers a student’s failure or refusal to comply with District policies and rules cause for discipline, suspension, or expulsion.

The following definitions apply for purposes of this policy:

- “Suspension” means the exclusion of a student from attending individual classes or school and participating in school activities for an initial period not exceed ten (10) school days. An administrator may order suspension of a student.
- “Expulsion” is any removal of a student for more than twenty (20) school days without the provision of educational services. Expulsion is a disciplinary action available only to the Board.

Students with disabilities will be suspended or expelled pursuant to provisions of the Individuals with Disabilities Education Act (IDEA) or Rehabilitation Act and corresponding Montana law.

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

The staff will develop procedures to implement this policy and submit the procedures to the Board for its advice and consent.

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

Legal Reference:

20 U.S.C. 1400, et seq. Individuals with Disabilities Education Act
34 CFR 300.519-521 Procedural Safeguards
§ 20-4-302, MCA Discipline and punishment of pupils – definition of
corporal punishment – penalty – defense
§ 20-4-402, MCA Duties of district superintendent or county high school
principal
§ 20-5-105, MCA Attendance officer – powers and duties
§ 20-5-106, MCA Truancy
§ 20-5-201, MCA Duties and sanctions
§ 20-5-202, MCA Suspension and expulsion
ARM 10.16.3346 Aversive Treatment Procedures

Policy History:
Adopted on: 11/2005
Revised on: 2/13/2012, 4/14/2014
STUDENTS

3310 - Student Discipline

The Board grants authority to a teacher or principal to hold a student to strict accountability for disorderly conduct in school, on the way to or from school, or during intermission or recess.

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

- Using, possessing, distributing, purchasing, or selling tobacco products.
- Using, possessing, distributing, purchasing, or selling alcoholic beverages. Students who may be under the influence of alcohol will not be permitted to attend school functions and will be treated as though they had alcohol in their possession.
- Using, possessing, distributing, purchasing, or selling drug paraphernalia, illegal drugs, controlled substances, or any substance which is represented to be or looks like a narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, stimulant, depressant, or intoxicant of any kind, including such substances that contain chemicals which produce the same effect of illegal substances including but not limited to Spice and K2. Students who may be under the influence of such substances will not be permitted to attend school functions and will be treated as though they had drugs in their possession.
- Using, possessing, controlling, or transferring a weapon in violation of the “Possession of Weapons other than Firearms” section in policy 3311.
- Using, possessing, controlling, or transferring any object that reasonably could be considered or used as a weapon as referred to in policy 3311.
- Disobeying directives from staff members or school officials or disobeying rules and regulations governing student conduct.
- Using violence, force, noise, coercion, threats, intimidation, fear, or other comparable conduct toward anyone or urging other students to engage in such conduct.
- Causing or attempting to cause damage to, or stealing or attempting to steal, school property or another person’s property.
- Engaging in any activity that constitutes an interference with school purposes or an educational function or any other disruptive activity.
- Unexcused absenteeism. Truancy statutes and Board policy will be utilized for chronic and habitual truants.
- Hazing or bullying.
- 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 conduct may reasonably be considered to be a threat or an attempted intimidation of a staff member or an interference with school purposes or an educational function.

**Disciplinary Measures**

Disciplinary measures include but are not limited to:

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

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

**Delegation of Authority**

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

Cross Reference: 3300 Corrective Actions and Punishment

Legal Reference:

- § 20-4-302, MCA Discipline and punishment of pupils – definition of corporal punishment – penalty – defense
- § 20-5-202, MCA Suspension and expulsion
- § 45-8-361, MCA Possession or allowing possession of weapon in school building – exceptions – penalties – seizure and forfeiture or return authorized – definitions

Policy History:
Adopted on: 11/2005
Revised on: 2/15/2011, 4/14/2014
STUDENTS

3310P - Discipline of Students With Disabilities

Code of Conduct Violations by Students With Disabilities, Resulting in Disciplinary Consequences of Ten (10) School Days or Less

Student commits code of conduct violation for which the disciplinary consequence would result in removal from the student’s placement for ten (10) consecutive school days or less.

School personnel may assign the consequence applicable to non-disabled students for a similar period of time, not to exceed ten (10) consecutive school days. Reg. 300.520(a)(1)(i).

During the first (1st) ten (10) cumulative school days in one (1) school year, the school does not have to provide any services to the student if non-disabled students would not receive services. Reg. 300.121(d)(1).

School personnel may continue to remove the student for disciplinary reasons for up to ten (10) school days at a time throughout the same school year for separate incidents of misconduct, so long as the removals do not constitute a change of placement under Reg. 300.519(b) and are those which would be applied to non-disabled students. Reg. 300.520(a)(1)(i).

Beginning with the eleventh (11th) day of disciplinary removals in a school year, educational services must be provided. Reg. 300.520(a)(1)(ii); Reg. 300.121(d)(2)(i)(A). If the removal does not result in a change of placement, school personnel, in consultation with the student’s special education teacher, determine the services to be provided. Reg. 300.121(d)(3)(i).

A series of disciplinary removals, each for ten (10) consecutive school days or less, may result in a change of placement if they cumulate to more than ten (10) school days in one (1) school year. School personnel should analyze the length of each removal, the proximity of the removals to each other, and the total amount of time the child is removed. Reg. 300.519(b). If a removal would result in a change of placement, a manifestation determination review (MDR) must first be done. Reg. 300.523(a).

The educational services to be provided must meet the standard of enabling the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals in the IEP. Reg. 300.121(d)(2)(i)(A).
Beginning with the eleventh (11th) day of disciplinary removals in a school year, the IEP Team must address behavioral issues. If the removal does not result in a change of placement, the IEP Team must meet within ten (10) business days of first removing the student for more than ten (10) school days in a school year, to develop a plan to conduct a functional behavioral assessment, if one was not conducted before the behavior that resulted in the removal. Reg. 300.520(b)(1)(i).

After the functional behavioral assessment is completed, the IEP Team meets as soon as practicable to develop a behavioral intervention plan to address the behavior and implement the plan. Reg. 300.520(b)(2).

If the student is assigned subsequent disciplinary removals in a school year for ten (10) days or less that do not result in a change of placement, the IEP Team members (including the parent) informally review the behavior intervention plan and its implementation to determine if modifications are necessary. Reg. 300.520(c)(2).

If one or more team members believe modifications are needed, the IEP Team must meet to modify the plan and its implementation to the extent the IEP Team deems necessary. Reg. 300.520(c)(2).

The recommended disciplinary consequence may be for a removal from the current educational placement for less than ten (10) consecutive school days, but may constitute a change of placement because the student has already been removed for disciplinary reasons for ten (10) or more school days in the current school year, and the length of each removal, their proximity to each other, and the total amount of time the student has been removed result in a change of placement. Reg. 300.519(b).
School personnel may remove from current educational placement for ten (10) school days or less (Reg. 300.520(a)(1)(i)) and recommend further discipline according to the code of conduct. (The ten-(10)-day-or-less alternative must be one equally applicable to non-disabled. See pp. 1-2 for educational services to be provided during a short removal.) If a criminal act has been committed, charges may be filed, and law enforcement authorities to whom the crime was reported must be provided special education and disciplinary records to the extent disclosure is permitted by FERPA. Sec. 1415(k)(9). Reg. 300.529.

At the time the decision is made to take this action, school personnel must notify parent of decision and provide procedural safeguards notice in Reg. 300.504. Sec. 1415(k)(4)(A)(i); Reg. 300.523(a)(1).

Within ten (10) business days, IEP Team and other qualified personnel must meet and review relationship between disability and the behavior subject to disciplinary action (manifestation determination review – MDR). Sec. 1415(k)(4)(A); Reg. 300.523(a)(2), (b). If there has been no previous functional behavioral assessment and creation of a behavior intervention plan, the IEP Team must develop an assessment plan. Reg. 300.520(b)(1)(i). As soon as practicable after the assessment, the IEP Team must meet again to develop and implement the behavior intervention plan. Reg. 300.520(b)(2). If the IEP contains a behavior intervention plan, the IEP Team reviews the plan and its implementation and modifies them as necessary to address the behavior. Reg. 300.520(b)(1)(ii).

For the MDR, the IEP Team must look at all information relevant to the behavior subject to discipline, such as evaluation and diagnostic results, including such results and other relevant information from the parent, observation of the student, and the student’s IEP and placement. The misbehavior is not a manifestation of the disability, if the IEP Team finds that in relationship to the misbehavior subject to discipline:

- The IEP and placement were appropriate;
- Consistent with the content of the student’s IEP and placement, special education services, supplementary aids, and behavior intervention strategies were actually provided;
- The disability did not impair the ability of the student to understand the impact and consequences of the misbehavior; and
- The disability did not impair the ability of the student to control the misbehavior.

Sec. 1415(k)(4)(C); Reg. 300.523(c).

If the IEP Team determines any of the standards were not met, the misbehavior was a manifestation of the disability, and no punishment may be assessed. Reg. 300.523(d). If IEP Team identified deficiencies in IEP, placement, or implementation, it must take immediate steps to remedy. Reg. 300.523(f).
Drug and Weapon Offenses by Students With Disabilities

Student carries weapon to school, or possesses, uses, sells, or solicits sale of illegal or controlled substance on school property or at a school function.

Illegal drug – controlled substance. Excludes legally used and possessed prescription drugs. Sec. 1415(k)(10)(B); Reg. 300.520(d)(2).

Controlled substance – drug or substance in 21 U.S.C. § 812(c), Schedules I-V. Sec. 1415(k)(10)(A); Reg. 300.520(d)(1).

Weapon – A firearm and more. Something used for or readily capable of causing death or serious bodily injury. Excludes pocket knife with blade of 2½ inches or less. Sec. 1415(k)(10)(D); Reg. 300.520(d)(3).
School personnel may remove from current educational placement for ten (10) school days or less, and recommend further discipline according to the code of conduct. Sec. 1415(k)(1)(A)(i); Reg. 300.520(a)(1)(i). (The ten-(10)-day-or-less alternative must be one equally applicable to non-disabled students. See pp. 1-2 for education services to be provided during a short removal.) If a criminal act has been committed, charges may be filed, and special education and disciplinary records will be transmitted to law enforcement authorities to whom the crime was reported, to the extent disclosure is permitted by FERPA. Sec. 1415(k)(9); Reg. 300.529.

At time decision is made to take this disciplinary action, school personnel must notify parent of decision and provide procedural safeguards notice in Reg. 300.504. Sec. 1415(k)(4)(A)(i); Reg. 300.523(a)(1).

Within ten (10) business days, IEP Team must meet and may extend the removal by placing student in appropriate interim alternative educational setting applicable to non-disabled student for same amount of time non-disabled student would be assigned, but not more than forty-five (45) calendar days. Sec. 1415(k)(1)(A)(ii) and (3)(A); Reg. 300.520(a)(2); Reg. 300.522(a). IEP Team must review the behavior intervention plan, if one exists, and its implementation and modify, as necessary, to address behavior. Reg. 300.520(b)(1)(ii). If there has been no previous functional behavioral assessment and creation of behavior intervention plan, IEP Team must develop assessment plan. Sec. 1415(k)(1)(B); Reg. 300.520(b)(1)(i). As soon as practicable after the assessment, the IEP Team must meet again to develop and implement the behavior intervention plan. Reg. 300.520(b)(2). The IEP Team and other qualified personnel must review the relationship between disability and the behavior subject to disciplinary action (manifestation determination review-MDR). Sec. 1415(k)(4)(A); Reg. 300.523(a)(2)(b).

The forty-five-(45)-day alternative interim placement must:
- Enable student to progress in general curriculum, although in another setting;
- Enable student to continue to receive those services and modifications, including those described in the student’s IEP, that will enable the student to meet the goals set out in that IEP; and
- Include services and modifications designed to address the drug or weapon offense so that it does not recur. Sec. 1415(k)(3)(B); Reg. 300.522; Reg. 300.121(d)(2)(ii).

Comments to regulations: Students may be subject to multiple forty - five - (45) - day interim placements for separate drug and weapon offenses. The forty - five - (45) - day interim placement may be completed even if drug or weapon offense was manifestation of disability. If misbehavior was not a manifestation of disability, regular disciplinary consequence can be applied in addition to forty - five - (45) - day interim placement.
For the MDR, the IEP Team must look at all information relevant to the behavior subject to discipline, such as evaluation and diagnostic results, including such results and other relevant information from the parent, observation of the student, and the student’s IEP and placement. The misbehavior is not a manifestation of the disability if the IEP Team finds that, in relationship to the misbehavior subject to discipline:

- The IEP and placement were appropriate;
- Consistent with the content of the student’s IEP and placement, special education services, supplementary aids and services, and behavior intervention strategies were actually provided;
- The disability did not impair the ability of student to understand the impact and consequences of the misbehavior; and
- The disability did not impair the ability of the student to control the misbehavior.

Sec. 1415(k)(4)(C); Reg. 300.523(c).

If the IEP Team determines any of the standards were not met, the misbehavior was a manifestation of the disability, and no punishment may be assessed. Reg. 300.523(d). If IEP Team identifies deficiencies in IEP, placement, or implementation, it must take immediate steps to remedy. Reg. 300.523(f).

Parent may appeal a finding that the misbehavior was not a manifestation of the disability. The hearing is expedited before a special education hearing officer, who applies the same standards as the IEP Team. Sec. 1415(i)(6); Reg. 300.525(a), (b).

If IEP Team finds no manifestation and changes placement to comply with the disciplinary recommendation, parent may appeal the placement decision. The hearing is expedited before a special education hearing officer. Sec. 1415(k)(6)(A); Reg. 300.525(a)(2).

During appeals, stay put applies. Reg. 300.524(c). If child is substantially likely to injure self or others in the current placement, the school can request an expedited hearing and request the hearing officer to remove to an interim alternative educational placement for up to forty-five (45) days. Standards to be met are those in Sec. 1415(k)(2) and Reg. 300.521.

The standard the education services must meet is to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals in the IEP. Reg. 300.121(d)(2)(i)(B); Reg. 300.524(a). The IEP Team must determine what services are necessary to meet this standard. Reg. 300.121(d)(3)(ii).
IDEA discipline procedures are followed for a non-drug or weapon offense, the penalty for which would result in expulsion or removal from the student’s placement for more than ten (10) school days.

IEP Team meets, determines no manifestation and recommends discipline proceed. Parent disagrees and requests a due-process hearing. Stay put applies, and child stays in the current placement, unless school acts to change the placement. Reg. 300.524.

School requests hearing officer to change the placement during the pendency of the hearing because of the likelihood of injury to self or others. Sec. 1415(k)(2); Reg. 300.521.

Hearing officer holds expedited hearing to consider request. School has burden of proof to show by more than a preponderance of the evidence that maintaining the child in the current placement is substantially likely to result in injury to self or others. Sec. 1415(k)(2)(A), (10)(D); Reg. 300.521(a). Hearing officer must also:
- Consider the appropriateness of the current placement.
- Consider whether the school has made reasonable effort to minimize the risk of harm in the current placement, including the use of supplemental aids and services.
- Determine that the interim alternative setting proposed by the school personnel, in consultation with special education teacher:
  - Enables the student to participate in the general curriculum, although in another setting;
  - Enables the student 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 the IEP; and
  - Include services and modification designed to address the behavior so that it does not recur.
  Sec. 1415(k)(2); Reg. 300.521(b), (c), (d); Reg. 300.522(b); Reg. 300.121(d)(2)(ii)(B).

If all requirements are met, hearing officer may order a change of placement to the interim alternative educational setting for up to forty-five (45) days. Sec. 1415(k)(2); Reg. 300.521.
Student returns to his or her current placement (the placement prior to the interim alternative educational setting) at end of forty-five (45) days, if no decision has been issued by hearing officer in pending due-process hearing. If school believes it would be dangerous for student to return to current placement while hearing is still pending, school may request another expedited hearing to again place student in forty-five-(45)-day interim placement while hearing continues to be pending. Reg. 300.526(b), (c)(4). Hearing officer holds same type of hearing initially held when hearing officer ordered first forty-five-(45)-day interim placement. Sec. 1415(k)(7); Reg. 300.526. Any subsequent forty-five-(45)-day interim setting must meet the standards in Reg. 300.522.

Policy History:
Adopted on: 4/14/2014
Revised on:
STUDENTS
3311 - Firearms and Weapons

Firearms

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

It is the policy of the Pioneer School District to comply with the federal Gun Free Schools Act of 1994 and state law 20-5-202 (2), MCA, pertaining to students who bring a firearm to, or possess a firearm at, any setting that is under the control and supervision of the school district. In accordance with 20-5-202 (3), MCA, a teacher, superintendent, or a principal shall suspend immediately for good cause a student who is determined to have brought a firearm to, or possess a firearm at, any setting that is under the control and supervision of the school district. In accordance with Montana law, a student who is determined to have brought a firearm to, or possess a firearm at, any setting that is under the control and supervision of the school district must be expelled from school for a period of not less than 1 year.

However, on a case-by-case basis, the Board of Trustees will convene a hearing to review the underlying circumstances and, in the discretion of the Board, the Board may itself either modify the requirement for expulsion or delegate to the County Superintendent the authority to carry out the Board’s decision regarding any modification of the expulsion requirement.

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

Possession of Weapons other than Firearms

The District does not allow weapons on school property. Any student found to have possessed, used or transferred a weapon on school property will be subject to discipline in accordance with the District’s discipline policy. For purposes of this section, “weapon” means any object, device,

or instrument designed as a weapon or through its use is capable of threatening or producing bodily harm or which may be used to inflict self-injury, including but not limited to air guns; pellet guns; BB guns; fake (facsimile) weapons; all knives; blades; clubs; metal knuckles; numchucks (also known as nunchucks); throwing stars; explosives; fireworks; mace or other propellants; stun guns; ammunition; poisons; chains; arrows; and objects that have been modified to serve as a weapon.

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

The District will refer to law enforcement for immediate prosecution any person who possesses, carries, or stores a weapon in a school building, and the District may take disciplinary action as well in the case of a student. In addition the District will refer for possible prosecution a parent or guardian of any minor violating this policy on grounds of allowing a minor to possess, carry, or store a weapon in a school building. (45-8-361 (1) (2))
For the purposes of this section only, “school building” means all buildings owned or leased by a local school district that are used for instruction or for student activities. (45-8-361 (5a))

The Board may grant persons and entities advance permission to possess, carry, or store a weapon in a school building. All persons who wish to possess, carry, or store a weapon in a school building must request permission of the Board at a regular meeting. The Board has sole discretion in deciding whether to allow a person to possess, carry, or store a weapon in a school building. (45-8-361 (3b))

This policy does not apply to law enforcement officers acting in his or her official capacity.

(45-8-361 (3a))

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

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

So, Montana schools are required, by state law, to expel a student from school for a period of not less than 1 year if it is determined that the student brought a firearm to school, subject to the case-by-case exception noted in the statute. Based upon the exception noted in federal law and in circumstances where a student is found to have a firearm on school property in a locked vehicle, Montana schools should be citing state law (20-5-202, MCA) and district policy to support any recommendation for expulsion.

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

Cross Reference:
Policy 3310  Student Discipline
Policy 4332  Conduct of School Property

Legal Reference:
§ 20-5-202, MCA Suspension and expulsion
§ 45-8-361, MCA Possession or allowing possession of a weapon in a school building
18 U.S.C. § 921 Definitions
NCLB, Section 4141 Gun Free Requirements

Policy History:
Adopted on: 2/13/12
Revised on:
STUDENTS

3416 - Administering Medicines to Students

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

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

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

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

Administering Medication

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

Emergency Administration of Medication

In 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 Board requires that there must be on record a medically diagnosed allergic condition that would require prompt treatment to protect a student from serious harm or death.

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 who are able to self-administer specific medication to do so 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, an individual who has executed a caretaker relative educational authorization affidavit, or guardian is on file; and
- Principal and appropriate teachers are informed that a student is self-administering prescribed medication.
A building principal or school administrator may authorize, in writing, any employee to assist with self-administration of medications, provided that only the following may be employed:

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

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

Students with allergies or asthma may be authorized by the building principal or Superintendent, in consultation with medical personnel, to possess and self-administer emergency medication during the school day, during field trips, school-sponsored events, or while on a school bus. The student shall be authorized to possess and self-administer medication if the following conditions have been met:

- A written and signed authorization from the parents, an individual who has executed a caretaker relative educational authorization affidavit, or guardians for self-administration of medication, acknowledging that the District or its employees are not liable for injury that results from the student self-administering the medication.
- The student must have the prior written approval of his/her primary healthcare provider. The written notice from the student’s primary care provider must specify the name and purpose of the medication, the prescribed dosage, frequency with which it may be administered, and the circumstances that may warrant its use.
- Documentation that the student has demonstrated to the healthcare practitioner and the school nurse, if available, the skill level necessary to use and administer the medication.
- Documentation of a doctor-formulated written treatment plan for managing asthma, severe allergies, or anaphylaxis episodes of the student and for medication use by the student during school hours.

Authorization granted to a student to possess and self-administer medication shall be valid for the current school year only and must be renewed annually.

A student’s authorization to possess and self-administer medication may be limited or revoked by the building principal or other administrative personnel.

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

Immediately after using epinephrine during school hours, a student shall report to the school nurse or other adult at the school who shall provide follow up care, including making a 9-1-1 emergency call.
Administration of Glucagons

School employees may voluntarily agree to administer glucagons to a student pursuant to § 20-5-412, MCA, only under the following conditions: (1) the employee may administer glucagon to a diabetic student only in an emergency situation; (2) the employee has filed the necessary designation and acceptance documentation with the District, as required by § 20-5-412(2), MCA, and (3) the employee has filed the necessary written documentation of training with the District, as required by § 20-5-412(4), MCA.

Handling and Storage of Medications

The Board requires that all medications, including those approved for keeping by students for self-medication, be first delivered by a parent, an individual who has executed a caretaker relative educational authorization affidavit, or other responsible adult to a nurse or employee assisting with self-administration of medication. A nurse or assistant:

- Must examine any new medication to ensure it is properly labeled with dates, name of student, medication name, dosage, and physician’s name;
- Must develop a medication administration plan, if administration is necessary for a student, before any medication is given by school personnel;
- Must record on the student’s individual medication record the date a medication is delivered and the amount of medication received;
- Must store medication requiring refrigeration at 36° to 46° F;
- Must store prescribed medicinal preparations in a securely locked storage compartment; and
- Must store controlled substances in a separate compartment, secured and locked at all times.

The District will permit only a forty-five-(45)-school-day supply of a medication for a student to be stored at a school; and all medications, prescription and nonprescription, will be stored in their original containers.

The District will limit access to all stored medication to those persons authorized to administer medications or to assist in the self-administration of medications. The District requires every school to maintain a current list of those persons authorized by delegation from a licensed nurse to administer medications.

The District may maintain a stock supply of auto-injectable epinephrine to be administered by a school nurse or other authorized personnel to any student or nonstudent as needed for actual or perceived anaphylaxis. If the district intends to obtain an order for emergency use of epinephrine in a school setting or at related activities, the district shall adhere to the requirements stated in 20-5-421, MCA.

The District may maintain a stock supply of an opioid antagonist to be administered by a school nurse or other authorized personnel to any student or nonstudent as needed for an actual or perceived opioid overdose. A school that intends to obtain an order for emergency use of an opioid antagonist in a school setting or at related activities shall adhere to the requirements in law.

Disposal of Medication

The District requires school personnel either to return to a parent, an individual who has executed a caretaker relative educational authorization affidavit, or guardian or, with permission of the parent, an individual who has executed a caretaker relative educational authorization affidavit, or guardian, to destroy any unused, discontinued, or obsolete medication. A school nurse, in the presence of a witness, will destroy any medicine not repossessed by a parent or guardian within a seven-(7)-day period of notification by school authorities.
Legal Reference:

§ 20-5-412, MCA  Definition – parent-designated adult administration of glucagons – training
§ 20-5-420, MCA  Self-administration or possession of asthma, severe allergy, or anaphylaxis medication
§ 20-5-421, MCA  Emergency use of epinephrine in school setting
§ 37-8-103(1)(c), MCA  Exemptions – limitations on authority conferred
ARM 24.159.1604  Tasks Which May Be Routinely Assigned to an Unlicensed Person in Any Setting When a Nurse- Patient Relationship Exists
HB 323, Chapter #154  Emergency use of an opioid antagonist in school setting – limit on liability – signed by Governor 4/4/2017 - (effective July 1, 2017)

Policy History:
Adopted on: 11/2005
Reviewed on: 8/12/2008
Revised on: 9/08/2008, 10/2017
STUDENTS

3416F - Montana Authorization to Possess or Self-Administer Asthma, Severe Allergy, or Anaphylaxis Medication

For this student to possess or self-administer asthma, severe allergy, or anaphylaxis medication while in school, while at a school sponsored activity, while under the supervision of school personnel, before or after normal school activities (such as while in before-school or after-school care on school-operated property), or while in transit to or from school or school-sponsored activities, this form must be fully completed by: 1) the prescribing physician/physician assistant/advanced practice registered nurse, and 2) an authorizing parent, an individual who has executed a caretaker relative educational or medical authorization affidavit, or legal guardian.

