## ALBERTON JOINT SCHOOL DISTRICT #2

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ALBERTON JOINT SCHOOL DISTRICT #2

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Legal Status, Operation and Organization

The legal name of this District is Alberton Joint School District No. 2, Mineral County, State of Montana. The District is classified as a class 3 district and is operated according to the laws and administrative rules pertaining to a class 3 district.

The Board of Trustees of Alberton Joint School District No. 2 is the governmental entity established by the state of Montana and constitutionally charged of the supervision and control of all aspects of the District’s operations.

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

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

Legal Reference: § 20-3-323, MCA District policy and record of acts
§ 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
§ 20-9-309, MCA Basic system of free quality public elementary and secondary schools defined – identifying educationally relevant factors – establishment of funding formula and budgetary structure – legislative review
Article X, Section 8, MT Constitution
Membership and Terms of Office

The District is governed by a Board of Trustees consisting of five (5) members. The powers and duties of the Board include the broad authority to adopt and enforce all policies necessary for the management, operations and governance of the District. Except as otherwise provided by law, trustees shall hold office for terms of three (3) years, or until their successors are elected and qualified. Terms of trustees shall be staggered as provided by law.

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

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, filing deadline, and withdrawal
§ 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
§ 20-3-351, 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
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
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. A declaration of intent to be a candidate must be submitted to the District Clerk at least forty (40) days before the regular school election day. If different terms are to be filled, the term for the position for which the candidate is filing must also be indicated. Any person seeking to become a write-in candidate for a trustee position shall file a declaration of intent no later than 5:00 p.m. on the day before the ballot certification deadline in 20-20-401. If the number of candidates filing for vacant positions or filing a declaration of intent to be a write-in candidate is equal to or less than the number of positions to be elected, the trustees may give notice no later than thirty (30) days before the election that a trustee election will not take place. If a trustee election is not held, the trustees shall declare the candidates elected by acclamation and shall issue a “certificate of election” to each candidate.

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

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

In years when the Legislature meets in regular session or in a special session that affects school funding, the trustees may order the election on a date other than the regular school election day in order for the electors to consider a proposition requesting additional funding under § 20-9-353, MCA.
Legal Reference: § 13-10-211, MCA Declaration of intent for write-in candidates
§ 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
§ 20-9-353, 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
Resignation

The resignation of a trustee must be submitted in writing to the Clerk. A resignation is effective seventy-two (72) hours after its submission unless withdrawn during that period by the trustee through written notification of withdrawal made to the Clerk.

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

Legal Reference: § 2-16-502, MCA Resignations
                § 20-3-308, MCA Vacancy of trustee position
Vacancies

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

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

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

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

Cross Reference: 1240 Duties of Individual Trustees
1112 Resignations

Legal References: § 20-3-308, MCA Vacancy of trustee position
§ 20-3-309, MCA Filling vacated trustee position – appointee qualification and term of office
Annual Organization Meeting

After issuance of election certificates to newly elected trustees, but no later than 15 days after the election, the Board shall elect from among its members a Chairperson and a Vice Chairperson to serve until the next annual organizational meeting. If a Board member is unable to continue to serve as an officer, a replacement shall be elected at the earliest opportunity to serve the remainder of the term. 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 Vice Chairperson
8. Appointment of a Clerk

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
Alberton Joint School District #2

1130

BOARDS OF TRUSTEES

1130

Committees

Generally, trustees will function as a whole and will not form committees of the Board. Nevertheless the Board may create Board committees as deemed necessary or useful. All committees created by the Board shall comply with the open meeting laws and all other laws applicable to school board meetings.

Committees of the Board may be created and their purposes defined by a majority of the Board. The Board Chairperson shall appoint trustees to serve on such committees. Trustees serving on committees shall be limited to fewer than a majority of the Board.

Citizen Committees

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

Legal Reference: § 2-3-203, MCA Meetings of public agencies and certain associations of public agencies to be open to public – exceptions

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 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;
- Sign all papers and documents as required by law and as authorized by action of the Board, and;
- Close Board meetings as authorized by Montana law.

Except as provided above, 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.

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.

Cross Reference: Policy 1120 Annual Organizational Meeting

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

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

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

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

Legal references: § 20-3-321, MCA Organization and officers
§ 20-3-325, MCA Clerk of district
§ 20-4-201, MCA Employment of teachers and specialists by contract
§ 20-9-133, MCA Adoption and expenditure limitations of final budget
§ 20-9-165, MCA Budget amendment limitation, preparation, and adoption procedures
§ 20-9-221, MCA Procedure for issuance of warrants
§ 20-20-401(2), MCA Trustees’ election duties – ballot certification
Board of Trustees

Adopted on: 9/2009
Reviewed on:
Revised on: 02/20/2018

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 or Superintendent, 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
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. New or revised policies that are required, or have required language changes based on State or Federal law, or are required changes by administrative rule, may be adopted after the first (1st) reading if sufficient notice has been given through the board agenda.