Student’s Name: ________________________________  Sex: (Please circle) Female/Male
Birth Date: ___/___/____  City/Town: ____________________________
School: ____________________________  School Year: _______(Must be renewed annually)

Physician’s Authorization:
The above named student has my authorization to carry and self administer the following medication:
Medication: (1) ____________________________  Dosage: (1) ____________________________
(2) ____________________________  (2) ____________________________
Reason for prescription(s): ____________________________
Medication(s) to be used under the following conditions (times or special circumstances): ____________________________

I confirm that this student has been instructed in the proper use of this medication and is able to self-administer this medication without school personnel supervision. I have formulated and provided to the parent/guardian or caretaker relative a written treatment plan for managing asthma, severe allergies, or anaphylaxis episodes and for medication use by this student during school hours and school activities.

______________________________  ________________________________  ____________________________
Signature of Physician/PA/APRN  Phone Number  Date

Authorization by Parent, an individual who has executed a caretaker relative educational or medical authorization affidavit, or Guardian

As the parent, individual who has executed a caretaker relative educational or medical authorization affidavit, or guardian of the above named student, I confirm that this student has been instructed by his/her health care provider on the proper use of this/these medication(s). He/she has demonstrated to me that he/she understands the proper use of this medication. He/she is physically, mentally, and behaviorally capable to assume this responsibility. He/she has my permission to self-medicate as listed above, if needed. If he/she has used epinephrine during school hours, he/she understands the need to alert the school nurse or other adult at the school who will provide follow-up care, including making a 9-1-1 emergency call.

I acknowledge that the school district or nonpublic school and its employees and agents are not liable as a result of any injury arising from the self-administration of medication by the student, and I indemnify and hold them harmless for such injury, unless the claim is based on an act or omission that is the result of gross negligence, willful and wanton conduct, or an intentional tort.

I agree to work with the school in establishing a plan for use and storage of backup medication. This will include a predetermined location to keep backup medication to which my child has access in the event of an asthma, severe allergy, or anaphylaxis emergency. I have provided the following backup medication: ____________________________

I understand that in the event the medication dosage is altered, a new “self-administration form” must be completed, or the health care provider may rewrite the order on his/her prescription pad, and I, the parent/caretaker relative/guardian, will sign the new form and assure the new order is attached.

I understand it is my responsibility to pick up any unused medication at the end of the school year, and the medication that is not picked up will be disposed of.

I authorize the school administration to release this information to appropriate school personnel and classroom teachers.

Parent/Guardian, Caretaker Relative Signature: ____________________________  Date: ____________________________
(Original signed authorization to the school; a copy of the signed authorization to the parent/guardian and health care provider) See, generally, Mont. Code Ann. § 20-5-420.
STUDENTS

3416P - Medications Use In Schools

When medications are needed in the school setting, the following procedure will be followed:

1. At the beginning of each school year, the school nurse shall consult with the building administrator to identify school personnel who will supervise and/or administer medications. All personnel must be inserviced by the school nurse prior to the start of this duty. The school nurse will utilize and complete the “Medication Training Guidelines.”

2. When a child requires the medication to be administered, the parent needs to give the school time to prepare trained personnel. The parent/guardian will submit a completed “Medication Consent Form” for all prescription and non-prescription medications. A physician's signature will be required for all prescription medications, and upon request at the discretion of the school nurse for non-prescription medication.

3. Encourage parent/guardian or another responsible adult to deliver medication to the school nurse or delegated-trained staff. The date and amount of medication received will be recorded on the student's/school's medication record.

4. The parent/guardian will submit a completed “Medication Consent Form” for all prescription and non-prescription medications prior to school personnel beginning supervision of medication. A physician's signature will be required for all prescription medication use when it must be taken longer than two weeks and upon discretion of the school nurse for non-prescription medication.

5. All medication must be brought to school in the original bottle labeled with child's name, and including the name of medication, dosage, time to be taken, and duration of time to be taken.

6. All prescription medication will be counted by two people upon receipt and recorded on the medication log.

7. To avoid adverse medication reactions at school, the first dose of medication must be administered at home.

8. All medication stored at school will be double locked (i.e., locked box in a locked office). Access to stored medication will be limited to persons who have been trained in supervision and administration of medication. Each School will maintain training forms of those persons trained by the school nurse to administer medications.

9. The student may carry emergency rescue medications, including an inhaler and Epipen. All other guidelines included in this policy/procedure must be followed. Be aware that if a child carries their own medications, it would be important to ask parents for a backup set for the school, in case the child forgets their medication at home. The consequence for sharing their medication with other students must also be discussed.

10. If school personnel have any questions or concerns regarding medication use in between the nursing visits, they will contact the school nurse.

11. This procedure is to cover all students in grade K-6 and for any students in grades 7-12 whose parent/guardian or school deems that the student requires supervision of medication. Schools with students K-8 will be recommended to follow the same K-6 procedure for continuity and safety.
12. If any student, grade 7-12, requests that medication be stored at school, this policy/procedure must be complied with in its entirety.

13. The school nurse reserves the right to review and deny all requests for medication administration during school hours based on completeness of compliance with these procedures.

14. The school nurse will make a supervisory visit monthly or as needed to:
   - Evaluate the performance of the trained medication staff.
   - Evaluate student’s response to medication.

Documentation must be maintained on all training sessions and supervision, and administration of the medication. If the school nurse deems that the school personnel are not complying with the “Medication Use in School”, he/she may withdraw the supervision of medication administration at such time and document appropriately.

At the end of the school year, the parent/guardian is expected to pick up the remaining medication with prior notification. If the parent does not pick up medication after school is out, any unused or discontinued medication will be destroyed. Two staff personnel will destroy medication, record amount and both sign medication sheet.

When field trips are scheduled during usual school hours, reasonable effort will be made to provide medications normally administered during school hours.

Any changes in medication must be accompanied by an updated “Medication Consent Form.”

Policy History:
Adopted on:
Revised on:
STUDENTS

3417 - Communicable Diseases

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

In all proceedings related to this policy, the District will respect a student’s right to privacy.

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

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

The District will manage common communicable diseases in accordance with Montana Department of Public Health and Human Services guidelines and communicable diseases control rules. The District may temporarily exclude from school attendance a student who exhibits symptoms of a communicable disease that is readily transmitted in a school setting.

Students who complain of illness at school may be referred to a school nurse or other responsible person designated by the Board and may be sent home as soon as a parent or person designated on a student’s emergency medical authorization form has been notified. The District reserves the right to require a statement from a student’s primary care provider authorizing a student’s return to school.

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

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

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

Legal Reference: 37.114.101, et seq., ARM Communicable Disease Control

Policy History:
Adopted on: 4/14/2014
Revised on:
STUDENTS

3431 - Emergency Treatment

The Board recognizes that schools are responsible for providing first aid or emergency treatment to a student in case of sudden illness or injury; however, further medical attention is the responsibility of a parent or guardian.

The District requires that every parent or guardian provide a telephone number where a parent or designee of a parent may be reached in case of an emergency.

When a student is injured, staff will provide immediate care and attention until relieved by a superior, a nurse, or a doctor. The District will employ its normal procedures to address medical emergencies without regard to the existence of a do not resuscitate (DNR) request. A principal or designated staff member will call a parent or parental designee so that the parent may arrange for care or treatment of an injured student.

When a student develops symptoms of illness while at school, a responsible school official will do the following:

1. Isolate the student from other children to a room or area segregated for that purpose;

2. Inform a parent or guardian as soon as possible about the illness and request the parent or guardian to pick up the child; and

3. Report each case of suspected communicable disease the same day by telephone to a local health authority or as soon as possible thereafter if a health authority cannot be reached the same day.

When a parent or guardian cannot be reached, and it is the judgment of a principal or other person in charge that immediate medical attention is required, an injured student may be taken directly to a hospital. Once located, a parent or a guardian is responsible for continuing treatment or for making other arrangements.

Legal Reference: ARM 37.111.825 Health Supervision and Maintenance

Policy History:
Adopted on: 4/14/2014
Revised on:
STUDENTS

3520 - Student Fees, 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 Board will establish appropriate fees and procedures governing collection of fees and asks the Lead Teacher to make annual reports to the Board regarding fee schedules. The Board also may require fees for actual cost of breakage and for excessive supplies used in commercial, industrial arts, music, domestic science, science, or agriculture courses.

The District holds a student responsible for the cost of replacing materials or property that are lost or damaged because of negligence. The Administrator 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. The District may not refuse to transfer files because a student owes fines or fees. A school district may withhold the grades, diploma, or transcripts of a pupil who is responsible for the cost of school materials or the loss or damage of school property until the pupil or the pupil's parent or guardian satisfies the obligation.

A school district that decides to withhold a pupil's grades, diploma, or transcripts from the pupil and the pupil's parent or guardian shall:

a) Upon receiving notice that the pupil has transferred to another school district in the state, notify the pupil's parent or guardian in writing that the school district to which the pupil has transferred will be requested to withhold the pupil's grades, diploma, or transcripts until any obligation has been satisfied;

b) Forward appropriate grades or transcripts to the school to which the pupil has transferred;

c) At the same time, notify the school district of any financial obligation of the pupil and request the withholding of the pupil's grades, diploma, or transcripts until any obligations are met;

d) When the pupil or the pupil's parent or guardian satisfies the obligation, inform the school district to which the pupil has transferred.

A student or parent may appeal the imposition of a charge for damages to the Board.

Legal reference: § 20-5-201(4), MCA Duties and sanctions
§ 20-7-601, MCA Free textbook provisions
§ 20-9-214, MCA Fees

Policy History:
Adopted on: 8/2003
Revised on: 11/2005, 4/14/2014, 6/2017
STUDENTS

3600 - Student Records

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

The District will ensure information contained in student records is current, accurate, clear, and relevant. All information maintained concerning a student receiving special education services will be directly related to the provision of services to that child. The District may release directory information as permitted by law, but parents will have the right to object to release of information regarding their child. Military recruiters and institutions of higher education may request and receive the names, addresses, and telephone numbers of all high school students, unless the parent(s) notifies the school not to release this information.

The Pioneer School will implement this policy and state and federal law with administrative procedures. The Pioneer School will inform staff members of this policy and inform students and their parents of it, as well as of their rights regarding student school records.

Each student’s permanent file, as defined by the board of public education, must be permanently kept in a secure location. Other student records must be maintained and destroyed as provided in 20-1-212, MCA.

Legal Reference:  
§ 20-5-201, MCA  Duties and sanctions  
§ 40-4-225, MCA  Access to records by parent  
10.55.909, ARM  Student Records  
P.L. 107-334  No Child Left Behind Act of 2001

Policy History:
Adopted on: 8/2003
Revised on: 11/2005, 4/14/2014
STUDENTS
3600P - Maintenance of School Student Records

Student Records

Maintenance of School Student Records

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

The permanent record will include:

- Basic identifying information
- Academic work completed (transcripts)
- Level of achievement (grades, standardized achievement tests)
- Immunization records (per § 20-5-506, MCA)
- Attendance record
- Record of any disciplinary action taken against the student, which is educationally related

Each student's permanent file, as defined by the board of public education, must be permanently kept in a secure location.

The cumulative record may include:

- Intelligence and aptitude scores
- Psychological reports
- Participation in extracurricular activities
- Honors and awards
- Teacher anecdotal records
- Verified reports or information from non-educational persons
- Verified information of clear relevance to the student’s education
- Information pertaining to release of this record
- Disciplinary information
- Camera footage only for those students directly involved in the incident

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

The administrator or designated staff will be responsible for maintenance, retention, or destruction of a student’s permanent or cumulative records, in accordance with District procedure established by the Board.
Access to Student Records

The District will grant access to student records as follows:

1. The District or any District employee will not release, disclose, or grant access to information found in any student record except under the conditions set forth in this document.

2. The parents of a student under eighteen (18) years of age will be entitled to inspect and copy information in the child’s school records. Such requests will be made in writing and directed to the records custodian. A parent of any student is allowed to view the footage but is not permitted to receive a copy unless the parents of the other involved students provide consent. Consent from parents of students in the background is not required. Access to the records will be granted within fifteen (15) days of the District’s receipt of such request.

   Where the parents are divorced or separated, both will be permitted to inspect and copy the student’s school records, unless a court order indicates otherwise. The District will send copies of the following to both parents at either one’s request, unless a court order indicates otherwise:

   e) Academic progress reports or records;
   f) Health reports;
   g) Notices of parent-teacher conferences;
   h) School calendars distributed to parents/guardians; and
   i) Notices about open houses and other major school events, including student-parent interaction.

   A student that attains the age of legal majority is an “eligible student” under FERPA. An eligible student has the right to access and inspect their student records. An eligible student may not prevent their parents from accessing and inspecting their student records if they are a dependent of their parents in accordance with Internal Revenue Service regulations.

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

3. The District may grant access to or release information from student records without prior written consent to school officials with a legitimate educational interest in the information. A school official is a person employed by the District in an administrative, supervisory, academic, or support staff position (including, but not limited to administrators, teachers, counselors, paraprofessionals, coaches, and bud driver), and the board of trustees. A school official may also include a volunteer or contractor not employed by the District but who performs an educational service or function for which the District would otherwise use its own employees and who is under the direct control of the District with respect to the use and maintenance of personally identifying information from education records, or such other third parties under contract with the District to provide professional services related to the District’s educational mission, including, but not limited to, attorneys and auditors. A school official has a legitimate educational interest in student education information when the official needs the information in order to fulfill his or her professional responsibilities for the District. Access by school officials to student education information will be restricted to that portion of a student’s records necessary for the school official to perform or accomplish their official or professional duties.

4. The District may grant access to or release information from student records without parental consent or notification to any person, for the purpose of research, statistical reporting, or planning, provided that no student or parent can be identified from the information released, and the person to whom the
information is released signs an affidavit agreeing to comply with all applicable statutes and rules pertaining to school student records.

5. The District may grant release of a child’s education records to child welfare agencies without the prior written consent of the parents.

6. The District will grant access to or release information from any student’s records pursuant to a court order.

7. The District will grant access to or release information from any student records as specifically required by federal or state statute.

8. The District will grant access to or release information from student records to any person possessing a written, dated consent, signed by the parent or eligible student, with particularity as to whom the records may be released, the information or record to be released, and reason for the release. One (1) copy of the consent form will be kept in the records, and one (1) copy will be mailed to the parent or eligible student by the administrator/designated staff. Whenever the District requests consent to release certain records, the records custodian will inform the parent or eligible student of the right to limit such consent to specific portions of information in the records.

9. The District may release student records to the 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.

10. Prior to release of any records or information under items 5, 6, 7, 8, and 9, above, the District will provide prompt written notice to the parents or eligible student of this intended action. This notification will include a statement concerning the nature and substance of the records to be released and the right to inspect, copy, and challenge the contents.

11. The District may release student records or information in connection with an emergency, without parental consent, if the knowledge of such information is necessary to protect the health or safety of the student or other persons. The records custodian will make this decision, taking into consideration the nature of the emergency, the seriousness of the threat to the health and safety of the student or other persons, the need for such records to meet the emergency, and whether the persons to whom such records are released are in a position to deal with the emergency. The District will notify the parents or eligible student, as soon as possible, of the information released, date of the release, the person, agency, or organization to whom the release was made, and the purpose of the release.

12. The District may disclose, without parental consent, student records or information to the youth court and law enforcement authorities, pertaining to violations of the Montana Youth Court Act or criminal laws by the student.

13. The District will comply with an ex parte order requiring it to permit the U.S. Attorney General or designee to have access to a student’s school records without notice to or consent of the student’s parent(s)/guardian(s).

14. The District charges a nominal fee for copying information in the student’s records. No parent or student will be precluded from copying information because of financial hardship.

15. A record of all releases of information from student records (including all instances of access granted, whether or not records were copied) will be kept and maintained as part of such records. This record will be maintained for the life of the student record and will be accessible only to the parent or eligible student, records custodian, or other person. The record of release will include:

a) Information released or made accessible.
b) Name and signature of the records custodian.

c) Name and position of the person obtaining the release or access.

d) Date of release or grant of access.

e) Copy of any consent to such release.

**Directory Information**

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

- Student’s name
- Address
- Telephone listing
- Electronic mail address
- Photograph (including electronic version)
- Date and place of birth
- Dates of attendance
- Grade level
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Honors and awards received
- Most recent educational agency or institution attended

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

**Student Record Challenges**

The District shall give a parent or eligible student, on request, an opportunity for a hearing to challenge content of the student’s education records on the grounds that the information contained in the education records in inaccurate, misleading, or in violation of the privacy rights of the student.

The hearing required by 34 C.F.R. 99.21 must meet, at a minimum, the following requirements:

- The District shall hold the hearing within a reasonable time after it has received the request for the hearing from the parent or eligible student.
- The District shall give the parent or eligible student notice of the date, time, and place, reasonably in advance of the hearing.
- The hearing may be conducted by any individual including an official of the District who does not have direct interest in the outcome of the hearing.
- The District shall make its decision in writing within a reasonable amount of time after the hearing.
- The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and reasons for the decision.
The parent or eligible student has:

- The right to present evidence and to call witnesses;
- The right to cross-examine witnesses;
- The right to counsel;
- The right to a written statement of any decision and the reasons therefor;

The parents may insert a written statement of reasonable length describing their position on disputed information. The school will maintain the statement with the contested part of the record for as long as the record is maintained and will disclose the statement whenever it discloses the portion of the record to which the statement relates.

Legal Reference:

- § 20-5-201, MCA Duties and sanctions
- § 40-4-225, MCA Access to records by parent
- § 41-3-201, MCA Reports
- § 41-5-215, MCA Youth court and department records – notification of school

10.55.909, ARM Student records
10.55.910, ARM Student Discipline Records

Policy History:
Adopted on: 9/10/12
Revised on: 10/8/12, 1/12/15
STUDENTS
3600F1 - Student Records

Notification to Parents and Students of Rights Concerning a Student’s School Records

This notification may be distributed by any means likely to reach the parent(s)/guardian(s).

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

- Basic identifying information
- Academic work completed (transcripts)
- Level of achievement (grades, standardized achievement tests)
- Immunization records (per § 20-5-506, MCA)
- Attendance record
- Record of any disciplinary action taken against the student, which is educationally related

The cumulative record may include:

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

The Family Educational Rights and Privacy Act (FERPA) affords parents/guardians and students over eighteen (18) years of age (“eligible students”) certain rights with respect to the student’s education records. They are:

1. The right to inspect and copy the student’s education records, within a reasonable time from the day the District receives a request for access.
   “Eligible” students, who are eighteen (18) years of age or older, have the right to inspect and copy their permanent record. Parents/guardians or “eligible” students should submit to the school principal (or appropriate school official) a written request identifying the record(s) they wish to inspect. The principal (or appropriate school official) will make, within forty-five (45) days, arrangements for access and notify the parent(s)/guardian(s) or eligible student of the time and place the records may be inspected. The District charges a nominal fee for copying, but no one will be denied their right to copies of their records for inability to pay this cost. The rights contained in this section are denied to any person against whom an order of protection has been entered concerning a student.

2. The right to request amendment of the student’s education records which the parent(s)/guardian(s)
or eligible student believes are inaccurate, misleading, irrelevant, or improper.

Parents/guardians or eligible students may ask the District to amend a record they believe is inaccurate, misleading, irrelevant, or improper. They should write the school principal or records custodian, clearly identifying the part of the record they want changed, and specify the reason.

If the District decides not to amend the record as requested by the parent(s)/guardian(s) or eligible student, the District will notify the parent(s)/guardian(s) or eligible student of the decision and advise him or her of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent(s)/guardian(s) or eligible student when notified of the right to a hearing.

3. The right to permit disclosure of personally identifiable information contained in the student’s education records, except to the extent that FERPA or state law authorizes disclosure without consent.

Disclosure is permitted without consent to school officials with legitimate educational or administrative interests. A school official is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board; a person or company with whom the District has contracted to perform a special task (such as contractors, attorneys, auditors, consultants, or therapists); volunteers; other outside parties to whom an educational agency or institution has outsourced institutional services or functions that it would otherwise use employees to perform; or a parent(s)/guardian(s) or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest, if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the District discloses education records, without consent, to officials of another school district in which a student has enrolled or intends to enroll, as well as to any person as specifically required by state or federal law. Before information is released to individuals described in this paragraph, the parent(s)/guardian(s) will receive written notice of the nature and substance of the information and an opportunity to inspect, copy, and challenge such records. The right to challenge school student records does not apply to: (1) academic grades of their child, and (2) references to expulsions or out-of-school suspensions, if the challenge is made at the time the student’s school student records are forwarded to another school to which the student is transferring. Disclosure is also permitted without consent to: any person for research, statistical reporting, or planning, provided that no student or parent(s)/guardian(s) can be identified; any person named in a court order; and appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons.

4. The right to a copy of any school student record proposed to be destroyed or deleted.

5. The right to prohibit the release of directory information concerning the parent’s/guardian’s child.

Throughout the school year, the District may release directory information regarding students, limited to:

- Student’s name
- Address
- Telephone listing
- Electronic mail address
 Photograph (including electronic version)
 Date and place of birth
 Major field of study
 Dates of attendance
 Grade level
 Enrollment status (e.g., undergraduate or graduate; full-time or part-time)
 Participation in officially recognized activities and sports
 Weight and height of members of athletic teams
 Degrees
 Honors and awards received
 Most recent educational agency or institution attended

Any parent(s)/guardian(s) or eligible student may prohibit the release of all of the above information by delivering written objection to the building principal within ten (10) days of the date of this notice. No directory information will be released within this time period, unless the parent(s)/guardian(s) or eligible student are specifically informed otherwise. When a student transfers, leaves the District, or graduates, the school must continue to honor a decision to opt-out, unless the parent or student rescinds the decision.

A parent or student 18 years of age or an emancipated student, may not opt out of directory information to prevent the district from disclosing or requiring a student to disclose their name [identifier, institutional email address in a class in which the student is enrolled] or from requiring a student to disclose a student ID card or badge that exhibits information that has been properly designated directory information by the district in this policy.

6. **The right to request that information not be released to military recruiters and/or institutions of higher education.**

Pursuant to federal law, the District is required to release the names, addresses, and telephone numbers of all high school students to military recruiters and institutions of higher education upon request. Parent(s)/guardian(s) or eligible students may request that the District not release this information, and the District will comply with the request.

7. **The right to file a complaint with the U.S. Department of Education, concerning alleged failures by the District to comply with the requirements of FERPA.**

The name and address of the office that administers FERPA is:

Family Policy Compliance Office
U.S. Dept. of Education
400 Maryland Avenue, SW. Washington, DC 20202-4605

Policy History:
Adopted on:
Revised on:
STUDENTS
3600F2 - Student Directory Information Notification

Please sign and return this form to the school within ten (10) days of the receipt of this form only if you do not want directory information about your child disclosed to third parties in accordance with the Family Educational Rights and Privacy Act (FERPA). If we receive no response by that date, we will disclose all student directory information at our discretion and/or in compliance with law.

Date

Dear Parent/Eligible Student:

This document informs you of your right to direct the District to withhold the release of student directory information for _________________________________.

Student’s Name

- Student’s name
- Address
- Telephone listing
- Electronic mail address
- Photograph (including electronic version)
- Date and place of birth
- Major field of study
- Dates of attendance
- Grade level
- Enrollment status (e.g., undergraduate or graduate; full-time or part-time)
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Degrees
- Honors and awards received
- Most recent educational agency or institution attended

Following is a list of items this District considers student directory information.

If you do NOT want directory information provided to the following, please check the appropriate box below.

☐ Institutions of Higher Education ☐ Potential Employers ☐ Armed Forces Recruiters ☐ Other

NOTE: If a student’s name, grade level, or photograph is to be withheld, the student will not be included in the school’s yearbook, program events, or other such publications.

Parent/Eligible Student’s Signature ___________________________ Date ___________________________
STUDENTS

3608 - 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 individuals listed below to receive information with respect to a District student who is a client of the Department of Public Health and Human Services:

- Secretary
- Administrator
- Classroom Teacher

When the District receives information pursuant to law, the authorized person will prevent unauthorized dissemination of that information.

Cross Reference: 3600 Student Records
Legal Reference: § 41-3-205, MCA Confidentiality - disclosure exceptions

Policy History:
Adopted on: 8/2003
Revised on: 11/2005
STUDENTS

3612 - District-Provided Access to Electronic Information, Services, and Networks

General

The District makes Internet access and interconnected computer systems available to District students and teacher. The District provides electronic networks, including access to the Internet, as part its instructional program and to promote educational excellence by facilitating resource sharing, innovation, and communication.

The District expects all students to take responsibility for appropriate and lawful use of this access, including good behavior on-line. The District may withdraw student access to its network and to the Internet when any misuse occurs. The teacher and other staff will make reasonable efforts to supervise use of network and Internet access; however, student cooperation is vital in exercising and promoting responsible use of this access.

Curriculum

Use of District electronic networks will be consistent with the curriculum adopted by the District, as well as with varied instructional needs, learning styles, abilities, and developmental levels of students, and will comply with selection criteria for instructional materials and library materials. The teacher may use the Internet throughout the curriculum, consistent with the District’s educational goals.

Acceptable Uses

1. Educational Purposes Only. All use of the District’s electronic network must be: (1) in support of education and/or research, and in furtherance of the District’s stated educational goals; or (2) for a legitimate school business purpose. Use is a privilege, not a right. Students and staff members have no expectation of privacy in any materials that are stored, transmitted, or received via the District’s electronic network or District computers. The District reserves the right to monitor, inspect, copy, review, and store, at any time and without prior notice, any and all usage of the computer network and Internet access and any and all information transmitted or received in connection with such usage.

2. Unacceptable Uses of Network. The following are considered unacceptable uses and constitute a violation of this policy:

   A. Uses that violate the law or encourage others to violate the law, including but not limited to transmitting offensive or harassing messages; offering for sale or use any substance the possession or use of which is prohibited by the District’s student discipline policy; viewing, transmitting, or downloading pornographic materials or materials that encourage others to violate the law; intruding into the networks or computers of others; and downloading or transmitting confidential, trade secret information, or copyrighted materials.

   B. Uses that cause harm to others or damage to their property, including but not limited to engaging in defamation (harming another’s reputation by lies); employing another’s password or some other user identifier that misleads message recipients into believing that someone other than you is communicating, or otherwise using his/her access to the network or the Internet; uploading a worm, virus, other harmful form of programming or vandalism; participating in “hacking” activities or any form of unauthorized access to other computers, networks, or other information.
C. Uses that jeopardize the security of student access and of the computer network or other networks on the Internet.

D. Uses that are commercial transactions. Students and other users may not sell or buy anything over the Internet. Students and others should not give information to others, including credit card numbers and social security numbers.

Warranties/Indemnification

The District makes no warranties of any kind, express or implied, in connection with its provision of access to and use of its computer networks and the Internet provided under this policy. The District is not responsible for any information that may be lost, damaged, or unavailable when using the network or for any information that is retrieved or transmitted via the internet. The District will not be responsible for any unauthorized charges or fees resulting from access to the Internet. Any user is fully responsible to the District and will indemnify and hold the District, its trustees, administrators, teachers, and staff harmless from any and all loss, costs, claims, or damages resulting from such user’s access to its computer network and the Internet, including but not limited to any fees or charges incurred through purchase of goods or services by a user. The District expects a user or, if a user is a minor, a user’s parents or legal guardian to cooperate with the District in the event of its initiating an investigation of a user’s use of access to its computer network and the Internet.

Violations

If a user violates this policy, the District will deny a student’s access or will withdraw access and may subject a student to additional disciplinary action. The Administrator will make all decisions regarding whether or not a user has violated this policy and any related rules or regulations and may deny, revoke, or suspend access at any time, with that decision being final.

Policy History:
Adopted on: 10/2004
Revised on: 11/8/2010
STUDENTS
3612F - Internet Access Conduct Agreement

INTERNET ACCESS CONDUCT AGREEMENT

Every student, regardless of age, must read and sign below:

I have read, understand, and agree to abide by the terms of the Pioneer School District=s policy regarding District-Provided Access to Electronic Information, Services, and Networks (Policy No. 3612). Should I commit any violation or in any way misuse my access to the District’s computer network and/or the Internet, I understand and agree that my access privilege may be revoked and school disciplinary action may be taken against me.

User’s Name (Print): ____________________________________________ Home Phone: ______________________

User’s Signature: ____________________________________________ Date: __________________________

Address: _______________________________________________________________________________________

Status: Student ____ Staff ____ Patron ____ I am 18 or older ____ I am under 18 ____

If I am signing this policy when I am under 18, I understand that when I turn 18, this policy will continue to be in full force and effect and agree to abide by this policy.

Parent or Legal Guardian. (If applicant is under 18 years of age, a parent/legal guardian must also read and sign this agreement.) As the parent or legal guardian of the above-named student, I have read, understand, and agree that my child shall comply with the terms of the District’s policy regarding District-Provided Access to Electronic Information, Services, and Networks for the student’s access to the District’s computer network and/or the Internet. I understand that access is being provided to the students for educational purposes only. However, I also understand that it is impossible for the school to restrict access to all offensive and controversial materials and understand my child’s responsibility for abiding by the policy. I am, therefore, signing this Agreement and agree to indemnify and hold harmless the District, the Trustees, Administrators, teachers, and other staff against all claims, damages, losses, and costs, of whatever kind, that may result from my child's use of or access to such networks or his/her violation of the District’s policy. Further, I accept full responsibility for supervision of my child’s use of his/her access account if and when such access is not in the school setting. I hereby give my child permission to use the building-approved account to access the District's computer network and the Internet.

Parent/Legal Guardian (Print): _________________________________________________________________

Signature: _________________________________________________________________________________

Home Phone: ________________________________

Address: ___________________________________________________________________________________

Date: ________________________________

This Agreement is valid for the __________________ school year only.
STUDENTS

3612P - Acceptable Use of Electric Networks

NOTE: This has been a required policy under federal law since 2001, which MTSBA has updated recently due to a change in federal law. Under the Broadband Data Services Improvement Act/Protecting Children in the 21st Century Act of 2008 (P.L. 110-385), school districts must now, as part of their Internet Safety Policy (which is required in order to receive E-Rate discounts), educate minors about appropriate online behavior, including:

- Interacting with other individuals on social networking sites and in chat rooms; and
- Cyberbullying awareness and response.

NOTE: We have revised our template regulation by adding the red text below (see section on Internet Safety) to comply with new legal requirements for the E-Rate discounts.

All use of electronic networks shall be consistent with the District’s goal of promoting educational excellence by facilitating resource sharing, innovation, and communication. These procedures do not attempt to state all required or proscribed behaviors by users. However, some specific examples are provided. The failure of any user to follow these procedures will result in the loss of privileges, disciplinary action, and/or appropriate legal action.

Terms and Conditions

1. Acceptable Use – Access to the District’s electronic networks must be: (a) for the purpose of education or research and consistent with the educational objectives of the District; or (b) for legitimate business use.

2. Privileges – The use of the District’s electronic networks is a privilege, not a right, and inappropriate use will result in cancellation of those privileges. The system administrator (and/or building principal) will make all decisions regarding whether or not a user has violated these procedures and may deny, revoke, or suspend access at any time. That decision is final.

3. Unacceptable Use – The user is responsible for his or her actions and activities involving the network. Some examples of unacceptable uses are:
   a) Using the network for any illegal activity, including violation of copyright or other contracts, or transmitting any material in violation of any federal or state law;
   b) Unauthorized downloading of software, regardless of whether it is copyrighted or devirused;
   c) Downloading copyrighted material for other than personal use;
   d) Using the network for private financial or commercial gain;
   e) Wastefully using resources, such as file space;
   f) Hacking or gaining unauthorized access to files, resources, or entities;
   g) Invading the privacy of individuals, which includes the unauthorized disclosure, dissemination, and use of information of a personal nature about anyone;
   h) Using another user’s account or password;
   i) Posting material authored or created by another, without his/her consent;
   j) Posting anonymous messages;
k) Using the network for commercial or private advertising;
l) Accessing, submitting, posting, publishing, or displaying any defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, harassing, or illegal material; and
m) Using the network while access privileges are suspended or revoked.

4. Network Etiquette – The user is expected to abide by the generally accepted rules of network etiquette. These include but are not limited to the following:
a) Be polite. Do not become abusive in messages to others.
b) Use appropriate language. Do not swear or use vulgarities or any other inappropriate language.
c) Do not reveal personal information, including the addresses or telephone numbers, of students or colleagues.
d) Recognize that electronic mail (e-mail) is not private. People who operate the system have access to all mail. Messages relating to or in support of illegal activities may be reported to the authorities.
e) Do not use the network in any way that would disrupt its use by other users.
f) Consider all communications and information accessible via the network to be private property.

5. No Warranties – The District makes no warranties of any kind, whether expressed or implied, for the service it is providing. The District will not be responsible for any damages the user suffers. This includes loss of data resulting from delays, non-deliveries, missed deliveries, or service interruptions caused by its negligence or the user’s errors or omissions. Use of any information obtained via the Internet is at the user’s own risk. The District specifically denies any responsibility for the accuracy or quality of information obtained through its services.

6. Indemnification – The user agrees to indemnify the District for any losses, costs, or damages, including reasonable attorney fees, incurred by the District, relating to or arising out of any violation of these procedures.

7. Security – Network security is a high priority. If the user can identify a security problem on the Internet, the user must notify the system administrator or building principal. Do not demonstrate the problem to other users. Keep your account and password confidential. Do not use another individual’s account without written permission from that individual. Attempts to log on to the Internet as a system administrator will result in cancellation of user privileges. Any user identified as a security risk may be denied access to the network.

8. Vandalism – Vandalism will result in cancellation of privileges, and other disciplinary action. Vandalism is defined as any malicious attempt to harm or destroy data of another user, the Internet, or any other network. This includes but is not limited to uploading or creation of computer viruses.

9. Telephone Charges – The District assumes no responsibility for any unauthorized charges or fees, including telephone charges, long-distance charges, per-minute surcharges, and/ or equipment or line costs.

10. Copyright Web Publishing Rules – Copyright law and District policy prohibit the republishing of text or graphics found on the Web or on District Websites or file servers, without explicit written permission.

a) For each republication (on a Website or file server) of a graphic or text file that was produced externally, there must be a notice at the bottom of the page crediting the original producer and noting how and when permission was granted. If possible, the notice should also include the Web address of the original source.

b) Students and staff engaged in producing Web pages must provide library media specialists with e-
mail or hard copy permissions before the Web pages are published. Printed evidence of the status of “public domain” documents must be provided.

c) The absence of a copyright notice may not be interpreted as permission to copy the materials. Only the copyright owner may provide the permission. The manager of the Website displaying the material may not be considered a source of permission.

d) The “fair use” rules governing student reports in classrooms are less stringent and permit limited use of graphics and text.

e) Student work may only be published if there is written permission from both the parent/guardian and the student.

11. Use of Electronic Mail.

a) The District’s electronic mail system and its constituent software, hardware, and data files are owned and controlled by the District. The District provides e-mail to aid students and staff members in fulfilling their duties and responsibilities and as an education tool.

b) The District reserves the right to access and disclose the contents of any account on its system without prior notice or permission from the account’s user. Unauthorized access by any student or staff member to an electronic mail account is strictly prohibited.

c) Each person should use the same degree of care in drafting an electronic mail message as would be put into a written memorandum or document. Nothing should be transmitted in an e-mail message that would be inappropriate in a letter or memorandum.

d) Electronic messages transmitted via the District’s Internet gateway carry with them an identification of the user’s Internet “domain.” This domain name is a registered domain name and identifies the author as being with the District. Great care should be taken, therefore, in the composition of such messages and how such messages might reflect on the name and reputation of this District. Users will be held personally responsible for the content of any and all electronic mail messages transmitted to external recipients.

e) Any message received from an unknown sender via the Internet should either be immediately deleted or forwarded to the system administrator. Downloading any file attached to any Internet-based message is prohibited, unless the user is certain of that message’s authenticity and the nature of the file so transmitted.

f) Use of the District’s electronic mail system constitutes consent to these regulations.

**Internet Safety**

Internet access is limited to only those “acceptable uses,” as detailed in these procedures. Internet safety is almost assured if users will not engage in “unacceptable uses,” as detailed in these procedures, and will otherwise follow these procedures.

Staff members shall supervise students while students are using District Internet access, to ensure that the students abide by the Terms and Conditions for Internet access, as contained in these procedures.

Each District computer with Internet access has a filtering device that blocks entry to visual depictions that are: (1) obscene; (2) pornographic; or (3) harmful or inappropriate for students, as defined by the Children’s Internet Protection Act and determined by the Superintendent or designee.

The district shall provide age-appropriate instruction to students regarding appropriate online behavior. Such instruction shall include, but not be limited to: positive interactions with others online, including on social networking sites and in chat rooms; proper online social etiquette; protection from online predators and personal safety; and how to recognize and respond to cyberbullying and other threats.
The system administrator and building principals shall monitor student Internet access.

Legal Reference:
- Children’s Internet Protection Act, P.L. 106-554
- Broadband Data Services Improvement Act/Protecting Children in the 21st Century Act of 2008 (P.L. 110-385)
- 47 U.S.C. § 254(h) and (l)

Language instruction for limited English proficient and immigrant students

Universal service

Policy History:
Adopted on:
Revised: 10/8/01, 2/13/12
4000 SERIES
COMMUNITY RELATIONS
COMMUNITY RELATIONS

4120 - Public Relations

The District will strive to maintain effective two-way communications channels with the public. Such channels shall enable the Board and staff to interpret the schools’ needs to the community and provide a means for citizens to express their needs and expectations to the Board and staff.

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

Policy History:  
Adopted on: 8/2003, 4/14/2016  
Revised on:
COMMUNITY RELATIONS

4301 - Visitors to Schools

The District welcomes visits by, parents, and citizens to all District buildings. All visitors shall report to the office in main building on entering any District building. Conferences with teachers should be held outside school hours or during the teacher’s conference or preparation time.

Cross Reference: 4313 Disruption of School Operations

Policy History:
Adopted on: 8/2003
COMMUNITY RELATIONS

4310 - Public Complaints and Suggestions

The Board is interested in receiving valid complaints and suggestions. Public complaints and suggestions shall be submitted by the Uniform Complaint Procedure to the appropriate-level staff member or District administrator. Each complaint or suggestion shall be considered on its merits.

Unless otherwise indicated in these policies or otherwise provided for by law, no appeal may be taken from any decision of the Board.

Cross Reference: 1700 Uniform Complaint Procedure

Policy History:
Adopted on: 8/2003
Revised on: 11/2005
COMMUNITY RELATIONS

4316 - 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 may provide auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity.

The Administrator is designated the Americans with Disabilities Act Title II Coordinator and, in that capacity, is directed to:

1. Oversee District compliance efforts, recommend necessary modifications to the Board, and maintain the District’s final Title II self-evaluation document and keep it available for public inspection for at least three (3) years after its completion date (for districts having fifty (50) or more full- or part-time employees).

2. Institute plans to make information regarding Title II protection available to any interested party.

An individual with a disability should notify the Administrator 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 Administrator, as the Title II Coordinator, or by filing a grievance under the Uniform Complaint Procedure.

Cross Reference: 1700 Uniform Complaint Procedure


Policy History:
Adopted on: 11/2005
Revised on:
COMMUNITY RELATIONS

4330 - Community Use of School Facilities

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

Student and school-related organizations shall be granted the use of school facilities at no cost. Other organizations granted the use of school facilities shall pay fees and costs. The Board 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 Board’s approval and is subject to the procedures.

Administration/Board will approve and schedule various uses of school facilities. A master calendar will be kept in the office for scheduling dates to avoid conflicts during the school year. Should a conflict arise, the District reserves the right to cancel an approved request when it is determined that the facilities are needed for school purposes. Requests for use of school facilities must be submitted to the Board in advance of the event.

Legal Reference: § 20-7-805, MCA Recreational use of school facilities secondary

Lamb’s Chapel v. Center Moriches Union Free School Dist., 113 S.Ct. 2141

Policy History:
Adopted on: 8/2003
Revised on: 11/2005, 8/13/12
COMMUNITY RELATIONS

4330F - Facilities Use Agreement

Organization or Individual Requesting Facility Use: ________________________________

Facility Requested: ____________________________________________________________

Date and Hours of Requested Use: ______________________________________________

Purpose of Use: __________________________________________________________________

**Premises and Conditions**

**Conditions of Facilities Use** - Use of District facilities is conditioned upon the following covenants:

1. That no alcoholic beverages, tobacco, nicotine products, or other drugs are sold or consumed on the premises by the requesting organization or individual or any of its employees, patrons, agents, or members.

2. That no illegal games of chance or lotteries will be permitted.

3. That no functional alteration of the premises or functional changes in the use of such premises shall be made without specific written consent of the District.

4. That adequate supervision is provided by the requesting organization or individual to ensure proper care and use of District facilities.

**Rent and Deposit**

The requesting organization or individual agrees to pay the District, as rent for the premises and as payment for special services (if any) provided by the District, the sum of $________________________, and this shall be due ____________ days in advance. The requesting organization or individual shall be responsible for the actual cost of repair or replacement, including costs, disbursements, and expenses, resulting while it has use of the premises.

**Insurance and Indemnification**

The requesting organization or individual, by signature below, hereby guarantees that the organization shall indemnify, defend, and hold harmless the District and any of its employees or agents, from any liability, expenses, costs (including attorney’s fees), damages, and/or losses arising out of injury or death to any person or persons or damage to any property of any kind in connection with the organization or individual’s use of the District facility, which are not the result of fraud, willful injury to a person or property, or willful or negligent violation of a law.

The requesting organization or individual shall provide the District with a certificate of insurance prior to the use of the facility. The certificate shall show coverage for comprehensive general liability insurance in an amount not less than One Million Dollars ($1,000,000) for injuries to or death of any person or damage to or loss of property arising out of or in any way resulting from the described use of the facility.

**Non-Discrimination**

The requesting organization or individual agrees to abide by non-discrimination clauses as contained in the Montana Human Rights Act and the Governmental Code of Fair Practices.
District’s Rights

The District reserves the right to cancel this Agreement, when it is determined by the District that the facilities are needed for school purposes.

DATED this ____ day of _____________, 20__.

__________School District: Requesting Organization or Individual:

By ________________________________ By ________________________________
Address ________________________________
Phone ________________________________

Additional Obligations _______________________________________________________
........................................................................................................................................
........................................................................................................................................
COMMUNITY RELATIONS
4330P - Rules and Regulations for Building Use

1. Applications requesting use of the school facility must be presented to the building administrator at least ten (10) days in advance of the time desired and must be signed by a qualified representative of the organization desiring to use the building.

2. The school premises shall not be available before 5:00 p.m. on school days, except under special conditions.

3. Rental fees are as follows: (Example) Gym $100 + custodian Fees (will) (may) be waived for private nonprofit groups that do not charge admission fees. Religious groups or organizations will be charged rental fees as listed above.

4. The use of the school premises will be denied when, in the opinion of the Superintendent or the Board, such use may be construed to be solely for commercial purposes, there is a probability of damage or injury to school property, or the activity is deemed to be improper to hold in school buildings.

5. In case of loss or damage to school property, the organization and/or individual signing the request shall be fully responsible and liable.

6. The District reserves the right to require a certificate of insurance from the renting agency.

7. No furniture or apparatus shall be moved or displaced without permission.

8. No access to other rooms in the building shall be permitted unless designated by agreement.

9. There shall be no narcotics, drugs (including tobacco or nicotine products), stimulants, or alcohol used or sold in or about school buildings and premises, nor shall profane language, quarreling, fighting, or illegal gambling be permitted. Violations of this rule by any organization during occupancy shall be sufficient cause for denying further use of school premises to the organization.

10. Wax, or other preparations ordinarily used on dance floors, is not to be used on gymnasium floors.

11. The Superintendent may require a school employee to be present during use of the building by the non-school organization. In such case, the requesting organization will pay for the employee expense (i.e., custodians, overtime).

12. When the school official finds it necessary that police or other security personnel be retained for crowd control, such requirement may be added as a condition of the Facilities Use Agreement.

Policy History:
Adopted on:
Revised on: 8/13/12
COMMUNITY RELATIONS

4350 - Website Accessibility and Nondiscrimination

The District is committed to ensuring that people with disabilities have an opportunity equal to that of their nondisabled peers to participate in the District’s programs, benefits, and services, including those delivered through electronic and information technology, except where doing so would impose an undue burden or create a fundamental alteration.

**Benchmarks for Measuring Accessibility**

In order to assure that people with disabilities have an opportunity equal to that of their nondisabled peers to access information delivered through electronic and information technology, all pages on the District’s website will conform to the W3C Web Accessibility Initiative’s (WAI) Web Content Accessibility Guidelines (WCAG) 2.0 Level AA and the Web Accessibility Initiative Accessible Rich Internet Applications Suite (WAI-ARIA) 1.0 techniques for web content, or updated equivalents of these guidelines, except where doing so would impose an undue burden or create a fundamental alteration.

**Website Accessibility**

With regard to the District’s website and any official District web presence which is developed by, maintained by or offered through third party vendors and open sources, the District is committed to compliance with the provisions of the Americans with Disabilities Act (ADA), Section 504 and Title II so that students, parents and members of the public with disabilities are able to independently acquire the same information, engage in the same interactions, and enjoy the same benefits and services within the same timeframe as those without disabilities, which substantially equivalent ease of use; and that they are not excluded from participation in, denied benefits or, or otherwise subjected to discrimination in any District programs, services, and activities delivered online.

All existing web content produced by the District, and new, updated, and existing web content provided by third party developers, will conform to the WCAG 2.0 Level AA and the WAI-ARIA 1.0 techniques for web content or updated equivalents. This policy applies to all new, updated, and existing web pages, as well as all web content produced or updated by the District or provided by third-party developers.

**Website Accessibility Concerns, Complaints, and Grievances**

The following statement will appear on the District’s website homepage and all subsidiary pages:

_The District is committed to ensuring accessibility of its website for students, parents, and members of the community with disabilities. All pages on the District’s website will conform to the W3C WAI’s Web Content Accessibility Guidelines (WCAG) 2.0, Level AA conformance, or updated equivalents._

_Under District developed administrative procedures, students, parents, and members of the public may present a complaint regarding a violation of the Americans with Disabilities Act (ADA), Section 504 related to the accessibility of any official District web presence which is developed by, maintained by, or offered through the District or third-party vendors and open sources._

A student, parent, or member of the public who wishes to submit a complaint or grievance regarding a violation of the ADA, Section 504 or Title II related to the accessibility of any official District web presence that is developed by, maintained by, or offered through the District, third party vendors and/or open sources may complain directly to a school administrator. The initial complaint or grievance should be made using the District’s Uniform Grievance Form, upon request at the District office, however, a verbal complaint or grievance may be made. When a school administrator receives the information, they shall immediately inform the District’s [IT Department or website compliance coordinator]. The Complainant need not wait for the
investigation of any grievance or complaint in order to receive the information requested.

Whether or not a formal complaint or grievance is made, once the District has been notified of inaccessible content, effective communication shall be provided as soon as possible to the reporting party to provide access to the information.

**Testing and Accountability**

The District will ensure website accessibility training to all appropriate personnel, including employees who are responsible for developing, loading, maintaining, or auditing web content functionality. The District’s web development provider will be responsible for reviewing and evaluating new material that is published by school staff and uploaded to the website for accessibility on a periodic basis. The web development provider will be responsible for reviewing all areas of the District’s website and evaluating its accessibility on a periodic basis, and at least once per quarter. Any non-conforming webpages will be corrected in a timely manner.

This policy shall be available to the public via a link entitled “Accessibility,” which shall be located on the District’s homepage.

Cross Reference: Policy 1700 Uniform Grievance Procedure

Legal Reference: Title II of the Americans with Disabilities Act of 1990 Section 504 of the Rehabilitation Act

**Policy History:**
Adopted on: 10/2017
Revised on:
COMMUNITY RELATIONS

4411 - Interrogation and Investigations Conducted by School Officials

The administration has the authority and duty to conduct investigations and to question students pertaining to infractions of school rules, whether or not the alleged conduct is a violation of criminal law. The administration shall determine when the necessity exists that law enforcement officers be asked to conduct an investigation of alleged criminal behavior which jeopardizes the safety of other people or school property or which interferes with the operation of the schools.

In instances when the administration has reasonable suspicion that a violation of district policy or the student code of conduct has been violated, the administrator will investigate. The administrator will notify the suspected rule violator(s) or potential witness(es) to the infraction. The suspected student shall be advised orally or in writing of the nature of the alleged offense and of the evidence against the student. Circumstances may arise where it would be advisable to have another adult present during questioning of students.

School Resource Officer

Pioneer School District contracts with the Police Department to provide School Resource Officers (SROs) to maintain a safe and secure environment conducive to learning. Whenever possible all interactions between students and law enforcement at schools with SROs assigned shall be coordinated through the SROs as specified within the duties of the contract.

Duties:

1. Abide by school board policies and shall consult with and coordinate activities through the school principal but shall remain fully responsive to the chain of command of the law enforcement agency in all matters relating to employment and supervision.

2. Develop expertise in presenting various subjects; particularly in meeting federal and state mandates in drug abuse prevention education and shall provide these presentations at the request of school personnel in accordance with the established curriculum.

3. Encourage individual and small group discussions about law enforcement related matters with students, faculty and parents.

4. Attend meetings of parent and faculty groups to solicit their support and understanding of the School Resource Officer Program and to promote awareness of law enforcement functions.

5. Be familiar with all community agencies that offer assistance to youths and their families such as mental health clinics, drug treatment centers, etc.

6. Confer with the administration to develop plans and strategies to prevent and/or minimize dangerous situations on or near the campus or involving students at school related activities.

7. Coordinate with the administration when conducting an investigation into alleged violations of District policy that also could be a violation of the criminal code during school hours, on school property or students travelling to or from school.

8. Advise the administration before requesting additional enforcement assistance on campus and undertake all additional responsibilities at the administration’s direction.

9. In order to assure the peaceful operation of school-related programs, SROs will whenever possible,
participate in or attend school functions.

10. Reaffirm their roles as law enforcement officers by wearing their uniforms, unless doing so would be inappropriate for scheduled school activities. The uniform will also be worn at events where it will enhance the image of officers and their ability to perform their duties.

11. Coordinate with the administration and be responsible for law enforcement and security activity at extra-curricular events as determined by the principal.

12. File reports as required by the school district and/or law enforcement agency.

**Investigations by Law Enforcement**

When a student becomes involved with law enforcement officers due to events outside of the school environment and officers other than a SRO must interact with a student, the officer(s) is requested to confer with the student when he/she is being investigated for conduct not under the jurisdiction of the school. If this cannot be arranged, the SRO is the first person of contact for law enforcement. If for any reason the SRO is not available to respond to a request, the following steps shall be taken to cooperate with the authorities.

The officer shall contact the school principal and present proper identification in all occasions upon his/her arrival on school premises.

Parents or guardians shall be notified by the law enforcement officer, school principal or assistant principal as soon as possible. The law enforcement officer, principal or assistant principal shall make every effort to inform parents or guardians of the intent of the law enforcement officers except when that notification may compromise the student’s safety.

The student’s parent or guardian should be present, if practicable, during any interrogation on school premises.

**Cooperation with Law Enforcement**

Although cooperation with law enforcement officers will be maintained, it is the preference of the District that it will not normally be necessary for law enforcement officers to initiate, and conduct any investigation and interrogation on the school premises, during school hours, pertaining to criminal activities unrelated to the operation of the school. It is preferred that only in demonstrated emergencies, when law enforcement officers find it necessary, will they conduct such an investigation during school hours. These circumstances might be limited to those in which delay might result in danger to any person, flight of a person reasonably suspected of a crime from the jurisdiction or local authorities, destruction of evidence, or continued criminal behavior.

No school official, however, should ever place him/herself in the position of interfering with a law enforcement official in the performance of his or her duties as an officer of the law. If the law enforcement officials are not recognized and/or are lacking a warrant or court order, the building principal shall require proper identification of such officials and the reason(s) for the visit to the school. If the principal is not satisfied, he/she shall attempt to notify the Superintendent and the officer’s superior, documenting such action.

In all cases, the officers shall be requested to obtain prior approval of the principal or other designated person before beginning such an investigation on school premises. The administrator shall document the circumstances of such investigations as soon as practical. Alleged behavior related to the school environment brought to the Principal’s attention by law enforcement officers shall be dealt with under the provisions of the two previous sections.

**Taking a Student into Custody**

School officials shall not release students to law enforcement authorities voluntarily unless the student has been placed under arrest or unless the parent or guardians and the student agree to the release. When students are removed from school for any reason by law enforcement authorities, every reasonable effort will be made to
notify the student’s parents or guardians immediately. Such effort shall be documented. Whenever an attempt to remove a student from school occurs without an arrest warrant, court order, or without acquiescence of the parent or guardian, or the student, the administrator shall immediately notify a superior of the law enforcement officers involved to make objection to the removal of the student and shall attempt to notify the parent or guardian of the student. The Superintendent’s office shall be notified immediately of any removal of a student from school by law enforcement officers under any circumstances.

When it is necessary to take a student into custody on school premises and time permits, the law enforcement officer shall be requested to notify the principal and relate the circumstances necessitating such action. When possible, the principal shall have the student summoned to the principal’s office where the student may be taken into custody. In all situations of interrogations, arrest or service of subpoenas of a student by law enforcement officers on school premises, all practicable steps shall be taken to ensure a minimum of embarrassment or invasion of privacy of the student and disruption to the school environment.

**Disturbance of School Environment**

Law enforcement officers may be requested to assist in controlling disturbances of the school environment which the Principal or other school administrator has found to be unmanageable by school personnel and which disturbances have the potential of causing harm to students, other persons, or school property. Staff members may also notify law enforcement officials.

Such potential of possible disturbance includes members of the public who have exhibited undesirable or illegal conduct on school premises or at a school event held on school property, and who have been requested to leave by an administrator or staff member, but have failed or refused to do so.

Legal Reference:  
- § 20-1-206, MCA  Disturbance of school - penalty  
- § 20-5-201, MCA  Duties and sanctions  
- § 45-8-101, MCA  Disorderly conduct

**Policy History:**  
Adopted on: 6/6/2016  
Revised on:
COMMUNITY RELATIONS

4600 - Notice to Parents Required by No Child Left Behind Act of 2001 ("NCLB")

NOTE: This list of parental notice requirements may not be exhaustive. The only notices applying to districts that do not receive Title I funds are those regarding student privacy. The notices described in this administrative procedure are paraphrased; please see the specific NCLB section cited for the exact requirements.

Improving Basic Programs Operated by Local Educational Agencies

1. As required by NCLB § 1111(h)(6)(A): At the beginning of each school year, a district that receives Title I funds shall notify the parents of each student attending any school receiving Title I funds that the parents may request, and the district will provide the parents on request, information regarding the professional qualifications of the student's classroom teachers, including, at a minimum, the following:
   a) Whether the teacher has met the state qualifications and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.
   b) Whether the teacher is teaching under emergency or other provisional status.
   c) The teacher's baccalaureate degree major and any other graduate certifications or degrees.
   d) Whether paraprofessionals provide services to the student and, if so, their qualifications.

2. As required by NCLB § 1111(h)(6)(B)(i): Districts must provide parents information on the level of achievement of the parent's child in each of the state academic assessments.

3. As required by NCLB § 1111(h)(6)(B)(ii): Districts must provide parents timely notice that the parent's child has been assigned, or has been taught for four (4) or more consecutive weeks by, a teacher who is not highly qualified.

Limited English Proficient Students

1. As required by NCLB § 1112(g)(1)(A) and (g)(2) and § 3302(a): Districts must inform a parent of a limited English proficient child identified for participation or participating in such a program, of the reasons for their child being identified, their child's level of English proficiency, instructional method, how their child's program will meet the child's needs, how the program will help the child learn English, exit requirements for the program to meet the objectives of any limited English proficiency, and information regarding parental rights.

2. As required by NCLB § 1112(g)(1)(B) and § 3302(b): Each district using Title I funds to provide a language instruction educational program, that has failed to make progress on the annual measurable achievement objectives described in § 3122 for any fiscal year for which part A is in effect, shall separately inform the parents of a child identified for participation or participating in such a program, of such failure not later than thirty (30) days after such failure occurs.

3. As required by NCLB § 1112(g)(4) and § 3302(e): Each district shall implement an effective means of outreach to parents of limited English proficient students to inform the parents regarding how they can be involved in their child's education and be active participants in assisting their child to attain English proficiency, achieve at high levels in core academic subjects, and meet challenging state academic achievement standards and state academic content standards expected of all students. In addition, the
outreach shall include holding and sending notice of opportunities for regular meetings for formulating and responding to parent recommendations.

**Academic Assessment and Local Education Agency and School Improvement**

1. As required by NCLB § 1116(b)(6): Districts shall promptly provide to parents of each student enrolled in an elementary school or a secondary school identified for school improvement under § 1116(b)(1)(E)(I), for corrective action under § 1116(b)(7)(C)(I), or for restructuring under § 1116(b)(8)(A)(I):
   a) An explanation of what the identification means and how the school compares in terms of academic achievement to other district schools and the state educational agency;
   b) The reasons for the identification;
   c) An explanation of what the school identified for school improvement is doing to address the problem;
   d) An explanation of what the district or state educational agency is doing to help the school address the achievement problem;
   e) An explanation of how the parents can become involved in addressing the academic issues that caused the school to be identified for school improvement; and
   f) An explanation of the parents' option to transfer their child to another public school under paragraphs (1)(E), (5)(A), (7)(C)(i), (8)(A)(i), and subsection (c)(IO)(C)(vii) (with transportation provided by the agency when required by paragraph (9)) or to obtain supplemental educational services for the child in accordance with subsection (e).

2. As required by NCLB § 1116(b)(8)(c): Whenever the school fails to make adequate yearly progress and/or is restructured, the district shall provide the teachers and parents with an adequate opportunity to comment and participate in developing any plan.

3. As required by NCLB § 1116(e)(2)(A): The district shall provide annual notice to parents of:
   a) The availability of supplemental education services;
   b) The identity of approved providers of those services within the district or whose services are reasonably available in neighboring districts; and
   c) A brief description of those services, qualifications, and the demonstrated effectiveness of each such provide Parental Involvement

**Parental Involvement**

1. As required by NCLB § 1118(b): Parents shall be notified of the parental involvement policy, in an understandable and uniform format and, to the extent practicable, in a language the parents can understand. Such policy shall be made available to the local community and updated periodically to meet the changing needs of parents and the school.

2. As required by NCLB § 1118(c): Each school shall:
   a) Convene at an annual meeting at a convenient time, to which all parents of participating children shall be invited and encouraged to attend, to inform parents of their school’s participation and to explain the requirements of the NCLB and the right of the parents to be involved;
   b) Offer a flexible number of meetings;
   c) Involve parents, in an organized, ongoing, and timely way, in the planning, review, and improvement of programs, including the planning, review, and improvement of the school parental involvement
policy and the joint development of the school-wide program plan under § 1114(b)(2);

d) Provide parents of participating children:
   - Timely information about programs under this part;
   - A description and explanation of the curriculum in use at the school, the forms of academic assessment used to measure student progress, and the proficiency levels students are expected to meet; and
   - If requested by parents, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children, and respond to any such suggestions as soon as practicably possible.

**Education of Homeless Children and Youths**

1. As required by NCLB § 722(e)(3)(C): The district shall provide written notice, at the time any homeless child or youth seeks enrollment in the school and at least twice annually while the child or youth is enrolled in the school, to the parent or guardian of the child or youth (or, in the case of an unaccompanied youth, the youth) that:
   a) Shall be signed by the parent or guardian;
   b) Sets forth the general rights provided under this subtitle;
   c) Specifically states:
      - The choice of schools homeless children and youths are eligible to attend;
      - That no homeless child or youth is required to attend a separate school for homeless children or youths;
      - That homeless children and youths shall be provided comparable services, including transportation services, educational services, and meals through school meals programs;
      - That homeless children and youths should not be stigmatized by school personnel;
   d) Includes contact information for the local liaison for homeless children and youths.

2. As required by NCLB § 722(g)(2)(B)(iii): In the case of an unaccompanied homeless youth, the district shall ensure that the homeless liaison assists in placement or enrollment decisions, considers the views of such unaccompanied youth, and provides notice to such youth of the right to appeal.

3. As required by NCLB § 722(g)(6)(A)(iv): Each district shall ensure that public notice of the educational rights of homeless children is disseminated where such children and youths receive services under this Act, such as schools, family shelters, and soup kitchens.

**Persistently Dangerous Schools**

If the district is identified as a persistently dangerous school, the district must, in a timely manner:

1. Notify parents of each student attending the school that the state has identified the school as persistently dangerous.

2. Offer all students the opportunity to transfer to a safe public school within the district. If there is not another school in the district, the district is encouraged, but not required, to explore other options such as an agreement with a neighboring district to accept transfer students.

3. For those students who accept the offer, complete the transfer.
In addition a district must also:

1. Develop a corrective action plan, and:
   2. Implement the plan in a timely manner

Parental notification regarding the status of the school and the offer to transfer students may be made simultaneously

Student Privacy

1. As required by NCLB § 1061(c)(2)(A): The student privacy policies developed by the district shall provide for reasonable notice of the adoption or continued use of such policies directly to the parents of students enrolled in schools served by the district. At a minimum, the district shall:
   a) Provide such notice at least annually at the beginning of the school year and within a reasonable period of time after any substantive change in such policies; and
   b) Offer an opportunity for the parent to opt the student out of the activity.

2. As required by NCLB § 1061(c)(2): All districts shall provide reasonable notice of such existing policies to parents and guardians of students, e.g., "The Board has adopted and continues to use policies regarding student privacy, parental access to information, and administration of certain physical examinations to minors. Copies of those policies are available on request."

Policy History
Adopted on: 8/2003
Revised on: 11/2005

“Persistently dangerous public elementary school or secondary school,” in the context of the No Child Left Behind Act of 2001 (ESEA), a Montana public elementary or secondary school is considered to be persistently dangerous if each of the following two conditions exist:

(I) In each of three consecutive years, the school has a federal or state gun-free schools violation or a violent criminal offense has been committed on school property, and

(2) In any two years within a three-year period, the school has experienced expulsions for drug, alcohol, weapons or violence that exceed one of the following rates-
   a) more than five expulsions for a school of less than 250 students,
   b) more than 10 expulsions for a school of more than 250 students but less than 1,000 students, or
   c) more than 15 expulsions for a school of more than 1,000 students.
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PERSONNEL

5002 - Accommodating Individuals With Disabilities

Individuals with disabilities shall be provided opportunity to participate in all school-sponsored services, programs, or activities on an basis equal to those without disabilities and will not be subject to illegal discrimination.

The District may provide auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity.

Each service, program, or activity operated in existing facilities shall be readily accessible to, and usable by, individuals with disabilities. New construction and alterations to facilities existing before January 26, 1992, will be accessible when viewed in their entirety.

The Administrator is designated the Americans with Disabilities Act Title II Coordinator and, in that capacity, is directed to:

1. Oversee District compliance efforts, recommend to the Board necessary modifications, and maintain the District’s final Title II self-evaluation document and keep it available for public inspection.

2. Institute plans to make information regarding Title II protection available to any interested party.

An individual with a disability should notify the Administrator 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.

Cross Reference: 1700 Uniform Complaint Procedure


Policy History:
Adopted on: 8/2003
Revised on: 11/2005, 4/14/2014
PERSONNEL

5010 - Equal Employment Opportunity and Non-Discrimination

The District will provide equal employment opportunities to all persons, regardless of their race, color, religion, creed, national origin, sex, age, ancestry, marital status, military status, citizenship status, use of lawful products while not at work physical or mental disability, if otherwise able to perform essential functions of a other legally protected categories.

The District will make reasonable accommodation for an individual with a disability known to the District, if the individual is otherwise qualified for the position, unless the accommodation would impose undue hardship on the District.

A person with an inquiry regarding discrimination should direct their questions to the Title IX Coordinator. A person with a specific written complaint should follow the Uniform Complaint Procedure.

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

Cross Reference: 1700 Uniform Complaint Procedure


Policy History:
Adopted on: 11/2005
Revised on: 2/13/2012, 4/14/2014
PERSONNEL

5012 - Sexual Harassment/Sexual Intimidation in the Workplace

The District will strive to provide employees a work 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.

The District prohibits its employees from making sexual advances or requesting sexual favors or engaging in any 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 a basis for employment decisions affecting that individual; or

3. Such conduct has the purpose or effect of substantially interfering with the individual’s work performance or creating an intimidating, hostile, or offensive work 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 that has the effect of humiliation, embarrassment, or discomfort. The District will evaluate sexual harassment in light of all circumstances.

A violation of this policy may result in disciplinary action, up to and including termination of employment. Any person who knowingly makes false accusation regarding sexual harassment will likewise be subject to disciplinary action, up to and including termination of employment.

An aggrieved person who feels comfortable doing so should directly inform the person engaging in sexually harassing conduct or communication that such conduct or communication is offensive and must stop.

Employees who believe they may have been sexually harassed or intimidated should contact the Title IX Coordinator or an administrator/County Superintendent, who will assist them in filing a complaint. An individual with a complaint alleging a violation of this policy shall follow the Uniform Complaint Procedure.

Cross Reference: 1700 Uniform Complaint Procedure

Legal Reference: Title VII of the Civil Rights Act, 42 U.S.C. §§ 2000(e), 29 C.F.R. § 1604.11
Title IX of the Education Amendments, 20 U.S.C. §§ 1681, Montana Constitution, Art. X, § 1 - Educational goals and duties
§ 49-2-101, MCA Human Rights Act

Policy History:
Adopted on: 8/2003
PERSONNEL

5015 - Bullying/Harassment/Intimidation

The Board will strive to provide a positive and productive working environment. Bullying, harassment, or intimidation between employees or by third parties, are strictly prohibited and shall not be tolerated. This includes bullying, harassment, or intimidation via electronic communication devices (“cyberbullying”).

Definitions

1. “Third parties” include but are not limited to coaches, school volunteers, parents, school visitors, service contractors, or others engaged in District business, such as employees of businesses or organizations participating in cooperative work programs with the District, and others not directly subject to District control at inter-district and intra-District athletic competitions or other school events.

2. “District” includes District facilities, District premises, and non-District property if the employee is at any District-sponsored, District-approved, or District-related activity or function, such as field trips or athletic events, where the employee is engaged in District business.

3. “Harassment, intimidation, or bullying” means any act that substantially interferes with an employee’s opportunities or work performance, that takes place on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation, or anywhere such conduct may reasonably be considered to be a threat or an attempted intimidation of a staff member or an interference with school purposes or an educational function, and that has the effect of:
   a) Physically harming an employee or damaging an employee’s property;
   b) Knowingly placing an employee in reasonable fear of physical harm to the employee or damage to the employee’s property; or
   c) Creating a hostile working environment.

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

Reporting

All complaints about behavior that may violate this policy shall be promptly investigated. Any employee or third party who has knowledge of conduct in violation of this policy or feels he/she has been a victim of harassment, intimidation, or bullying in violation of this policy is encouraged to immediately report his/her concerns to the building principal or the District Administrator, who have overall responsibility for such investigations. Complaints against the building principal shall be filed with the Superintendent. Complaints against the Superintendent or District Administrator shall be filed with the Board.

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

Responsibilities

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

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

Retaliation and Reprisal

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

Legal Reference: Admin. R. Mont. 10.55.801(1)(a) School Climate

Policy History:
Adopted on: 8/13/2007
Revised on: 11/7/2016
PERSONNEL

5120 - Hiring Process and Criteria

The School Board/Administrator is responsible for recruiting personnel, in compliance with Board policy, and for making hiring recommendations to the Board. The School Board/Administrator will initially screen applicants for educational support positions. The District will hire highly qualified personnel consistent with budget and staffing requirements and will comply with Board policy and state law on equal employment opportunities and veterans’ preference. All applicants must complete a District application form to be considered for employment.

Every applicant must provide the District with written authorization for a criminal background investigation. The School Board/Administrator will keep any conviction record confidential as required by law and District policy. The district will create a determination sheet from the criminal history record. The determination sheet will be kept on file at the District Office. The Criminal History Record with no disqualifiers will be shredded on site immediately after review. The Criminal History Record with disqualifiers will be retained on file at the District Office according to law. Every newly hired employee must complete an Immigration and Naturalization Service form, as required by federal law.

Every newly hired employee must provide the District 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/she is a known tuberculin reactor.

Certification

The District requires its’ contracted certified staff to hold valid Montana teacher or specialist certificates endorsed for the roles and responsibilities for which they are employed. Failure to meet this requirement shall be just cause for termination of employment. No salary warrants may be issued to a staff member, unless a valid certificate for the role to which the teacher has been assigned has been registered with the county superintendent within sixty (60) calendar days after a term of service begins. Every teacher and administrator under contract must bring their current, valid certificate to the personnel office at the time of initial employment, as well as at the time of each renewal of certification.

The personnel office also will retain a copy of each valid certificate of a contracted certified employee in that employee’s personnel file.

Cross Reference: 5122 Fingerprint and Criminal Background Investigations

Legal Reference: § 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 No Child Left Behind Act of 2001 (P.L. 107-110) Admin. R. Mont. 37.114.1010 Employee of School: Day Care Facility Care Provider

Policy History:
Adopted on: 1/12/15
Reviewed on: 11/10/14
Revised on:
Personnel

5121 - Applicability of Personnel Policies

Except where expressly provided to the contrary, personnel policies apply uniformly to the employed staff of the District. However, where there is a conflict between terms of a collective bargaining agreement and District policy, the law provides that the terms of the collective bargaining agreement shall prevail for staff covered by that agreement.

Board policies will govern when a matter is not specifically provided for in an applicable collective bargaining agreement.

Legal Reference: § 39-31-102, MCA Chapter not limit on legislative authority

Policy History:
Adopted on: 11/2005
Revised on: 11/7/2016
PERSONNEL

5122 - Fingerprints and Criminal Background Investigations

It is the policy of the Board that any finalist recommended for hire to a paid or volunteer position with the District involving regular unsupervised access to students in schools, as determined by the Superintendent, shall submit to a name-based and fingerprint criminal background investigation [federal fingerprint-based criminal history record check] conducted by the appropriate law enforcement agency prior to consideration of the recommendation for employment or appointment by the Board.

Any requirement of an applicant to submit to a fingerprint background check shall be in compliance with the Volunteers for Children Act of 1998 and applicable federal regulations. If an applicant has any prior record of arrest or conviction by any local, state, or federal law enforcement agency for an offense other than a minor traffic violation, the facts must be reviewed by the Superintendent, who shall decide whether the applicant shall be declared eligible for appointment or employment in a manner consistent with the expectations and standards set by the board.

The following applicants for employment, as a condition for employment, will be required, as a condition of any offer of employment, to authorize, in writing, a name-based and fingerprint criminal background investigation.

- A certified employee seeking full- or part-time employment with the District;
- A non-certified or classified employee seeking full- or part-time employment with the District;
- An employee of a person or firm holding a contract with the District, if the employee is assigned to the District;
- A volunteer assigned to work in the District, who has regular unsupervised access to students; and
- Substitute teachers.

Legal Reference:

§ 44-5-301, MCA Dissemination of public criminal justice information
§ 44-5-302, MCA Dissemination of criminal history record information that is not public criminal justice information
§ 44-5-303, MCA that is not public criminal justice information Dissemination of confidential criminal justice information – procedure for dissemination through court

Policy History:
Adopted on: 8/2003
Applicant Rights and Consent to Fingerprint

As an applicant who is the subject of a national fingerprint-based criminal history record check for a noncriminal justice purpose (such as an application for employment or a license, an immigration or naturalization matter, security clearance, or adoption), you have certain rights which are discussed below.

- You must be provided written notification\(^8\) by Pioneer Elementary that your fingerprints will be used to check the criminal history records of the FBI.
- You must be provided, and acknowledge receipt of, an adequate Privacy Act Statement when you submit your fingerprints and associated personal information. This Privacy Act Statement should explain the authority for collecting your information and how your information will be used, retained, and shared.
- If you have a criminal history record, the officials making a determination of your suitability for employment, license, or other benefit must provide you the opportunity to complete or challenge the accuracy of the information in the record.
- The officials must advise you that the procedures for obtaining a change, correction, or updating of your criminal history record are set forth at Title 28, Code of Federal Regulations (CFR), Section 16.34.
- If you have a criminal history record, you should be afforded a reasonable amount of time to correct or complete the record (or decline to do so) before the officials deny you the employment, license, or other benefit based on information in the criminal history record.\(^9\)

You have the right to expect that officials receiving the results of the criminal history record check will use it only for authorized purposes and will not retain or disseminate it in violation of federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.\(^10\)

If agency policy permits, the officials may provide you with a copy of your FBI criminal history record for review and possible challenge. If agency policy does not permit it to provide you a copy of the record, you may obtain a copy of the record by submitting fingerprints and a fee to the FBI. Information regarding this process may be obtained at fbi.gov/about-us/cjis/background-checks.

If you decide to challenge the accuracy or completeness of your FBI criminal history record, you should send your challenge to the agency that contributed the questioned information to the FBI. Alternatively, you may send your challenge directly to the FBI at the same address as provided above. The FBI will then forward your challenge to the agency that contributed the questioned information and request the agency to verify or correct the challenged entry. Upon receipt of an official communication from that agency, the FBI will make any necessary changes/corrections to your record in accordance with the information supplied by that agency.

If a change, correction, or update needs to be made to a Montana criminal history record, or if you need additional information or assistance, please contact Montana Criminal Records and Identification Services at dojitsdpbpublicrecords@mt.gov or 406-444-3625.

*Your signature below acknowledges this agency has informed you of your privacy rights for fingerprint-based background check requests used by the agency.*

**Signed:**

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\(^8\) Written notification includes electronic notification, but excludes oral notification.

\(^9\) See 28 CFR 50.12(b).

\(^10\) See §5 U.S.C. 552a(b); 28 U.S.C. 534(b); 42 U.S.C. 14616, Article IV(c); 28 CFR 20.21(c), 20.33(d) and 906.2(d).
5122F - Authorization to Release Information

Application and notice pursuant to the National Child Protection Act of 1993 as amended by the Volunteers For Children Act

To Whom It May Concern:

You have applied for employment with, will be working in a volunteer position with, or will be providing vendor or contractor services to Pioneer School District for the position of (please be specific)

_________________________________________.

The National Child Protection Act of 1993 (NCPA), Public Law (Pub. L.) 103-209, as amended by the Volunteers for Children Act (VCA), Pub. L. 105-251 (Sections 221 and 222 of Crime Identification Technology Act of 1998), codified at 42 United States Code (U.S.C.) Sections 5119a and 5119c, authorizes a state and national criminal history background check to determine the fitness of an employee, or volunteer, or a person with unsupervised access to children, the elderly, or individuals with disabilities.

Pursuant to the VCA, the district (a) to which you have applied for employment or to serve as a volunteer, or (b) by which you are employed or serve as a volunteer requests a background check. Your rights and responsibilities under the VCA are as follows:

Provide a set of fingerprints. [I understand the fingerprint background check will be at my expense]. These fingerprints will be used to conduct a search of FBI criminal history records. The district conducting this background check may use the resulting record only for the authorized purpose(s) and will not retain or disseminate it in violation of federal statute, regulation, or executive order, or rule, procedure, or standard established by the National Crime Prevention and Privacy Compact Council. 5 U.S.C. 552a(b); 28 U.S.C. 534(b); 42 U.S.C. 14616, Article IV(c); 28 CFR 20.21(c), 20.33(d) and 906.2(d).

Provide your name, address, and date of birth, as appears on a document made or issued by or under the authority of the United States Government, a State, political subdivision of a State, a foreign government, a political subdivision of a foreign government, an international governmental or an international quasi-governmental organization which, when completed with information concerning a particular individual, is of a type intended or commonly accepted for the purpose of identification of individuals. 18 U.S.C. §1028(D)(2).

Provide a certification that you (a) have not been convicted of a crime, (b) are not under indictment for a crime, or (c) have been convicted of a crime. If you are under indictment or have been convicted of a crime, you must describe the crime and the particulars of the conviction, if any.

You are entitled to (a) obtain a copy of the background check report and (b) challenge the accuracy and completeness of any information contained in any such report and obtain a prompt determination as to the validity of such challenge before a final determination is made by the state government agency performing the background check. If district policy permits, its officials may provide you with a copy of your FBI criminal history record for review and possible challenge. If the district policy does not permit it to provide you a copy of the record, you may obtain a copy of the record by submitting fingerprints and a fee to the FBI. Information regarding this process may be obtained at http://www.fbi.gov/about-us/cjis/background-checks or by contacting Montana Criminal Records and Identification Services at PO Box 201403, Helena MT 59620. 28 CFR, 16.30 through 16.34.

Prior to the completion of the background check, the district may choose to deny you unsupervised access to a person to whom the district provides care.

The [district] [Superintendent] [administration] shall access and review State and Federal criminal history records and shall make reasonable efforts to make a determination whether you have been convicted of, or are under pending indictment for, a crime that bears upon your fitness and shall convey that determination to the
Board of Trustees. The district shall make reasonable efforts to respond to the inquiry within 15 business days.

Your Name: ____________________________________________________________

                  First                      Middle                      Maiden                      Last

Date of Birth: ____________________________________________________________

Address: _________________________________________________________________
                  Street                      Apt.

___________________________________________________________

                  City                      State                      Zip

I have been convicted of, or am under pending indictment for, the following crimes [include the dates, location/jurisdiction, circumstances and outcome]:

I have not been convicted of, nor am I under pending indictment for, any crimes.

Your signature below acknowledges this entity has informed you of your privacy rights for fingerprint-based background check requests used by the entity for non-criminal justice purposes.

I have been provided with a copy of this form. I have read and understood the foregoing and my certification is true and correct to the best of my knowledge and belief.

__________________________  _____________________________________________

                      Date                      Signature of Applicant
PERSONNEL

5125 - Whistle Blowing and Retaliation

When district employees know or have reasonable cause to believe that serious instances of wrongful conduct (e.g., mismanagement of district resources, violations of law and/or abuse of authority) have occurred, they should report such wrongful conduct to the administrator/designated staff or Board Chairperson.

For purposes of this policy, the term “wrongful conduct” shall be defined to include:

- theft of district money, property, or resources;
- misuse of authority for personal gain or other non-district purpose;
- fraud;
- violations of applicable federal and state laws and regulations; and/or
- serious violations of district policy, regulation, and/or procedure.

The Board of Trustees will not tolerate any form of reprisal, retaliation or discrimination against:

- Any employee, or applicant for employment, because he/she opposed any practice that he/she reasonably believed to be made unlawful by federal or state laws prohibiting employment discrimination on the basis of sex, sexual orientation, race, color, national origin, age, religion, height, weight, marital status, handicap or disability.

- Any employee, or applicant for employment, because he/she filed a charge, testified, assisted or participated, in any manner, in an investigation, proceeding or hearing under federal or state laws prohibiting employment discrimination on the basis of sex, sexual orientation, race, color, national origin, age, religion, height, weight, marital status, handicap or disability or because he/she reported a suspected violation of such laws according to this policy; or,

- Any employee or applicant because he/she reported, or was about to report, a suspected violation of any federal, state or local law or regulation to a public body (unless the employee knew that the report was false) or because he/she was requested by a public body to participate in an investigation, hearing or inquiry held by that public body or a court.

An employee or applicant for employment who believes that he/she has suffered reprisal, retaliation or discrimination in violation of this policy shall report the incident(s) to the administrator/designated staff or Board Chairperson or his/her designee. The Board of Trustees guarantees that no employee or applicant for employment who makes such a report will suffer any form of reprisal, retaliation or discrimination for making the report. Individuals are forbidden from preventing or interfering with whistle blowers who make good faith disclosures of misconduct.

The Board or its agents will not discharge, discipline or otherwise penalize any employee because the employee or someone acting on the employee’s behalf, reports, verbally or in writing, a violation or suspected violation of any state or federal law or regulation or any town/city ordinance or regulation to a public body, or because an employee is requested by a public body to participate in an investigation, hearing or inquiry held by that public body, or a court action. Further, the Board or its agents will not discharge, discipline or otherwise penalize any employee because the employee, or a person acting on his/her behalf, reports, verbally or in writing, to a public body, as defined in the statutes, concerning unethical practices, mismanagement or abuse of authority by the employer. This section does not apply when an employee knowingly makes a false report.

The District will exercise reasonable efforts to:

- investigate any complaints of retaliation or interference made by whistle blowers;
• take immediate steps to stop any alleged retaliation; and
• discipline any person associated with the District found to have retaliated against or interfered with a whistle blower.

The Board of Trustees considers violations of this policy to be a major offense that will result in disciplinary action, up to and including termination, against the offender, regardless of the offender’s position within the District.

The Board shall make this policy available to its staff by posting it on its website with its other District policies.

Legal References: Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e-3(a)
Age Discrimination in Employment Act, 29 U.S.C. §623 (d)
Americans with Disabilities Act, 42 U.S.C. §12203(a) and (b)
Occupational Safety and Health Act, 29 U.S.C. §6660(c)
Family and Medical Leave Act, 29 U.S.C. §2615
National Labor Relations Act, 29 U.S.C. §158(a)

Policy History
Adopted on: 1/12/15
Revised on:
PERSONNEL

5130 - Staff Health

Medical Examinations

Through its overall safety program and various policies pertaining to school personnel, the Board will promote the safety of employees during working hours and assist them in the maintenance of good health. The Board will encourage all its employees to maintain optimum health through the practice of good health habits.

The Board may require physical examinations of its employees, under circumstances defined below. The District will maintain results of physical examinations in medical files separate from the employee's personnel file and will release them only as permitted by law.

Physical Examinations

The District participates in a Pre-Placement Physical Program for all custodial and maintenance personnel and other positions deemed inclusive of this policy as determined by specific Board action. Subsequent to a conditional offer of employment in a position for which the District may require participation in a preplacement physical but before commencement of work, the District may require an applicant to have a medical examination and to meet any other health requirements which may be imposed by the state. The District may condition an offer of employment on the results of such examination, if all employees who received a conditional offer of employment in the applicable job category are subject to such examination. The report shall certify the employee’s ability to perform the job-related functions of the position for which the employee is being considered. Such examination shall be used only to determine whether the applicant is able to perform with reasonable accommodation job-related functions.

All bus drivers, whether full-time, regular part-time, or temporary part-time, are required by state law to have a satisfactory medical examination before employment.

Communicable Diseases

If a staff member has a communicable disease and has knowledge that a person with compromised or suppressed immunity attends the school, the staff member must notify the school nurse or other responsible person designated by the Board of the communicable disease which could be life threatening to an immune-compromised person. The school nurse or other responsible person designated by the Board must determine, after consultation with and on the advice of public health officials, if the immune-compromised person needs appropriate accommodation to protect their health and safety.

An employee with a communicable disease shall not report to work during the period of time in which the employee is infectious. An employee afflicted with a communicable disease capable of being readily transmitted in the school setting (e.g., airborne transmission of tuberculosis) shall be encouraged to report the existence of the illness so that precautions may be taken to protect the health of others. The District reserves the right to require a statement from an employee's primary care provider, before the employee may return to work.

Confidentiality

In all instances, District personnel will respect an individual’s right to privacy and treat any medical diagnosis as confidential information. Any information obtained regarding the medical condition or history of any employee will be collected and maintained on separate forms and in separate medical files and will be treated as confidential information. Only those individuals with a legitimate need to know (i.e., those persons with a direct responsibility for the care of or for determining workplace accommodation for the staff person) will be provided necessary medical information.
Supervisors and managers may be informed of necessary restrictions on the work or duties of an employee and necessary accommodations. First aid and safety personnel may be informed, when appropriate, if a staff member with a disability might require emergency treatment.

Legal References:

- 29 U.S.C. 794, Section 504 of the Rehabilitation Act
- 29 CFR, Section 1630.14(c)(1)(2)(3)
- 42 U.S.C. 12101, et seq. Americans with Disabilities Act
- Title 49, Chapter 2, MCA Illegal Discrimination
- Title 49, Chapter 4, MCA Rights of Persons with Disabilities
- § 20-10-103(4), MCA School bus driver qualifications
- ARM 16.28.1005 Employee of School – Day Care Facility Care Provider
- ARM 37.111.825 Health Supervision and Maintenance

Policy History:
Adopted on: 8/13/2007
Revised on: 11/7/2016
PERSONNEL

5210 - Assignments, Reassignments, Transfers

The Board or Administrator may assign, reassign, and/or transfer positions and duties of all staff. Teachers will be assigned at the levels and in the subjects for which their certificates are endorsed. The Board or Administrator will provide for a system of assignment, reassignment, and transfer of classified staff, including voluntary transfers and promotions. Nothing in this policy prevents reassignment of a staff member during a school year. Classified Staff The District retains the right of assignment, reassignment, and transfer. Written notice of reassignment or involuntary transfer will be given to the employee. The staff member will be given opportunity to discuss the proposed transfer or reassignment with the Board or Administrator. Teaching Notice of their teaching assignments relative to grade level, building, and subject area will be given to teachers before the beginning of the school year. All District employees assigned extracurricular activities as a contract obligation must honor this obligation as a condition of employment unless released from this responsibility by the Board.

Provisions governing vacancies, promotions, and voluntary or involuntary transfers may be found in negotiated agreements or employee handbooks.


Principal

Policy History:
Adopted on: 4/14/2014
Revised on: 2/12/18
PERSONNEL

5221 - Work Day

Work Day

Length of Work Day - Certified Staff

The current collective bargaining agreement sets forth all conditions pertaining to the certified work day, preparation periods, lunches, etc. Arrival time shall generally be as directed by the principal or as stipulated in the agreement.

Length of Work Day - Classified Staff

The length of a work day for classified staff is governed by the number of hours for which the employee is assigned. A “full-time” employee shall be considered to be an eight-(8)-hour-per-day/fourty-(40)-hour-per-week employee.

Legal Reference:  
29 C.F.R. Part 516, et seq. Records to be kept by employers  
§ 39-3-405, MCA Overtime compensation  
§ 39-4-107, MCA State and municipal governments, and school districts  
Admin. R. Mont.10.65.103(2) Program of Approved Pupil Instruction-Related Days  
Admin. R. Mont. 24.16.101, Wages and Hours  
Admin. R. Mont. 24.16.1006 Rest and Meal Periods

Policy History:  
Adopted on: 8/2003  
PERSONNEL

5222 - Evaluation of Non-Administrative Staff

Evaluation of Non-Administrative Staff

Each non-administrative staff member’s job performance will be evaluated by the Non-tenured certified staff shall be evaluated, at a minimum, on at least an annual basis. Tenured certified staff members may be evaluated according to the terms stated in the current collective bargaining agreement if applicable. The evaluation model shall be aligned with applicable district goals, standards of the Board of Public Education, and the district’s mentorship and induction program. It shall identify what skill sets are to be evaluated, include both summative and formative elements, and include an assessment of the educator’s effectiveness in supporting every student in meeting rigorous learning goals through the performance of the educator’s duties.

The supervisor will provide a copy of the completed evaluation to the staff member and will provide opportunity to discuss the evaluation. The original should be signed by the staff member and filed with the District Clerk. If the staff member refuses to sign the evaluation, the supervisor should note the refusal and submit the evaluation to the District Clerk.

Legal Reference: ARM 10.55.701(4)(a)(b) Board of Trustees

Policy History:
Adopted on: 8/2003
PERSONNEL

5225 - Tobacco Free Policy

The District maintains tobacco-free buildings and grounds. Tobacco includes but is not limited to cigarettes, cigars, snuff, smoking tobacco, and smokeless tobacco.

Use of tobacco products in a public school building or on public school property is prohibited, unless the use of a tobacco product in a classroom or on other school property as part of a lecture, demonstration, or educational forum sanctioned by a school administrator or faculty member concerning the risks associated with using tobacco products.

For the purpose of this policy, “public school building or public school property” means:

- Public land, fixtures, buildings, or other property owned or occupied by an institution for the teaching of minor children that is established and maintained under the laws of the state of Montana at public expense; and
- Includes playgrounds, school steps, parking lots, administration buildings, athletic facilities, gymnasiums, locker rooms, and school buses.

LegalReference:

§ 20-1-220, MCA Use of tobacco product in public school building or property prohibited
§§ 50-40-101, et seq., MCA Montana Clean Indoor Air Act of 1979
ARM 37.111.825 Health Supervision and Maintenance

Policy History:
Adopted on: 11/2005
Revised on:
PERSONNEL

5226 - Drug-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, including employees possessing a “medical marijuana” card.
- 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 obtainable;
- 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.

As a condition of employment, each employee will:

- Abide by the terms of the District policy respecting a drug- and alcohol-free workplace.
- Notify his or her supervisor of his or her conviction under any criminal drug statute, for a violation occurring on District premises or while performing work for the District, no later than five (5) days after such conviction.

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

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

District Action Upon Violation of Policy

An employee who violates this policy may be subject to disciplinary action, including termination. Alternatively, the Board may require an employee to successfully complete an appropriate drug- or alcohol-abuse, employee-assistance rehabilitation program.

The Board will take disciplinary action with respect to an employee convicted of a drug offense in the workplace, within thirty (30) days of receiving notice of a conviction.

Should District employees be engaged in the performance of work under a federal contract or grant, or under a state contract or grant, the 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 Reference: 41 USC 702, 703, 706

Drug-free workplace requirements for Federal grant recipients

§50-46-205, MCA

Limitations of Medical Marijuana Act

Policy History:
Adopted on: 8/2003
Reviewed on: 7/14/2008, 10/11/10
Revised on: 11/8/2010
PERSONNEL
5228 - Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers

The District will adhere to federal law and regulations requiring a drug and alcohol testing program for school bus and commercial vehicle drivers.

The program will comply with requirements of the Code of Federal Regulations, Title 49, §§ 382, et seq. The Board of Trustees will adopt and enact regulations consistent with federal regulations, defining the circumstances and procedures for testing.

Legal Reference:
49 C.F.R. Parts 40 (Procedures for Transportation Workplace Drug and Alcohol Testing Programs), 382 (Controlled substance and alcohol use and testing), and 395 (Hours of service of drivers)

Policy History:
Adopted on: 8/2003
Revised on: 11/2005
PERSONNEL

5228P - 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 Code of Federal Regulations, Title 49, Part 382.

Other persons who drive vehicles designed to transport sixteen (16) or more passengers, including the driver, are likewise subject to the drug and alcohol testing program.

Testing procedures and facilities used for the tests shall conform with the requirements of the Code of Federal Regulations, Title 49, §§ 40 et seq.

Pre-Employment Tests

Tests shall be conducted before the first time a driver performs any safety-sensitive function for the District.

Safety-sensitive functions include all on-duty functions performed from the time a driver begins work or is required to be ready to work, until he/she is relieved from work and all responsibility for performing work. It includes driving; waiting to be dispatched; inspecting and servicing equipment; supervising, performing, or assisting in loading and unloading; repairing or obtaining and waiting for help with a disabled vehicle; performing driver requirements related to accidents; and performing any other work for the District or paid work for any entity.

The tests shall be required of an applicant only after he/she has been offered the position.

Exceptions may be made for drivers who have had the alcohol test required by law within the previous six (6) months and participated in the drug testing program required by law within the previous thirty (30) days, provided that the District has been able to make all verifications required by law.

Post-Accident Tests

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

1. Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved loss of human life; or
2. Who receives a citation under state or local law, for a moving traffic violation arising from the accident.

Drivers shall make themselves readily available for testing, absent the need for immediate medical attention.

No such driver shall use alcohol for eight (8) hours after the accident, or until after he/she undergoes a post-accident alcohol test, whichever occurs first.

If an alcohol test is not administered within two (2) hours or if a drug test is not administered within thirty-two (32) hours, the District shall prepare and maintain records explaining why the test was not conducted. Tests will not be given if not administered within eight (8) hours after the accident for alcohol or within thirty-two (32) hours for drugs.

Tests conducted by authorized federal, state, or local officials will fulfill post-accident testing requirements, provided they conform to applicable legal requirements and are obtained by the District. Breath tests will validate only the alcohol test and cannot be used to fulfill controlled substance testing obligations.
**Random Tests**

Tests shall be conducted on a random basis at unannounced times throughout the year. Tests for alcohol shall be conducted just before, during, or just after the performance of safety-sensitive functions. The number of random alcohol tests annually must equal twenty-five percent (25%) of the average number of driver positions. The number of random drug tests annually must equal fifty percent (50%) of the average number of driver positions. Drivers shall be selected by a 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 two (2) hours of a determination of reasonable suspicion, the District shall prepare and maintain a record explaining why this was not done. Attempts to conduct alcohol tests shall terminate after eight (8) hours.

A 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 twenty-four (24) hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

**Enforcement**

Any driver who refuses to submit to a post-accident, random, reasonable suspicion, or follow-up test shall not perform or continue to perform safety-sensitive functions.

Drivers who test positive for alcohol or drugs shall be subject to disciplinary action up to and including dismissal. A driver who violates District prohibitions related to drugs and alcohol shall receive from the District the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs available to evaluate and resolve drug and alcohol-related problems. The employee shall be evaluated by a substance abuse professional who shall determine what help, if any, the driver needs in resolving such a problem. Any substance abuse professional who determines that a driver needs assistance shall not refer the driver to a private practice, person, or organization in which he/she has a financial interest, except under circumstances allowed by law.

An employee identified as needing help in resolving a drug or alcohol problem shall be evaluated by a substance abuse professional to determine that he/she has properly followed the prescribed rehabilitation program and shall be subject to unannounced follow-up tests after returning to duty.

**Return-to-Duty Tests**

A drug or alcohol test shall be conducted when a driver who has violated the District’s drug or alcohol prohibition returns to performing safety-sensitive duties.

Employees whose conduct involved drugs cannot return to duty in a safety-sensitive function until the return-to-duty drug test produces a verified negative result.

Employees whose conduct involved alcohol cannot return to duty in a safety-sensitive function until the return-
to-duty alcohol test produces a verified result that meets federal and District standards.

**Follow-Up Tests**

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

**Records**

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

**Notifications**

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

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

Each driver shall sign a statement certifying that he/she has received a copy of the above materials.

Before any driver operates a commercial motor vehicle, the District shall provide him/her with post-accident procedures that will make it possible to comply with post-accident testing requirements.

Before drug and alcohol tests are performed, the District shall inform drivers that the tests are given pursuant to the Code of Federal Regulations, Title 49, Part 382. This notice shall be provided only after the compliance date specified in law.

The District shall notify a driver of the results of a pre-employment drug test if the driver requests such results within sixty (60) calendar days of being notified of the disposition of his/her employment application.

The District shall notify a driver of the results of random, reasonable suspicion, and post-accident drug tests if the test results are verified positive. The District shall also tell the driver which controlled substance(s) were verified as positive.

Drivers shall inform their supervisors if at any time they are using a controlled substance which their physician has prescribed for therapeutic purposes. Such a substance may be used only if the physician has advised the driver that it will not adversely affect his/her ability to safely operate a commercial motor vehicle.

Policy History:
Adopted on: 5/1995
Revised on: 11/2005
PERSONNEL

5232 - Abused and Neglected Child Reporting

A District employee who has reasonable cause to suspect, as a result of information they receive in their professional or official capacity, that a child is abused or neglected by anyone regardless of whether the person suspected of causing the abuse or neglect is a parent or other person responsible for the child's welfare, they shall report the matter promptly to the department of public health and human services. 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, the DPHHS may share information with that individual or others as stated in 41-3-201(5). Individuals who receive information pursuant to the above named subsection (5) shall maintain the confidentiality of the information as required in 41-3-205.

Legal Reference:

§ 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

Policy History:
Adopted on: 6/6/2016
Revised on:
PERSONNEL

5232F - Report of Suspected Child Abuse or Neglect

Hot Line Number – 866-820-5437

Original to: Department of Public Health and Human Services
Copy to: Building Principal

From: ___________  Title: ____________________________

School: ___________  Phone: ________________________

Persons contacted: □ Principal  □ Teacher  □ School Nurse  □ Other ____________

Name of Minor: ___________  Date of Birth: __________________

Address: ___________  Phone: ________________________

Date of Report: _____  Attendance Pattern: __________________

Father: ______  Address: ___________  Phone: ___________

Mother: ______  Address: ___________  Phone: ___________

Guardian or Stepparent: ______  Address: ___________  Phone: ___________

Any suspicion of injury/neglect to other family members: ________________________________

Nature and extent of the child’s injuries, including any evidence of previous injuries, and any other information which may be helpful in showing abuse or neglect, including all acts which lead you to believe the child has been abused or neglected: ________________________________

______________________________________________________________________________

Previous action taken, if any: ________________________________

______________________________________________________________________________

Follow-up by Department of Public Health and Human Services (DPHHS to complete and return copy to the Building Principal):

Date Received: ______  Date of Investigation: __________________
PERSONNEL

5240 - Resolution of Staff Complaints/Problem Solving

As circumstances allow, the District will attempt to provide the best working conditions for its employees. Part of this commitment is encouraging an open and frank atmosphere in which any problem, complaint, suggestion, or question is answered quickly and accurately by District supervisors or administration.

The District will endeavor to promote fair and honest treatment of all employees. Administrators and employees are all expected to treat each other with mutual respect. Each employee has the right to express his or her views concerning policies or practices to the administration in a businesslike manner, without fear of retaliation. Employees are encouraged to offer positive and constructive criticism.

Each employee is expected to follow established rules of conduct, policies, and practices. Should an employee disagree with a policy or practice, the employee can express his or her disagreement through the District’s grievance procedure. No employee shall be penalized, formally or informally, for voicing a disagreement with the District in a reasonable, businesslike manner or for using the grievance procedure. An employee filing a grievance under a collective bargaining agreement is required to follow the grievance procedure for that particular agreement.

Cross Reference: 1700 Uniform Complaint Procedure

Policy History:
Adopted on: 8/2003
PERSONNEL

5250 - Non-Renewal of Employment/Dismissal From Employment

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

Cross Reference: 5140 Classified Employment and Assignment

Legal Reference: § 20-3-324(2), MCA Trustee Powers and Duties
§ 20-4-204, MCA Termination of tenure teacher services § 20-4-206, MCA Notification of nontenure teacher reelection – acceptance – termination. § 20-4-207, MCA Dismissal of teacher under contract § 39-2-912, MCA Exemptions to Wrongful Discharge from Employment Act

Policy History:
Adopted on: 8/2003
Revised on: 11/2005, 11/7/2016, 2/12/18
PERSONNEL
5321 - Leaves of Absence

Sick and Bereavement Leave

Certified employees will be granted sick leave according to terms of their teaching contract.

Classified employees will be granted sick leave benefits in accordance with § 2-18-618, MCA. For classified staff, “sick leave” is defined as a leave of absence, with pay, for a sickness suffered by an employee or an employee’s immediate family. The time that an employee is unable to perform job duties because of:

- A physical or mental illness, injury, or disability;
- Maternity or pregnancy-related disability or treatment, including a prenatal care, birth, or medical care for the employee or the employee’s child;
- Parental leave for a permanent employee as provided in § 2-18-606, MCA;
- Quarantine resulting from exposure to a contagious disease;
- Examination or treatment by a licensed health care provider;
- Short-term attendance, in an agency’s discretion to care for a person (who is not the employee or a member of the employee’s immediate family) until other care can reasonably be obtained;
- Necessary care for a spouse, child or parent with a serious health condition, as defined in the Family and Medical Leave Act of 1993; or
- Death or funeral attendance of an immediate family member or, at an agency’s discretion, another person.

Nothing in this policy guarantees approval of the granting of such leave in any instance. The District will judge each request in accordance with this policy and governing collective bargaining agreements.

It is understood that seniority will accumulate while a teacher or employee is utilizing sick leave credits. Seniority will not accumulate, unless an employee is in a paid status. Abuse of sick leave is cause for disciplinary action up to and including termination.

An employee who has suffered a death in the immediate family will be eligible for bereavement leave. Bereavement leave must be approved by the Board. Such leave will not exceed three (3) months unless prescribed by a physician.

Personal and Emergency Leave

Teachers will be granted personal and emergency leave according to terms of the current collective bargaining agreement. In accordance with law and District policy, classified staff may be granted personal leave pursuant to the following conditions:

1. Leave will be without pay unless otherwise stated. If leave is to include expenses payable by the District, leave approval will so state.

2. Leave will be granted only in units of half (½) or full days.

3. Notice of at least two (2) week is required for any personal leave of less than one (1) week; notice of one (1) month is required for any personal leave exceeding one (1) week.
4. The Board may grant personal leave to employees not covered by sick or annual leave. The employee will not receive fringe benefits during any personal leave of greater than fifteen (15) days. During the leave, the employee may pay the District’s share of any insurance benefit program in order to maintain those benefits, provided that is acceptable to the insurance carrier. Staff using personal leave will not earn any sick leave or annual leave credits or any other benefits during the approved leave of absence.

**Civic Duty Leave**

Leaves for service on either a jury or in the Legislature will be granted in accordance with state and federal law. A certified staff member hired to replace one serving in the Legislature does not acquire tenure.

An employee who is summoned to jury duty or subpoenaed to serve as a witness may elect to receive regular salary or to take annual leave during jury time. An employee who elects not to take annual leave, however, must remit to the District all juror and witness fees and allowances (except for expenses and mileage). The District may request the court to excuse an employee from jury duty, when an employee is needed for proper operation of the school.

**Legal Reference:**

42 USC 2000e Equal Employment Opportunities  
§ 2-18-601(10), MCA Definitions  
§ 2-18-618, MCA Sick leave  
§ 49-2-310, MCA Maternity leave – unlawful acts of employers  
§ 49-2-311, MCA Reinstatement to job following pregnancy- related leave of absence

**Policy History:**  
Adopted on: 8/2003  
Revised on: 11/2005
PERSONNEL

5322 - Military Leave

Pursuant to the Uniformed Services Employment and Reemployment Rights Act (USERRA) and the Montana Military Service Employment Rights, the Superintendent shall grant military leave to employees for voluntary or involuntary service in the uniformed services of the United States, upon receipt of the required notice. Benefits shall be maintained for these employees as required by law and/or collective bargaining agreements. A service member who returns to the District for work following a period of active duty must be reinstated to the same or similar position and at the same rate of pay unless otherwise provided by law.

Time spent in active military service shall be counted in the same manner as regular employment for purposes of seniority or District service unless otherwise provided in a collective bargaining agreement.

The District will not discriminate in hiring, reemployment, promotion, or benefits based upon membership or service in the uniformed services.

All requests for military leave will be submitted to the Superintendent, in writing, accompanied by copies of the proper documentation showing the necessity for the military leave request.

When possible, all requests for military leave will be submitted at least one (1) full month in advance of the date military service is to begin.

Persons returning from military leave are asked to give the Superintendent notice of intent to return, in writing, as least one (1) full month in advance of the return date.

The District shall post notice of the rights, benefits, and obligations of the District and employees in the customary place for notices.

Legal Reference:


§10-1-1004, MCA Rights under federal law

§10-1-1005, MCA Prohibition against employment discrimination

§10-1-1006, MCA Entitlement to leave of absence

§10-1-1007, MCA Right to return to employment without loss of benefits – exceptions – definition

§10-1-1009, MCA Paid military leave for public employees

Policy History:
Adopted on: 6/6/2016
Revised on:
PERSONNEL

5328R - Family Medical Leave

Employees are eligible for benefits under the Family Medical Leave Act when the District has fifty (50) or more employees. The Pioneer School District has less than fifty (50) employees, and therefore employees are not eligible for FMLA benefits.

NOTE: This provision applies to school districts with fifty (50) or more employees. Those districts with less than fifty (50) employees must comply with notice and record retention but are not obligated to provide the leave as a benefit of any employee’s employment. The FMLA poster may be obtained by going to the Montana Department of Labor website, highlight “Resources & Services” tab and click on “Required Postings”.

§§2-18-601, et seq., MCA Leave Time
§§49-2-301, et seq., MCA Prohibited Discriminatory Practices

Policy History:
Adopted on: 8/2003
Reviewed on: 1/9/12
Revised on: 2/13/12
PERSONNEL
5328P - Family Medical Leave

Who Is Eligible

Employees are eligible if they have worked for the District for at least one (1) year, and for one thousand two hundred fifty (1,250) hours over the previous twelve (12) months, and if 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.

Benefit

Under certain conditions, eligible employees, if qualified, may be entitled to up to twelve (12) weeks leave with or twenty-six (26) weeks leave with continuing participation in the District’s group insurance plan.

Reasons for Taking Leave

Unpaid leave will be granted to eligible employees for any of the following reasons:

a) To care for the employee's child after birth, or placement for adoption or foster care;
b) To care for the employee's spouse, child, or parent (does not include parents-in-law) who has a serious health condition;
c) "son or daughter" includes a biological or adopted child, foster child, stepchild, a legal ward, or a child of a person standing in loco parentis.
d) For a serious health condition that makes the employee unable to perform the employee's job;

Military Family Leave

1. Military caregiver leave

a) An eligible employee who is a relative of a service member can take up to twenty six (26) weeks in a twelve-(12)-month period in order to care for a covered service member who is seriously ill or injured in the line of duty, or a veteran who is undergoing medical treatment, recuperation or therapy for serious injury or illness that occurred any time during the five (5) years preceding the date of treatment.

2. Qualified exigency leave ( applies to eligible employees with family members who are in the National Guard or Reserves, Regular Armed Forces)

a) An eligible employee can take up to the normal twelve (12) weeks of leave, if a family member who is a member of the National Guard or Reserve is call up to active duty on a contingency mission.

3. Qualifying Exigencies include:

a) Short-notice deployment;
b) Military events and related activities;
c) Childcare and school activities;
d) Financial and legal arrangements;
e) Counseling;
f) Rest and recuperation;
g) Post-deployment activities; and
h) Additional activities agreed to by the employer and the employee.

Substitution of Paid Leave

If the District requires the employee to use appropriate paid leave concurrently while on FMLA leave pursuant to Policy 5328, Paid leave will be substituted for unpaid leave under the following circumstances:

a) Accumulated sick/personal leave will be utilized concurrently with any FMLA leave that is taken for a serious health reason as described in (b) or (c) above.

b) Accumulated vacation/personal leave will be utilized concurrently with any FMLA leave that is taken for a family reason as described in (a) above.

c) Accumulated sick leave will be utilized concurrently with FMLA leave, whenever the FMLA leave is taken for reasons which qualify for sick leave benefits pursuant to District policy or an applicable collective bargaining agreement.

d) Whenever appropriate workers’ compensation absences shall be designated FMLA leave.

e) Service member FMLA runs concurrent with other leave entitlements provided under federal, state, and local law.

Limitation on husband and wife of “Same Employer”

A husband and wife who are eligible for FMLA leave and are employed by the same covered employer are limited to a combined total of twelve (12) weeks of leave during any twelve (12) month period if the leave is taken: (1) for the birth of the employee’s son or daughter or to care for the child after birth; (2) for placement of a son or daughter with the employee for adoption of adoption or foster care, or to care for the child after placement; or (3) to care for a the employee’s parent with a serious health condition. Care for parents-in-law is not covered by the FMLA.

Examples: (1) If each spouse took six (6) weeks of leave to care for a health, newly placed child each could use an additional six(6) weeks due to his or her own serious health condition or to care for a child with a serious health condition. (2) A husband and wife may each take twelve (12) weeks of FMLA leave if needed to care for an adopted or foster child with a serious health condition provided they have not exhausted their entitlements during the applicable 12-month FMLA period. (3)

If spouses are employed by the same employer, the aggregate number of weeks of leave that can be taken is twenty-six (26) weeks in a single twelve (12) month period for serviceperson leave or a combination of exigency and serviceperson leave. The aggregate number of weeks of leave that can be taken by a husband and wife who work for the same employer is twelve (12) weeks if for exigency leave only.

Employee Notice Requirements

The employee must follow the employer’s standard notice and procedural policies for taking FMLA.

Employer Notice Requirement (29 C.F.R. 825.300)

Employers are required to provide employees with notice explaining the FMLA through a poster and either a handbook or information upon hire. If an employee requests FMLA leave, an employer must provide notice to the employee within five (5) business days of whether the employee meets the FMLA eligibility requirements. If an employee is not eligible to take FMLA, the employer must provide a reason. The employer must also provide a rights and responsibilities notice outlining expectations and obligations relating to FMLA leave. If FMLA leave is approved by the employer, it must provide the employee with a designation notice stating the amount of leave that will be counted against an employee’s FMLA
entitlement.

**Notice for Leave Due to Active Duty of Family Member**

In any case in which the necessity for leave is foreseeable, whether because the spouse or a son, daughter, or parent of the employee is on active duty or because of notification of an impending call or order to active duty in support of a contingency operation, the employee shall provide such notice to the employer as soon as is reasonable and practicable.

**Requests**

A sick leave request form is to be completed whenever an employee is absent from work for more than three (3) days or when an employee has need to be absent from work for continuing treatment by (or under the supervision of) a health care provider.

An employer may require that a request for leave be supported by a certification issued at such time and in such manner as the Secretary may be regulation prescribe. If the Secretary issues a regulation requiring such certification, the employee shall provide, in a timely manner, a copy of such certification to the employer.

**Medical Certification**

The District will require medical certification to support a request for leave or any other absence because of a serious health condition (at employee expense) and may require second (2nd) or third (3rd) opinions (at the employer’s expense) and a fitness-for-duty report or return-to-work statement.

**Intermittent/Reduced Leave**

FMLA leave may be taken "intermittently or on a reduced leave schedule" under certain circumstances. Where leave is taken because of birth or placement of a child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule only with District approval. Where FMLA leave is taken to care for a sick family member or for an employee's own serious health condition, leave may be taken intermittently or on a reduced leave schedule when medically necessary. An employee may be reassigned to accommodate intermittent or reduced leave. When an employee takes intermittent leave or leave on a reduced leave schedule, increments will be limited to the shortest period of time that the District's payroll system uses to account for absences or use of leave.

**Insurance**

An employee out on FMLA leave is entitled to continued participation in the appropriate group health plan, but it is incumbent upon the employee to continue paying the usual premiums throughout the leave period. An employee’s eligibility to maintain health insurance coverage will lapse if the premium payment is more than thirty (30) days late. The District will mail notice of delinquency at least fifteen (15) days before coverage will cease.

**Return**

Upon return from FMLA leave, reasonable effort shall be made to place the employee in the original or equivalent position with equivalent pay, benefits, and other employment terms.

**Recordkeeping**

Employees, supervisors, and building administrators will forward requests, forms, and other material to
payroll to facilitate proper recordkeeping.

**Summer Vacation**

The period during the summer vacation or other scheduled breaks (i.e., Christmas) an employee would not have been required to work will not count against that employee’s FMLA leave entitlement.

**SPECIAL RULES FOR INSTRUCTIONAL EMPLOYEES**

**Leave More Than Five (5) Weeks Before End of Term**

If an instructional employee begins FMLA leave more than five (5) weeks before the end of term, the District may require the employee to continue taking leave until the end of a semester term, if:

- The leave is at least three (3) weeks; and
- The employee's return would take place during the last three-(3)-week period of the semester term.

**Leave Less Than Five (5) Weeks Before End of Term**

If an instructional employee begins FMLA leave for a purpose other than that employee's own serious health condition less than five (5) weeks before the end of term, the District may require the employee to continue taking leave until the end of a semester term, if:

- The leave is longer than two (2) weeks; and
- The employee's return would take place during the last two-(2)-week period of the semester term.

**Leave Less Than Three (3) Weeks Before End of Term**

If an instructional employee begins FMLA leave for a purpose other than that employee's own serious health condition less than three (3) weeks before the end of term, the District may require the employee to continue taking leave until the end of the academic term if the leave is longer than five (5) days.

**Intermittent or Reduced Leave**

Under certain conditions, an instructional employee needing intermittent or reduced leave for more than twenty percent (20%) of the total working days over the leave period may be required by the District to:

- Take leave for a period(s) of particular duration not to exceed the duration of treatment; or
- Transfer to an alternate but equivalent position.

**Policy History:**

Adopted on:
Revised on: 2-15-2011
PERSONNEL

5333 – 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 holidays required for classified staff, by § 20-1-305, MCA, are:

1. Independence Day
2. Labor Day
3. Thanksgiving Day
4. Christmas Day
5. New Year's Day
6. Memorial Day
7. State and national election days when the school building is used as a polling place and conduct of school would interfere with the election process.

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 Reference:
§ 20-1-305, MCA School holidays

Policy History:
Adopted on: 11/2005
Revised on:
PERSONNEL

5336 - Compensatory Time and Overtime for Classified Employees

Non-exempt Classified employees who work more than forty (40) hours in a given work week may receive overtime pay of one and one-half (1 1/2) times the normal hourly rate, unless the District and the employee agree to the provision of compensation time at a rate of one and one-half (1 1/2) times all hours worked in excess of forty (40) hours in any work week. The Board must approve any overtime work of a classified employee.

Under Montana law and the Federal Fair Labor Standards Act, a classified employee may not volunteer to work without pay in an assignment similar to his or her regular work.

A non-exempt employee who works overtime without authorization may be subject to disciplinary action.

Blended Time

Classified Employees working two or more jobs for the District at different rates of pay shall be paid overtime at a weighted average of the differing wages. This shall be determined by dividing the total regular remuneration for all hours worked by the number of hours worked in that week to arrive at the weighted average. One half that rate is then multiplied times the number of hours worked over 40 to arrive at the overtime compensation due.

Example: Employee works one job at 30 hrs./week at 10.00/hr. The same employee works a different job at 20 hrs./week at $12.00/hr. (Same district). The employee would get $300.00 per week for the 30 hr./week job ($10.00X30) and $240.00 per week for the 20 hr./week job ($12.00X20). A total of $540.00 (regular remuneration). Divide $540.00 by 50(total hours worked) = $10.8/hr (weighted average). One-half that rate ($10.80/2 = $5.40) is multiplied by 10 (number of hours over 40). $54.00 is the amount of overtime compensation due the employee based on the “blended time”.

Legal Reference:
29 USC 201, et seq. Fair Labor Standards Act
Title 39, Chapter 3, Part 4 Minimum Wage and Overtime Compensation
Admin. R. Mont. 24.16.2501-2581 Overtime Compensation

Policy History:
Adopted on: 11/2005
Revised on: 1/11/2010, 1/12/15
PERSONNEL

5430 - Volunteers

The District recognizes the valuable contributions made to the total school program by members of the community who act as volunteers. A volunteer by law is an individual who:

1. Has not entered into an express or implied compensation agreement with the District;
2. Is excluded from the definition of “employee” under the appropriate state and federal statutes;
3. May be paid expenses, reasonable benefits, and/or nominal fees in some situations; and
4. Is not employed by the District in the same or similar capacity for which he/she is volunteering.

District employees who work with volunteers shall clearly explain duties for supervising children in school, on the playground and on field trips. An appropriate degree of training and/or supervision of each volunteer shall be administered commensurate with the responsibility undertaken.

Volunteers who have unsupervised access to children are subject to the District's policy mandating background checks for those individuals operating within the District who have unsupervised access to children.

Chaperones

The Board of Trustees may direct that appropriate screening processes be implemented to assure that adult chaperones are suitable and acceptable for accompanying students on field trips or excursions.

When serving as a chaperone for the District, the parent(s)/guardian(s) or other adult volunteers, including employees of the District, assigned to chaperone, shall not use tobacco products in the presence of students, nor shall they consume any alcoholic beverages or use any illicit drug during the duration of their assignment as a chaperone, including during the hours following the end of the day’s activities for students. The chaperone shall not encourage or allow students to participate in any activity that is in violation of district policy during the field trip or excursion, including during the hours following the end of the day’s activities. Chaperones shall be given a copy of these rules and sign a letter of understanding verifying they are aware of and agree to these District rules before being allowed to accompany students on any field trip or excursion.

Any chaperone found to have violated these rules shall not be used again as a chaperone for any District-sponsored field trips or excursions and may be excluded from using District-sponsored transportation for the remainder of the field trip or excursion and be responsible for their own transportation back home. Employees found to have violated these rules may be subject to disciplinary action.

Cross References:       Criminal Background Investigations

Policy History:
Adopted on:
Revised on:
PERSONNEL

5450 - Employee use of Electronic Mail, Internet, and District Equipment

Electronic mail ("e-mail") is an electronic message that is transmitted between two (2) or more computers or electronic terminals, whether or not the message is converted to hard-copy format after receipt, and whether or not the message is viewed upon transmission or stored for later retrieval. E-mail includes all electronic messages that are transmitted through a local, regional, or global computer network.

Because of the unique nature of e-mail/Internet, and because the District desires to protect its interest with regard to its electronic records, the following rules have been established to address e-mail/Internet usage by all employees:

The District e-mail and Internet systems are intended to be used for educational purposes only, and employees should have no expectation of privacy when using the e-mail or Internet systems for any purpose. Employees have no expectation of privacy in district owned technology equipment, including but not limited to district-owned desktops, laptops, memory storage devices, and cell phones.

Users of District e-mail and Internet systems are responsible for their appropriate use. All illegal and improper uses of the e-mail and Internet system, including but not limited to extreme network etiquette violations including mail that degrades or demeans other individuals, pornography, obscenity, harassment, solicitation, gambling, and violating copyright or intellectual property rights, are prohibited. Abuse of the e-mail or Internet systems through excessive personal use, or use in violation of the law or District policies, will result in disciplinary action, up to and including termination of employment.

All e-mail/Internet records are considered District records and should be transmitted only to individuals who have a need to receive them. If the sender of an e-mail or Internet message does not intend for the e-mail or Internet message to be forwarded, the sender should clearly mark the message “Do Not Forward.”

In order to keep District e-mail and Internet systems secure, users may not leave the terminal “signed on” when unattended and may not leave their password available in an obvious place near the terminal or share their password with anyone except the system administrator. The District reserves the right to bypass individual passwords at any time and to monitor the use of such systems by employees.

Additionally, District records and e-mail/Internet records are subject to disclosure to law enforcement or government officials or to other third parties through subpoena or other process. Consequently, the District retains the right to access stored records in cases where there is reasonable cause to expect wrongdoing or misuse of the system and to review, store, and disclose all information sent over the District e-mail systems for any legally permissible reason, including but not limited to determining whether the information is a public record, whether it contains information discoverable in litigation, and to access District information in the employee’s absence. Employee e-mail/Internet messages may not necessarily reflect the views of the District.

Except as provided herein, District employees are prohibited from accessing another employee’s e-mail without the expressed consent of the employee. All District employees should be aware that e-mail messages can be retrieved, even if they have been deleted, and that statements made in e-mail communications can form the basis of various legal claims against the individual author or the District.

E-mail sent or received by the District or the District’s employees may be considered a public record subject to public disclosure or inspection. All District e-mail and Internet communications may be monitored.

Policy History:  Adopted on: 10/2004
Reviewed on: 1/9/12
Revised on: 2/13/12
PERSONNEL

5510 - HIPAA Privacy

Note:

(1) Any school district offering a group “health care plan” for its employees is affected by HIPAA. School districts offering health plans that are self-insured will be entirely responsible for compliance with HIPAA, despite a third party administrator managing the plan. School districts may also be subject to HIPAA as a “health care provider” by either having a school-based health center or a school nurse. School-based health centers staffed and serviced by a hospital or local health department are responsible for complying with HIPAA if there is a sharing of records containing health information. For those districts providing the services of a school nurse, HIPAA regulations issued in 2000 commented that an “educational institution that employs a school nurse is subject to [the] regulations as a health care provider if the school nurse or the school engaged in a HIPAA transaction.” This transaction occurs when a school nurse submits a claim electronically.

(2) Any personally identifiable health information contained in an “education record” under FERPA is subject to FERPA, not HIPAA.

Background

Health Insurance Portability and Accountability Act of 1996 (HIPAA)

The District’s group health plan is a Covered Entity under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and its implementing regulations, the Standards for the Privacy of Individually Identifiable Information. In order to comply with HIPAA and its related regulations, the District has implemented the following HIPAA Privacy Policy:

The HIPAA Privacy Rule

HIPAA required the federal government to adopt national standards for electronic health care transactions. At the same time, Congress recognized that advances in electronic technology could erode the privacy of health information and determined there was a need for national privacy standards. As a result HIPAA included provisions which mandated the adoption of federal privacy standards for individually identifiable health information.

The standards found in the Privacy Rule are designed to protect and guard against the misuse of individually identifiable health information, with particular concern regarding employers using an employee’s (or dependent’s) health information from the group health plan to make adverse employment-related decisions. The Privacy Rule states that verbal, written, or electronic information that can be used to connect a person’s name or identity with medical, treatment, or health history information is Protected Health Information (PHI) under the HIPAA Privacy Rule.

Under the HIPAA Privacy Rule:

1. Individuals have a right to access and copy their health record to the extent allowed by HIPAA.

2. Individuals have the right to request an amendment to their health record. The plan may deny an individual’s request under certain circumstances specified in the HIPAA Privacy Rule.

3. Individuals have the right to an accounting of disclosures of their health record for reasons other than treatment, payment, or healthcare operations.

4. PHI, including health, medical, and claims records, can be used and disclosed without authorization for specific, limited purposes (treatment, payment, or operations of the group health plan). A valid authorization from the individual must be provided for use or disclosure for other than those purposes.
5. Safeguards are required to protect the privacy of health information.

6. Covered entities are required to issue a notice of privacy practices to their enrollees.

7. Violators are held accountable with civil and criminal penalties for improper use or disclosure of PHI.

Compliance

Han Lee, Clerk has been designated Privacy Officer. The Privacy Officer will oversee all ongoing activities related to the development, implementation, maintenance of, and adherence to the District’s policies and procedures covering the privacy of and access to patient health information in compliance with HIPAA, other applicable federal and state laws, and the District’s privacy practices.

As required for a Covered Entity under HIPAA, the plan has developed these internal privacy policies and procedures to assure that PHI is protected and that access to and use and disclosure of PHI are restricted in a manner consistent with HIPAA’s privacy protections. The policies and procedures recognize routine and recurring disclosures for treatment, payment, and healthcare operations and include physical, electronic, and procedural safeguards to protect PHI. The procedures include safeguards for sending PHI via mail or fax, receiving PHI for plan purposes, and workstation safeguards and procedures for securing and retaining PHI received by the plan. Plan participants are entitled to receive a copy of the plan’s policies and procedures upon request.

Designating a limited number of privacy contacts allows the District to control who is receiving PHI from the contract claims payor for plan operations purposes. The contract claims payor will provide only the minimum PHI necessary for the stated purpose and, as required under the Privacy Rule, will provide PHI only to individuals with a legitimate need to know for plan operations purposes.

The District has distributed a notice of privacy practices to plan participants. The notice informs plan participants of their rights and the District’s privacy practices related to the use and disclosure of PHI. A copy of this notice may be obtained by contacting the Privacy Officer.

The District has reviewed how PHI is used and disclosed by the plan and has limited disclosure of that information to employees who have a legitimate need to know or possess the PHI for healthcare operations and functions. The District will make reasonable efforts to use de-identified information whenever possible in the operations of the plan and will only use the minimum PHI necessary for the stated purpose.

Some of the District’s employees need access to PHI in order to properly perform the functions of their jobs. The District has identified these employees and has given them training in the important aspects of the HIPAA Privacy Rule, the privacy policy, and procedures. New employees who will have access to PHI will receive training on the HIPAA Privacy Rule and related policies and procedures as soon as reasonably possible after they are employed. Employees who improperly use or disclose PHI or misuse their access to that information may be subject to discipline, as deemed appropriate.

In the event the group health plan must disclose PHI in the course of performing necessary plan operations functions or as required by law or a governmental agency, the District has developed a system to record those disclosures and requests for disclosures. An individual may request a list of disclosures of his or her PHI made by the plan for other than treatment or claims payment purposes. All requests for an accounting of PHI disclosures must be made in writing, and the plan may impose fees for the cost of production of this information. Requests will be responded to within sixty (60) days. If the plan is not able to provide the requested information within sixty (60) days, a written notice of delay will be sent to the requesting individual, with the reasons for the delay and an estimated time for response.

In order to comply with the new privacy regulations, the plan has implemented compliant communication procedures. Except for its use in legitimate healthcare operations, written permission will be required in order for the District to disclose PHI to or discuss it with a third party.
The HIPAA Privacy Rule prohibits the District from disclosing medical information without the patient’s written permission other than for treatment, payment, or healthcare operations purposes. An authorization signed by the patient and designating specified individuals to whom the District may disclose specified medical information must be on file, before the plan can discuss a patient’s medical information with a third party (such as a spouse, parent, group health plan representative, or other individual).

The District has taken the following steps to ensure PHI is safeguarded:

- The District has implemented policies and procedures to designate who has and who does not have authorized access to PHI.
- Documents containing PHI are kept in a restricted/locked area.
- Computer files with PHI are password protected and have firewalls making unauthorized access difficult.
- Copies of PHI will be destroyed when information is no longer needed, unless it is required by law to be retained for a specified period of time.
- The District will act promptly to take reasonable measures to mitigate any harmful effects known to the group health plan, due to a use or disclosure of PHI in violation of the plan’s policies, procedures, or requirements of the HIPAA Privacy Rule.
- The District will appropriately discipline employees who violate the District’s group health plan’s policies, procedures, or the HIPAA Privacy Rule, up to and including termination of employment if warranted by the circumstances.

The District has received signed assurances from the plan’s business associates that they understand the HIPAA Privacy Rule, applicable regulations, and the Privacy Policy and will safeguard PHI just as the plan would.

The contract claims payor and certain other entities outside the group health plan require access on occasion to PHI, if they are business associates of the group health plan and in that role need to use, exchange, or disclose PHI from the group health plan. The plan requires these entities to sign an agreement stating they understand HIPAA’s privacy requirements and will abide by those rules just as the group health plan does, to protect the PHI to which they have access. For example the plan engages a certified public accountant to audit the plan annually and to make sure payments are made in compliance with the Plan Document. In order for the CPA to complete an audit, the auditor reviews a sample of the claims for accuracy.

The District will ensure health information will not be used in making employment and compensation decisions. The HIPAA Privacy Rule and other applicable laws expressly prohibit an employer from making adverse employment decisions (demotions, terminations, etc.) based on health information received from the group health plan. To the extent possible, the District has separated the plan operations functions from the employment functions and has safeguards in place to prevent PHI from the plan from going to or being used by an employee’s supervisor, manager, or superior to make employment-related decisions.

**Complaints**

If an employee believes their privacy rights have been violated, they may file a written complaint with the Privacy Officer. No retaliation will occur against the employee for filing a complaint. The contact information for the Privacy Officer is: Marilyn Michael, Clerk, Pioneer School, 1937 Dover Road, Billings, MT 59105.

Legal Reference: 45 C.F.R. Parts 160, 162, 164

Policy History:
Adopted on: 11/2005
Revised on: 1/12/2009, 11/7/2016
AUTHORIZATION TO RELEASE INFORMATION

TO WHOM IT MAY CONCERN:

I, ________________________________________________________, hereby expressly and voluntarily authorize release of the following information of a confidential or privileged nature to ,

(Identify the information and/or documents specifically, and have the parent fill in the blanks in their own handwriting)

1.

2.

3.

4.

5.

This authorization to release the information referenced above is valid only for a single release of such information. The information released shall be accompanied by a statement of the district warning the receiving party against further disclosure of such information.

Subject to the district’s compliance with the conditions herein, I hereby release the School district from any liability for damage which may result from any wrongful dissemination of the information requested by anyone other than the school district.

This document is effective until revoked in writing by me.

SIGNATURE DATE ____________________________

Print Full Name: ____________________________________________

Print Full Address: ___________________________________________

City State Zip______________________________________________

Birth Date: _________________________________________________

Social Security Number: ______________________________________

(SEAL)

Subscribed and sworn to before me this Day of ________________, 20_____

Notary Public for the State of _________________________________

Residing at __________________________________________________

My commission expires _________________________________________
This form should be used when release of a patient’s protected health information is being made to the health care provider for an employee or student for a purpose other than treatment, payment or health care operations.

I, ____________________________, hereby authorize __________________________
Name of Employee, Student 18 or older, or Parent/Guardian   Name of Physician/Practice
to use and/or disclose my protected health information described below to __________________________.

School District

My protected health information will be used or disclosed upon request for the following purposes (name and explain each purpose): __________________________

This authorization for use and/or disclosure applies to the following information (please mark those that apply):

☐ Any and all records in the possession of the above-named physician or physician’s practice, including mental health, HIV, and/or substance abuse records. (Please cross out any item you do not authorize to be released.)

☐ Records regarding treatment for the following condition or injury __________________________ on or about __________________________.

☐ Records covering the period of time __________________________ to __________________________.

☐ Other (Specify and include dates.) __________________________

I understand that I have the right to revoke this authorization, in writing, at any time by sending such written notification to above-named physician/practice. I also understand that my revocation is not effective to the extent that the persons I have authorized to use and/or disclose my protected health information have acted in reliance upon this authorization.

I understand that I do not have to sign this authorization and that the above-named physician/practice may not condition treatment or payment on whether I sign this authorization.

I understand that information used or disclosed pursuant to this authorization may be subject to re-disclosure by the recipient and no longer protected by federal laws and regulations regarding the privacy of my protected health information.

This authorization expires on the following date or event: __________________________.

I certify that I have received a copy of this authorization.

_________________________________   __________________________
Signature of Patient or Personal Representative   Date

_________________________________   __________________________
Name of Patient or Personal Representative   Personal Representative’s Authority
SERIES 6000
ADMINISTRATION
ADMINISTRATION
6122 - Administration

Delegation of Authority

Unless otherwise specified, the Board has the authority to designate a staff member to serve in an official capacity for the implementation of District policies or as their personal representative. This authorization will include those responsibilities appropriate for the position as designated by the Board.

Policy History:
Adopted on: 11/1/2005
Revised on: 
ADMINISTRATION

6410 - Evaluation of Administrative Staff

Each administrator will be evaluated annually, in order to provide guidance and direction to the administrator in the performance of his/her assignment. Such evaluation will be based on job descriptions, accomplishment of annual goals and performance objectives, and established evaluative criteria.

The Superintendent shall establish procedures for the conduct of these evaluations. Near the beginning of the school year, the Superintendent shall inform the administrator of the criteria to be used for evaluation purposes, including the adopted goals for the District. Such criteria shall include performance statements dealing with leadership; administration and management; school financing; professional preparation; effort toward improvement; interest in students, staff, citizens, and programs; and staff evaluation.

Both the evaluator and the administrator involved in the evaluation will sign the written evaluation report and retain a copy for their records. A person being evaluated has the right to submit and attach a written statement to the evaluation within a reasonable time following the evaluation conference.

Cross Reference: 6140 Duties and Qualifications of Administrative Staff Other Than Superintendent

Legal Reference: 10.55.701, ARM Board of Trustees

Policy History:
Adopted on: 4/14/2014
Revised on:
ADMINISTRATION

6420 - PROFESSIONAL DEVELOPMENT (PIR)

Teachers and specialists employed by the District must complete four (4) instructional and three (3) noninstructional pupil related (PIR) days for a total of seven (7) days dedicated exclusively to professional development in accordance with the District’s professional development plan. Each professional development PIR day shall consist of six (6) hours of contact time, divided into increments of no less than two hours.

All schools of the District shall be closed in order to permit Teachers and Specialists to attend the annual October professional development meetings of state professional associations. Teachers and Specialists may attend these professional development meetings without loss of salary, and those Teachers and Specialists who choose to attend will receive credit for two professional development PIR days.

Teachers and Specialists who choose not to attend the annual October professional development meetings will not receive salary for those days. Teachers and Specialists may also receive credit for attending alternative professional development opportunities identified in the District’s professional development plan. Teachers and Specialists taking advantage of alternative professional development opportunities identified in the professional development plan shall be permitted to attend such professional development opportunities without loss of salary, if applicable. The following are the requirements for attendance and approval:

- The class/seminar/event that a Teacher or Specialist attends must be between July 1 and June 30.
- A written request must be submitted to the Clerk within one (1) week of a board meeting and prior to the event the Teacher or Specialist intends to attend. The item must be on the board agenda for the meeting so that it can be properly discussed and approved or not approved. When submitting the written request, please itemize anticipated expenses that will be incurred registration fee, mileage, lodging, meals, if applicable.
- There will be no consideration for verbal requests. All requests must be in writing.
- Classes/seminars/events attended by Teachers or Specialists must be no less than 2 hours in length.
- A six hour class/seminar may be exchanged for one (1) PIR day.
- There will be no 1/2 or 1/3 days exchanged, and the sessions must be a minimum of 2 hours.
- No online courses will be accepted. Attendance at an event is mandatory for approval.

The District will pay for attendance and travel, if necessary, to the MEA or Reading Conference in October and the two (2) ACE Consortium events in September and in March. Any other requests for payment for other seminars and/or classes must be submitted to the board and it will be determined at that time if there are funds available for them to attend. If funds are available, Teachers and Specialists will be reimbursed for expenses as deemed necessary to attend the event, i.e. lodging, meals, and costs of travel, provided that receipts or other documentation of expenses are submitted to the Clerk in a timely manner following attendance. Travel expenses will be reimbursed according to IRS mileage reimbursement rates.

A professional development plan shall be adopted and approved by the Board on an annual basis in the following manner:

1. The Administrator shall annually appoint an advisory committee, i.e. Teachers and Specialists, to evaluate the District’s professional development plan and develop and recommend a professional development plan for the subsequent school year;

2. The advisory committee shall consist of the Teachers and Specialists employed by the District.

3. The professional development plan shall identify sufficient specific professional development
opportunities, including the annual October professional development meetings of state professional associations, to enable Teachers and Specialist to meet the professional development requirements of this policy;

4. The committee appointed pursuant to this policy is advisory only, and the Administrator retains the discretion to make such revisions to the recommended professional development plan as may be necessary to meet the professional development requirements of this policy.

The professional development plan adopted and approved by the Board pursuant to this policy shall be considered a duly adopted policy of the District, and enforceable to the same extent as any other District policy.

Policy History
Adopted: 12/2004
Revised: 2/8/2010
Revised: 2/8/2010, 6/2017
SERIES 7000
FINANCIAL MANAGEMENT
FINANCIAL MANAGEMENT

7320 - Purchasing

Authorization and Control

The Superintendent is authorized to direct expenditures and purchases within limits of the detailed annual budget for the school year. The Board must approve purchase of capital outlay items, when the aggregate total of a requisition exceeds $50,000 (cannot exceed $50,000), except the Superintendent shall have the authority to make capital outlay purchases without advance approval when necessary to protect the interests of the District or the health and safety of staff or students. The Superintendent will establish requisition and purchase order procedures to control and maintain proper accounting of expenditure of funds. Staff who obligate the District without proper authorization may be held personally responsible for payment of such obligations.

Bids and Contracts

Whenever any building furnishing, repairing, or other work for the benefit of the District or purchasing of supplies for the District is necessary, the work done or the purchase made must be by contract if the sum exceeds Fifty Thousand Dollars ($50,000). The District will call for formal bids by issuing public notice as specified in statute. Specifications will be prepared and made available to all vendors interested in submitting a bid. The contract shall be awarded to the lowest responsible bidder, except that the trustees may reject any or all bids. The Board, in making a determination as to which vendor is the lowest responsible bidder, will take into consideration not only the amount of each bid, but will also consider the skill, ability, and integrity of a vendor to do faithful, conscientious work and to promptly fulfill the contract according to its letter and spirit. Bidding requirements do not apply to a registered professional engineer, surveyor, real estate appraiser, or registered architect; a physician, dentist, pharmacist, or other medical, dental, or health care provider; an attorney; a consulting actuary; a private investigator licensed by any jurisdiction; a claims adjuster; or an accountant licensed under Title 37, Chapter 50.

Advertisement for bid must be made once each week for two (2) consecutive weeks, and a second (2nd) publication must be made not less than five (5) nor more than twelve (12) days before consideration of bids.

The Superintendent will establish bidding and contract-awarding procedures. Bid procedures will be waived only as specified in statute. Any contract required to be let for bid shall contain language to the following effect:

In making a determination as to which vendor is the lowest responsible bidder, if any, the District will take into consideration not only the pecuniary ability of a vendor to perform the contract, but will also consider the skill, ability, and integrity of a vendor to do faithful, conscientious work and promptly fulfill the contract according to its letter and spirit. References must be provided and will be contacted. The District further reserves the right to contact others with whom a vendor has conducted business, in addition to those listed as references, in determining whether a vendor is the lowest responsible bidder. Additional information and/or inquiries into a vendor’s skill, ability, and integrity are set forth in the bid specifications.

Cooperative Purchasing

The District may enter into cooperative purchasing contracts with one or more districts for procurement of supplies or services. A district participating in a cooperative purchasing group may purchase supplies and services through the group without complying with the provisions of 20-9-204(3), MCA if the cooperative purchasing group has a publicly available master list of items available with pricing included and provides an opportunity at least twice yearly for any vendor, including a Montana vendor, to compete, based on a lowest responsible bidder standard, for inclusion of the vendor’s supplies and services on the cooperative purchasing group’s master list.
Legal Reference:  §§ 18-1-101, et seq., MCA  Preferences and General Matters
§§ 18-1-201, et seq., MCA  Bid Security
§ 20-9-204, MCA  Conflicts of interests, letting contracts, and calling for bids

Debcon v. City of Glasgow, 305 Mont. 391 (2001)

Policy History:
Adopted on: 8/13/2007
Revised on: 8/8/2011
FINANCIAL MANAGEMENT

7500 - Property/Fixed Assets Records

Property records and inventory records shall be maintained on all land, buildings and physical property under the control of the District. Such records shall be updated annually.

For purpose of this policy, "equipment" shall mean a unit of furniture or furnishings, an instrument, a machine, an apparatus or a set of articles which retains its shape and appearance with use, is nonexpendable and does not lose its identity when incorporated into a more complex unit. The District Clerk or the Supervising Teacher shall ensure that inventories of equipment that cost minimum of $5,000.00 are systematically and accurately recorded, updated and adjusted annually and be referenced to purchase orders and withdrawal reports. Property records of facilities and other fixed assets shall be maintained on an ongoing basis. No equipment shall be removed for personal or non-school use except according to Board policy.

Property records shall show, appropriate to the item recorded, the:

1. Description and identification
2. Manufacturer
3. Date of purchase
4. Initial cost
5. Location
6. Serial number, if available
7. Model number, if available

Equipment may be identified with a permanent tag that provides appropriate District and equipment identification.

Legal Reference: § 20-6-602. MCA Trustees Power over Property
§ 20-6-608, MCA Authority and Duty of Trustees to insure District Property

Policy History:
Adopted on: 8/1993
Revised on: 8/2000
FINANCIAL MANAGEMENT

7515 - Fund Balances & Governmental Accounting Standards Board (GASB)

[Note: The provisions of this policy include the provisions of Statement No. 54 of the Governmental Accounting Standards Board (GASB).]

I. PURPOSE

The fund balance policy establishes a framework for the management of all excess funds managed by the Pioneer School District. The policy is in accordance with GASB Statement 54; management of fund balance. It also provides guidance and direction for elected and appointed officials as well as staff in the use of excess funds at year-end.

II. SCOPE

This fund balance policy applies to all funds in the custody of the School District Business Manager/Clerk of the Pioneer School District, Billings, Montana. These funds are accounted for in the District’s annual audited financial reports and include, but are not limited to, the following:

- General Fund
- Special Revenue Funds
- Capital Project Funds
- Enterprise Funds
- Any new funds created by the District, unless specifically exempted by the governing body; in accordance with state law or GASB pronouncements.

III. CLASSIFICATION OF FUND BALANCES

The school district shall classify its fund balances in its various funds in one or more of the following five classifications: nonspendable, restricted, committed, assigned, and unassigned.

IV. DEFINITIONS

D. Fund balance—means the arithmetic difference between the assets and liabilities reported in a school district fund.

E. Committed fund balance—amounts constrained to specific purposes by the District itself, using its highest level of decision-making authority; to be reported as committed, amounts cannot be used for any other purpose unless the District takes the same highest-level action to remove or change the constraint.

F. Assigned fund balance—amounts a school district intends to use for a specific purpose; intent can be expressed by the District or by an official to which the Board of Trustees delegates the authority.

G. Nonspendable fund balance—amounts that are not in a spendable form (such as inventory) or are required to be maintained intact (such as the corpus of an endowment fund).

H. Restricted fund balance—amounts constrained to specific purposes by their providers (such as
grantors, bondholders, and higher levels of government), through constitutional provisions, or by enabling legislation

1. **Unassigned fund balance**—amounts that are available for any purpose; these amounts are reported only in the general fund.

V. **MINIMUM FUND BALANCE**

The school district will strive to maintain a minimum unassigned general fund balance of two months of operating expenses.

VI. **ORDER OF RESOURCE USE**

If resources from more than one fund balance classification could be spent, the school district will strive to spend resources from fund balance classifications in the following order (first to last): restricted, committed, assigned, and unassigned.

VII. **COMMITTING FUND BALANCE**

A majority vote of the school board is required to commit a fund balance to a specific purpose and subsequently to remove or change any constraint so adopted by the board.

VIII. **ASSIGNING FUND BALANCE**

The school board, by majority vote, may assign fund balances to be used for specific purposes when appropriate. The board also delegates the power to assign fund balances to the following: clerk. Assignments so made shall be reported to the school board on a monthly basis, either separately or as part of ongoing reporting by the assigning party if other than the school board.

An appropriation of an existing fund balance to eliminate a projected budgetary deficit in the subsequent year’s budget in an amount no greater than the projected excess of expected expenditures over expected revenues satisfies the criteria to be classified as an assignment of fund balance.

IV. **REVIEW**

The school board will conduct, at a minimum, an annual review of the sufficiency of the minimum unassigned general fund balance level.

*Legal References:* Statement No. 54 of the Governmental Accounting Standards Board

*Policy History:*
Adopted on: 06/30/2011
Revised on:
SERIES 8000
NONINSTRUCTIONAL OPERATIONS
NONINSTRUCTIONAL OPERATIONS

8105 - School Bus Replacement

The Board of Trustees understands the importance of safety when transporting students. The Board also understands that having safe, well maintained, efficient buses in the fleet is important for the safety of the students and driver.

There comes a time when the replacement of a bus is necessary for the safety of all involved. Therefore, the Board of Trustees will use the Bus Depreciation Schedule, as a guide, when determining the time for bus replacements.

Legal Reference:
§ 20-10-101, MCA Definitions
§ 20-10-107(1), MCA Power of Trustees
§ 20-10-110, MCA School bus purchase – contract - bids
§ 20-10-147, MCA Bus Depreciation Reserve Fund

Policy History:
Adopted on: 11/13/2006
Revised on:
NONINSTRUCTIONAL OPERATIONS

8110 Bus Routes and Schedules

The Board’s designee shall be responsible for scheduling bus transportation, including determination of routes and bus stops. Such routes are subject to the approval of the county transportation committee. The purpose of bus scheduling and routing is to achieve maximum service with a minimum fleet of buses insofar as this is consistent with rendering safe and reasonably equal service to all bus students.

In order to operate the transportation system as safely and efficiently as possible, the following factors shall be considered in establishing bus routes:

1. A school bus route shall be established with due consideration of the sum total of local conditions affecting the safety, economic soundness, and convenience of its operation, including road conditions, condition of bridges and culverts, hazardous crossings, presence of railroad tracks and arterial highways, extreme weather conditions and variations, length of route, number of families and children to be serviced, availability of turn-around points, capacity of bus, and related factors.

2. School bus drivers are encouraged to make recommendations in regard to establishing or changing routes.

3. Parents should be referred to the Board or designee for any request of change in routes, stops, or schedules.

The trustees reserves the right to change, alter, add, or delete any route at such time that such changes are deemed in the best interest of the District, subject to approval by the county transportation committee.

Bus Stops

Buses should stop only at designated places approved by school authorities. Exceptions should be made only in cases of emergency and inclement weather conditions.

Bus stops shall be chosen with safety in mind. Points shall be selected where motorists approaching from either direction will have a clear view of the bus for a distance of at least three hundred (300) to five hundred (500) feet.

School loading and unloading zones are to be established and marked to provide safe and orderly loading and unloading of students. Classroom teacher of each building is responsible for the conduct of students waiting in loading zones.

Delay in Schedule

The driver is to notify the staff of a delay in schedule. The staff will notify parents on routes and radio stations, if necessary.

Responsibilities - Pupils

Pupils must realize that safety is based on group conduct. Talk should be in conversational tones at all times. There should be no shouting or loud talking which may distract the bus driver. There should be no shouting at passersby. Pupils should instantly obey any command or suggestions from the driver and/or his/her assistants.
Responsibilities - Parents

The interest and assistance of each parent is a valued asset to the transportation program. Parents’ efforts toward making each bus trip a safe and pleasant experience are requested and appreciated. The following suggestions are only three of the many ways parents can assist:

1. Ensure that students are at the bus stop in sufficient time to efficiently meet the bus.
2. Properly prepare children for weather conditions.
3. Encourage school bus safety at home. Caution children regarding safe behavior and conduct while riding the school bus.

Safety

The School Board shall develop written rules establishing procedures for bus safety and emergency exit drills and for student conduct while riding buses.

On the bus, the driver is responsible for the safety of his/her passengers, particularly for those who must cross a roadway prior to loading or after leaving the bus. Except in emergencies, no bus driver shall order or allow a student to board or disembark at other than his/her assigned stop unless so authorized by the Student’s parent. In order to assure the safety of all, the bus driver may hold students accountable for their conduct during the course of transportation and may recommend corrective action against a student. Bus drivers are expressly prohibited from using corporal punishment.

The bus driver is responsible for the use of the warning and stop signaling systems and the consequent protection of his/her passengers. Failure to use the system constitutes negligence on the part of the driver.

Inclement Weather

The Board recognizes the unpredictability and resulting dangers associated with weather in Montana. To achieve the maximum safety for children and efficiency of operation, the Board’s designee is empowered to make decisions as to emergency operation of buses, the cancellation of bus routes, and closing of school, in accordance with his or her best judgment. The Board may develop guidelines in cooperation with the designee to assist him/her in making such decisions.

NOTE: To receive full state/county reimbursement, budgets must have enough funds to cover the costs of any changes to the route.

NOTE: The county transportation committee has authority to establish transportation service areas, should circumstances and/or geography (demographics) warrant.

Legal Reference: § 20-10-106, MCA Determination of mileage distances
§ 20-10-132, MCA Duties of county transportation committee
§ 20-10-121, MCA Duty of trustees to provide transportation – types of transportation – bus riding time limitation

Policy History:
Adopted on: 11/13/2006
Revised on:
NONINSTRUCTIONAL OPERATIONS

8123 - Driver Training and Responsibility

Bus drivers shall observe all state statutes and administrative rules governing traffic safety and school bus operation. At the beginning of each school year, the District will provide each driver with a copy of the District’s written rules for bus drivers and for student conduct on buses.

School bus drivers must hold a valid Montana school bus certificate in order for a district to receive state reimbursement for that driver’s bus routes. Qualifications for bus drivers are prescribed by 20-10.103, MCA, and by the board of Public Education in Arm 10.64.201. The first aid certificate required by ARM 10.64.201 must include certification in CPR, be signed by a certified instructor, and be received after an initial in-person training of at least four hours with annual renewals.

A school bus driver is prohibited from operating a school bus while using a cellular phone, including hands free cellular phone devices, except:

1. During an emergency situation;
2. To call for assistance if there is a mechanical breakdown or other mechanical problem;
3. When the school bus is parked.

A driver may not operate a school bus without a valid, current certificate.

A teacher, coach, or other certified staff member assigned to accompany students on a bus will have primary responsibility for behavior of students in his or her charge. The bus driver has final authority and responsibility for the bus. The Superintendent will establish written procedures for bus drivers.

Legal Reference:

§ 20-10-103, MCA School bus driver qualifications
10.7.111, ARM Bus Drivers Certification Requirement for Reimbursement
10.64.201, ARM School Bus Driver Qualifications
National Highway Traffic Safety Administration

Policy History:
Adopted on: 04/12/2010
Reviewed on: 10/11/10
NONINSTRUCTIONAL OPERATIONS

8124 - Student Conduct on Buses; Emergencies

Student Conduct on Buses

The Administrator and Board of Trustees shall establish written rules of conduct for students riding school buses. Such rules shall be reviewed annually by the Board of Trustees and revised if necessary.

A copy of the rules of conduct for students riding buses shall be provided to students at the beginning of the year. The classroom teacher and bus driver shall review the rules with the students at the beginning of each school year. A copy of the rules shall be posted in each bus and shall be available upon request at the school.

The bus driver shall be responsible for enforcing the rules, and shall work closely with the parents and classroom teacher to modify a student=s behavior. The rules shall include consistent consequences for student misbehavior.

Recommendations for permanent termination of bus privileges shall be accompanied by a written record of the incident(s) that led to the recommendation.

Emergencies

In the event of an accident or other emergency, the bus driver shall follow the emergency procedures developed by the Board of Trustees or the designee. A copy of the emergency procedures shall be located in each bus. To ensure the success of such emergency procedures, each bus driver shall conduct an emergency evacuation drill within the first six weeks of each school semester. The District shall conduct such other drills and procedures as may be necessary. Accident forms will be sent to OPI.

Legal Reference:

§ 20-4-302 Power of Teacher or staff over pupils
§ 20-5-210 Duties and sanction

Policy History:
Adopted on: 11/13/2006
Revised on:
NONINSTRUCTIONAL OPERATIONS

8200 - Free and Reduced Milk Services

The District shall provide free and reduced price milk to students according to the terms of the National School Lunch Program and the laws, rules and regulations of the state. The District shall inform parents of the eligibility standards for free or reduced price milk. Identity of students receiving free or reduced price will be confidential in accordance with the National School Lunch Program guidelines. A parent has the right to appeal any decision with respect to his or her application for free or reduced price food services to a designated hearing official.

The Board may establish programs whereby milk may be provided in the District in accordance with National School Lunch Program guidelines.

The amount charged for such milk shall be sufficient to cover all costs of the milk including milk costs and the supplies that use for the milk service, but not to make any profit from selling the milk. A half pint of milk charge to students is $.15 and $.25 to the adults.

Legal Reference:

§ 20-10-204. MCA  Duties of trustees
§ 20-10-207. MCA  Food services fund
§ 20-10-205, MCA  Allocation of federal funds to school fund services fund

Policy History
Adopted on: 8/2003
Revised on: 11/2005
Revised on:
NONINSTRUCTIONAL OPERATIONS

8225 - Tobacco Free Policy

The District maintains tobacco-free buildings and grounds. Tobacco includes but is not limited to cigarettes, cigars, snuff, smoking tobacco, smokeless tobacco, nicotine and any other tobacco innovation.

Use of tobacco products in a public school building or on public school property is prohibited, unless used in a classroom or on other school property as part of a lecture, demonstration, or educational forum sanctioned by a school administrator or faculty member, concerning the risks associated with using tobacco products or in connection with Native American cultural activities.

For the purpose of this policy, “public school building or public school property” means:

- Public land, fixtures, buildings, or other property owned or occupied by an institution for the teaching of minor children, that is established and maintained under the laws of the state of Montana at public expense; and
- Includes playgrounds, school steps, parking lots, administration buildings, athletic facilities, gymnasiums, locker rooms, and school vehicles.

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

Legal Reference:

- § 20-1-220, MCA Use of tobacco product in public school building or on public school property prohibited
- § 50-40-104(4)(e), MCA Smoking in enclosed public places prohibited – notice to public - place where prohibition inapplicable
- ARM 37.111.825(5) Health Supervision and Maintenance

Policy History:
Adopted on: 11/2005
Revised on:
NONINSTRUCTIONAL OPERATIONS

8301 - District Safety

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

The Board will develop a plan of fire, civil defense, tornado, and earthquake warning, protection, and evacuation. This plan shall be distributed to each teacher at the beginning of each school year. There will be at least eight (8) disaster drills a year, four (4) of which will be fire drills. All teachers will discuss fire drill procedures with their class at the beginning of each year and will have them posted in a conspicuous place next the exit door. A record will be kept of all fire drills. The drills will be held at different hours of the day or evening to avoid distinction between drills and actual disasters.

The Board will develop safety and health standards which comply with the Montana Safety Culture Act and the Montana Safety Act.

Legal Reference:

<table>
<thead>
<tr>
<th>Legal Reference</th>
<th>Description</th>
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<tbody>
<tr>
<td>§ 20-1-402, MCA</td>
<td>Number of disaster drills required - time of drills to vary</td>
</tr>
<tr>
<td>§§ 39-71-1501, et seq., MCA</td>
<td>Montana Safety Culture Act</td>
</tr>
<tr>
<td>§§ 50-71-311, MCA</td>
<td>Montana Safety Act</td>
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Policy History:
Adopted on: 8/2003
Revised on: 11/2005
NONINSTRUCTIONAL OPERATIONS

8420 - District-Wide Asbestos Program

It is the intent of the District that the Asbestos hazard Emergency Response Act (AHERA) and all of its amendments and changes be complied with by all District employees, vendors, and contractors.

Legal Reference: 15 USC § 2641 Congressional findings and purpose

Policy History:
Adopted on: 11/8/10
Reviewed on: 10/11/10
Revised on:
NONINSTRUCTIONAL OPERATIONS

8421 - Lead Renovation

In accordance with the requirements of the Environmental Protection Agency (EPA), the Pioneer School District has this Lead Renovation Policy that is designed to recognize, control and mitigate lead hazards at all District owned facilities and grounds.

The Lead-based paint renovation, repair and painting program (RRP) is a federal regulatory program affecting contractors, property managers, and others who disturb painted surfaces. It applies to child-occupied facilities such as schools and day-care centers build prior to 1978.

“Renovation” is broadly defined as any activity that disturbs painted surfaces and includes most repair, remodeling, and maintenance activities, including window replacement.

The District has implemented this policy to identify, inspect, control, maintain and improve the handling of lead related issues across the district facilities and grounds. In an effort to reduce potential hazards, the District through training has put together maintenance programs that will not only better protect the environment, but the students and employees of the District as well.

The District’s Lead Renovation Policy shall apply too not only employees of the maintenance department but to outside contractors as well. No outside painting contractor will be permitted to work for the District after April 22, 2010 unless they can show proof of training relative to lead renovation or maintenance from an accredited training institution.

Information Distribution Requirements

No more than 60 days before beginning renovation activities in any school facility of the District, the company performing the renovation must:

1. Provide the Board with EPA pamphlet title Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools.

2. Obtain, from the District, a written acknowledgement that the District has received the pamphlet.

3. Provide the parents and guardians of children using the facility with the pamphlet and information describing the general nature and locations of the renovation and the anticipated completion date by complying with one of the following:

   (i) Mail or hand-deliver the pamphlet and the renovation information to each parent or guardian of a child using the child-occupied facility.

   (ii) While the renovation is ongoing, post informational signs describing the general nature and locations of the renovation and the anticipated completion date. These signs must be posted in areas where they can be seen by the parents or guardians of the children frequenting the child-occupied facility. The signs must be accompanied by a posted copy of the pamphlet or information on how interested parents or guardians can review a copy of the pamphlet or obtain a copy from the renovation firm at no cost to the parents or guardians.

The renovation company must prepare, sign, and date a statement describing the steps performed to notify all parents and guardians of the intended renovation activities and to provide the pamphlet.
Recordkeeping Requirements*

All documents must be retained for three (3) years following the completion of a renovation.

- Records that must be retained include:
- Reports certifying that lead-based paint is not present.
- Records relating to the distribution of the lead pamphlet.
- Documentation of compliance with the requirements of the Lead-Based Paint Renovation, Repair, and Painting Program.

*Note: The MTSBA recommends that districts follow the same record retention schedule as they do for Asbestos abatement (forever).

Legal Reference: 40CFR Part 745, Subpart E Lead-based paint poisoning in certain Residential structures

Policy History:
Adopted on: 11/8/10
Reviewed on: 10/11/10
Revised on:
NONINSTRUCTIONAL OPERATIONS

8425 - Service Animals

For the purposes of this policy, state law defines a service animal as a dog or any other animal that is individually trained to do work or perform tasks for the benefit of an individual with a disability. Federal law definition of a disability includes a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition.

The District shall permit the use of a miniature horse by an individual with a disability, according to the assessments factors as outlined in Policy 8425P, if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.

The Pioneer School District will permit the use of service animals by an individual with a disability according to federal regulations. The work or tasks performed by a service animal must be directly related to the handler’s disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

The District may ask an individual with a disability to remove a service animal from the premises if:

- The animal is out of control and the animal’s handler does not take effective action to control it; or
- The animal is not housebroken

The District is not responsible for the care or supervision of the service animal.

Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of the District’s facilities where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go.

Cross Reference:
- Policy 8425P Procedure for allowance of service animals
- Policy 8425F Service Animals in District Facilities Form
- Policy 2161 Special Education
- Policy 2162 Section 504 of the Rehabilitation Act of 1973

Legal Reference:
- 28 CFR 35.136 Service Animals
- 28 CFR 35.104
- 49-4-203(2), MCA Definitions

Policy History:
Adopted on: 8/8/11
Reviewed on: 9/10/12
Revised on: 10/8/12
NONINSTRUCTIONAL OPERATIONS

8425F - Service Animals in District Facilities

*Please provide the following information about the service animal.*

1. Parent/Staff and/or emergency contact information: __________________________________________

2. Type of service animal (breed, age, and history): _________________________________________

3. Insurance company insuring the service animal: __________________________

4. Attached proof of insurance: □ Received □ Not Received

5. Agent name and address: ______________________________________________________________

6. Phone number: __________________________

7. Proof of current and proper vaccinations: □ Received □ Not Received

8. Documentation of Public Access Test (PAT): □ Received □ Not Received

9. Name of trainer or organization who administered the PAT: _____________________________

10. Address of trainer or organization: _____________________________________________________

11. Phone number of trainer or organization: _______________________________________________

12. List and attach any letters or other documentation from medical providers or other service providers regarding the student’s/staff’s need for the service animal: _____________________________

13. Has the student/staff member requesting use of the animal been trained as the animal’s handler? □ Yes □ No

14. If no, who will act as the trained handler for the animal during the school/work day?

15. Is the student/staff able to independently care for the service animal’s needs (i.e., bathroom, feeding, cleaning up messes, hygiene, etc.) □ Yes □ No

16. Describe the manner in which the service animal will meet the student’s/staff’s individual needs:

____________________________________________________________________________________

____________________________________________________________________________________

____________________________________________________________________________________

____________________________________________________________________________________
NONINSTRUCTIONAL OPERATIONS

8425P - Service Animal Allowance Procedure

The following procedures have been developed which will help guide the administration when a request for the use of a service animal has been presented by an individual with a disability.

Inquiries: The administration shall not ask about the nature or extent of a person's disability, but may make two inquiries to determine whether an animal qualifies as a service animal. The administration may ask if the animal is required because of a disability and what work or task the animal has been trained to perform. The administration shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. Generally, the administration may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).

Exclusions: The administration may ask the individual to remove the service animal from the premises if the animal is out of control and the handler does not take effective action to control it, or if the animal is not housebroken. If the administration properly excludes the service animal, it shall give the individual the opportunity to participate in the service, program, or activity without having the service animal on the premises.

Surcharges: The administration shall not ask or require the individual to pay a surcharge, even if people who are accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets. If the District normally charges individuals for the damage they cause, the individual may be charged for damage caused by his or her service animal.

Miniature horses assessment factors: In determining whether reasonable modifications can be made to allow a miniature horse into a specific facility, the District shall consider:

- The type, size, and weight of the miniature horse
- Whether the miniature horse is housebroken, and
- Whether the miniature horse’s presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

Policy History:
Adopted on:
Revised on: 8/8/2011
NONINSTRUCTIONAL OPERATIONS

8430 - Records Management

The District will retain, in a manner consistent with applicable law and the State’s Rules for Disposition of Local Government Records, such records as are required by law or regulations to be created and/or maintained, and such other records as are related to students, school personnel, and the operations of the schools.

For the purpose of this policy, “records” are all documentary materials, regardless of media or characteristics, made or received and maintained by the school unit in transaction of its business. Records include email and other digital communications sent and received.

Records may be created, received and stored in multiple formats including but not limited to print, microfiche, audio and videotapes, and various digital forms (on hard drives, computer disks and CDs, servers, flash drives, etc.).

The Superintendent will be responsible for developing and implementing a records management program for the cataloging, maintenance, storage, retrieval and disposition of school records. The Superintendent will be responsible for developing and implementing policies and procedures that place a “litigation hold” on records that may be required for production or discoverable as a result of litigation or anticipated litigation. The Superintendent will also be responsible for developing guidelines to assist school employees in understanding the kinds of information that must be saved and those which can be disposed of or deleted. The Superintendent may delegate records management responsibilities to other school personnel at his/her discretion to facilitate implementation of this policy.

Litigation Holds for Electronic Stored Information (ESI)

The School District will have an ESI Team. The ESI Team is a designated group of individuals who implement and monitor litigation holds, a directive not to destroy ESI that might be relevant to a pending or imminent legal proceeding. The ESI Team will include a designated school administrator, an attorney, and a member from the Technology Department. In the case of a litigation hold, the ESI Team shall direct employees and the Technology Department, as necessary, to suspend the normal retention procedure for all related records.

Inspections of ESI

Any requests for ESI records should be made in writing and will be reviewed by the Superintendent or designee, in consultation with an attorney if needed, and released in accordance with Montana public records law.

Delegated Authority

The Board delegates to the Superintendent or designees the right to implement and enforce additional procedures or directives relating to ESI retention consistent with this policy, as needed.

Cross Reference:
1402 School Board Use of Electronic Mail 3600, 3600P Student Records
5231, 5231P Personnel Records
5450 Employee Electronic Mail

Legal Reference:
Montana Secretary of State (Rules for Disposition of Local Government Records)
Federal Rules of Civil Procedure (FRCP)
§ 2-6-403, MCA Duties and responsibilities
§ 20-1-212, MCA Destruction of old records by school officer
§ 20-7-101(2), MCA Standards of accreditation
§ 20-9-215, MCA  Destruction of certain financial records
24.9.805 (4), ARM  Employment Records

Policy History:
Adopted on: 8/13/2007
Revised on: 1/11/2010
SERIES 9000
NONINSTRUCTIONAL OPERATIONS
NONINSTRUCTIONAL OPERATIONS

9000 - Goals; Planning; Educational Specifications

*Goals*

The Board recognizes the importance the physical plant plays in enhancing the instructional program. The Board shall develop a program to maintain and/or upgrade the buildings and grounds of the district. Facilities represent a long-term investment of the District. The functional utility of such facilities can be increased with a regular maintenance program monitored by staff.

*Planning*

The Board further recognizes the importance of planning in order to provide the anticipated facility needs of the future.

In order to provide an appropriate physical environment for learning and teaching, the following factors shall be considered in the planning of District facilities:

1. Facilities will accommodate the educational needs of students and be consistent with the educational philosophy and instructional goals of the District.
2. Facilities will meet all health and safety regulations.
3. The District will seek additional (federal or other ancillary) moneys when available to supplement its own financial resources.
4. Undesirable environmental impact shall be minimized.
5. Changing demographic factors will be monitored in order that students' needs are met.

*Educational Specifications*

Facilities shall be designed to accommodate the educational and instructional needs of the District. The professional experience and judgement of staff shall be solicited in developing such educational specifications. When the Board considers major remodeling or building a facility, it shall endeavor to seek facility expertise in all affected program areas as well as comments from faculty, students, and community. The law requires that special attention be given to accessibility to the education program by students of both genders and those with disabilities. The Board of Trustees shall see that all construction projects comply with the requirements for accessibility for individuals with disabilities and comparability between the genders. The architect shall be responsible for ensuring compliance with state and federal laws including access for individuals with disabilities and requirements for gender comparability.

Legal Reference: 10.55.2001, ARM School facilities

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Policy History
Adopted on:
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NONINSTRUCTIONAL OPERATIONS

9221 - Site Acquisition; Bonds

Site Acquisition

The District will attempt to acquire building sites in advance of the actual construction of facilities, in order to minimize delay in construction projects and to realize financial savings to the District. The Board will periodically review its inventory of land in light of growth trends in the District and make such transactions as it determines shall best meet the future needs of the District.

In acquiring a new site, the Board must first secure the approval of the qualified electorate before any contract for the purpose of such site is entered into, except the Trustees may take an option on a site prior to the site approval election. The Board may acquire property contiguous to a school site in use, without such vote. Site approval also is not necessary if it was specifically mentioned in a fund-raising issue, which was subsequently approved by the electorate.

Bonds

The Board may issue or redeem bonds in any manner as provided by law.

Legal Reference:

§ 20-6-621, MCA  Selection of school sites, approval election
§ 20-6-603, MCA  Trustees' authority to acquire or dispose of sites and buildings - when election required School bonds
§ 20-9-400, et.seq., MCA School bonds

Policy History
Adopted on:
Revised on:
NONINSTRUCTIONAL OPERATIONS

9242 - Architect Assurance; Contractor Assurance; Changes and Additional Costs; Contractor Surety Bonds and Insurance

Architect Assurance

When the assistance and services of a professional architect are required, the contract for those services will include:

PLANNING - The architect will plan and develop the project according to the tennents set forth in this document;

CONSTRUCTION SUPERVISION - The architect will provide adequate inspection of the contractor(s) activity to assure workmanlike quality in the project. Quality control of materials and workmanship will be the sole responsibility of the architect. Liability for default will be borne by the architect, holding the District blameless for untoward activity during the construction process.

Contractor Assurance

No contract shall be let to any contractor who is not licensed or registered as required by the laws of this state. Nor shall a contractor be granted a contract unless a statement is submitted and sworn to which states that the contractor is in compliance with the state laws relating to prevailing wage and residence requirements for public works and with state and federal laws relating to non-discrimination in hiring. A statement to this effect must be a part of every appropriate contract. No contract shall be let to any contractor if the provision conflicts with the provisions of § 20-9-204.

Changes and Additional Costs

Conflict arising from changing costs of the constructed project shall be resolved using:

CHANGE ORDERS - When the District orders any change to the original contract, such fee charge will be negotiated and agreed to in writing, approved by the District, or agent of the District and the contractor.

ADDITIONAL/UNFORESEEN COSTS - Acts of God, accident or other costs not covered in the original contract shall be limited. The amount shall be negotiated in a formal District hearing, or with the agent of the District and the contractor.

Completion of the negotiation for change will fall to the Architect as agent for the District. The architect will not be held responsible for the outcome of any proposed change to the contracted project unless the change is agreed to without District approval.

Contractor Surety Bonds and Insurance

Each contractor's bid must be accompanied by a bid bond or other security authorized by state law in the amount of at least ten percent of the total bid amount, excluding taxes. Any bid which is not successful shall entitle the bidder to a refund of its security or bond. The successful bidder shall have his/her bond or security retained until such a time as it is determined that the bidder shall complete the contract. All bids received shall specify whether the District or the contractor shall carry fire, liability, or other insurance during construction. The successful bidder is required to make, execute and deliver to the Board a good and sufficient performance bond with two or more sureties or a surety company which shall state that the contractor shall execute and
faithfully perform the provisions of the contract and shall pay all subcontractors and material-men as required by law.

Legal Reference:

§ 18-1-201, MCA  Requirements for bidder’s security
§ 18-1-202, MCA  Advertisement for bid to specify required security
§ 18-1-203, MCA  Form of security
§ 2-2-303, MCA  Agreements to appoint relative to office
§ 18-2-402, MCA  Standard prevailing rate of wages
§ 18-2-430, MCA  Preference of Montana labor in public works - wages
§ 18-2-404, MCA  Approval of contract - bond
§ 20-9-204, MCA  Conflicts of interest, letting contracts and calling for bids

Policy History
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NONINSTRUCTIONAL OPERATIONS
9300 - Operation and Maintenance of District Facilities

The District seeks to maintain and operate facilities in a safe and healthful condition. The Board of Trustees, in cooperation with the Supervising Teacher, Fire Chief, and County Sanitarian shall periodically inspect plant and facilities. The Board shall provide for a program to maintain the District physical plant by way of a continuous program of repair, maintenance and reconditioning. Budget recommendations shall be made each year to meet these needs. Any such needs arising from an emergency shall be dealt with at a meeting of the Board of Trustees.

The Board of Trustees shall formulate and implement energy conservation measures. The Supervising Teacher and staff are encouraged to exercise other cost-saving procedures in order to conserve the resources of the District in their buildings.

Legal Reference: 10.55.2001, ARM School facilities

Policy History
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NONINSTRUCTIONAL OPERATIONS

9320 - Security; Equipment Security; Care of School Property

Security

Security means not only maintenance of buildings, but also protection from fire hazards and faulty equipment and safe practices in the use of electrical, plumbing, and heating equipment. The Board requires and encourages close cooperation with local police, fire, and sheriff departments and with insurance company inspectors.

Access to school buildings and grounds outside of regular school hours shall be limited to staff whose work requires access. An adequate key control system shall be established which shall limit access to buildings to authorized staff and shall safeguard against the potential entry of unauthorized persons. Records and funds shall be kept in a safe place and under lock and key when required.

Locks and other protective devices designed to be used as safeguards against illegal entry and vandalism shall be installed when appropriate to the individual situation. All incidents of vandalism and burglary shall be reported to the Board of Trustees immediately and to law enforcement agencies as appropriate.

Equipment Security

District equipment shall be under the control of the Administrator and will be checked out by him/her during the school year. There will be a record of who has it, where it is, and when it is to be returned. The person using the equipment must know how to use it and the appropriate safety precautions required. Students cannot allow others to operate District equipment without the express approval of the Administrator.

Care of School Property

The Administrator and staff shall insure that District property is not abused. Students or nonstudents who abuse school property may be disciplined and costs assessed for property abuse. Liability for the damage incurred will fall on those responsible for the abuse. A District hearing may be required to assess blame and costs.

The following steps shall be taken to pan evidence that school property has been damaged or lost. whether or not the action was willful:

1. Damage of any nature to school property shall be reported to the Administrator.
2. A Damage or Loss Report shall be submitted to the Board of Trustees. In the event of a break-in, whether damage is noted or not, the Board shall report the occurrence to a law enforcement agency. Care shall be taken to avoid disturbing evidence that may be associated with the break-in.
3. An investigation to establish the individuals responsible for acts of vandalism or theft shall be initiated.
4. Repair or replacement costs for damage shall be estimated by a professional.
5. Parents shall be informed in writing, regarding the nature of the damages, how restitution may be made, and how appeal may be initiated.
6. The Clerk of the District, upon receipt of the damage or loss report, shall bill the student's parents for the repair or replacement costs. Some emergency work may be required prior to all of these steps. That bill shall also go to the guilty party.
7. The District's property insurer shall be notified by the Clerk as soon as possible.
8. Copies of the parent notification along with estimate of damages shall be sent to the Board of Trustees and the Administrator.

9. The Administrator will review any appeal made by the student and/or parents.

10. The student and/or parents shall be advised that they may appeal the decision of the Administrator at the next regular meeting of the Board (see Policy #3520). No further appeal shall be allowed.

Legal Reference:

§ 20-5-201 MCA Duties and sanctions
§ 50-61-114 MCA Fire chief and county sheriff to make inspections

Policy History
Adopted on:
Revised on:
NONINSTRUCTIONAL OPERATIONS

9330 - Facilities Operations

The operation of the District's facilities shall be the responsibility of the Board of Trustees or their designee.

An adequate staff of maintenance personnel will be employed by the District to operate the District's facilities. This responsibility shall include, but not necessarily be limited to the following:

1. Adequate and timely operation of each facility's heating system.
2. Proper care of the District's physical properties including walls, floors, roofs, ceilings and equipment in those facilities.
3. Adequate care of and timely lamp replacement in each facility's lighting system.
4. Proper care of the grounds and playgrounds.

Because of the nature of facility operations, this service shall be provided not only during the normal scheduled working day and working year, but shall also occur during those times when the building is occupied outside of regular hours. At no time shall a facility be occupied by a group of individuals without at least one Board or staff member being in the building during the time of occupancy by the using group.

Policy History
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