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

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

Policy Manuals

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

Suspension of Policies

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

Administrative Procedures

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

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

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

10.55.701, ARM Board of Trustees
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 High School. Regular meetings shall take place at 7:00 p.m. on the second Tuesday of each month, or at other times and places determined by a majority vote. The Board may choose to not convene a meeting in the month of July if there is no pressing business to attend to at that time. 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 Missoulian.

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, MCA  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
- § 2-3-202, MCA  Meeting defined
- § 2-3-203, MCA  Meetings of public agencies and certain associations of public agencies to be open to public – exceptions
- § 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
Records Available to Public

All District records, except those restricted by state and federal law, shall be available to citizens for inspection at the Clerk’s office.

Any individual may request public information from the district. The district shall make the means of requesting public information accessible to all persons.

Upon receiving a request for public information, the district shall respond in a timely manner to the requesting person by:

(a) Making the public information available for inspection and copying by the requesting person; or
(b) Providing the requesting person with an estimate of the time it will take to fulfill the request if the public information cannot be readily identified and gathered and any fees that may be charged.

The district may charge a fee for fulfilling a public information request. The fee may not exceed the actual costs directly incident to fulfilling the request in the most cost-efficient and timely manner possible. The fee must be documented. The fee may include the time required to gather public information. The district may require the requesting person to pay the estimated fee prior to identifying and gathering the requested public information.

The district is not required to alter or customize public information to provide it in a form specified to meet the needs of the requesting person. If the district agrees to a request to customize a records request response, the cost of the customization may be included in the fees charged by the district.

In accordance with § 20-9-213(1), MCA, the record of the accounting of school funds shall be open to public inspection at any meeting of the trustees. A fee may be charged for any copies requested. Copies will be available within a reasonable amount of time following a request.

A written copy of Board minutes shall be available to the general public within five (5) working days following approval of the minutes by the Board. If requested, one (1) free copy of minutes shall be provided to local media within five (5) working days following approval by the Board.

Legal References: § 2-6-1003, MCA Access to Public Information
§ 2-6-1006, MCA Public Information requests - fees
§ 20-3-323, MCA District policy and record of acts
§ 20-9-213, MCA Duties of trustees
Use of electronic mail (e-mail) by members of the Board will conform to the same standards of judgment, propriety, and ethics as other forms of school board-related communication. Board members will comply with the following guidelines when using e-mail in the conduct of Board responsibilities:

1. The Board will not use e-mail as a substitute for deliberations at Board meetings or for other communications or business properly confined to Board meetings.

2. Board members will be aware that e-mail and e-mail attachments received or prepared for use in Board business or containing information relating to Board business may be regarded as public records, which may be inspected by any person upon request, unless otherwise made confidential by law.

3. Board members will avoid reference to confidential information about employees, students, or other matters in e-mail communications, because of the risk of improper disclosure. Board members will comply with the same standards as school employees, with regard to confidential information.

Cross Reference: 1400 Board Meetings  
1401 Records Available to Public

Legal Reference: § 2-3-103, MCA Public participation – governor to ensure guidelines adopted  
§ 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  
§ 20-3-322, MCA Meeting and quorum
School Board Meeting Procedure

Agenda

The agenda for any Board meeting shall be prepared by the Superintendent in consultation with the
Board Chair or presiding officer. 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 Superintendent 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 Superintendent, 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 that 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 Chairperson 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 Chairperson may place reasonable
time limits on any “public comment” period to maintain and ensure effective and efficient operations
of the Board. The Board shall not take any action on any matter discussed, unless the matter is
specifically noticed on the agenda, and the public has been allowed opportunity to comment.

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 not
less than 48 hours prior to the Board meeting and will be available to any interested citizen not less
than 48 hours prior to the Board meeting.

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 office record of the meeting. If an official recording is made, a written
record of the meeting must also be made and must also include:

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

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

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 within five (5) working days following approval by the Board.

Quorum

No business shall be transacted at any meeting of the Board unless a quorum of its members is present. Three (3) members of the Elementary Board shall constitute a quorum of that Board. Four (4) members of the High School Board shall constitute a quorum of that Board. Board members may be present physically or present via electronic means to establish a quorum. 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 Superintendent as early as possible. The Superintendent 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 Superintendent will take measures to verify the identity of any remotely located participants.

Meeting Conduct and Order of Business

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

Rescind a Motion

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

Cross Reference: 1441 Audience Participation

Legal References: § 2-3-103, MCA Public participation - governor to ensure guidelines adopted

§ 2-3-202, MCA Meeting defined

§ 2-3-212, MCA Minutes of meetings – 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

*Jones and Nash v. Missoula Co.*, 2006 MT2, 330 Mont 2005
Abstentions From Voting

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

1. When hiring a relative of a trustee;

2. When casting a vote would directly or substantially affect, to its economic benefit, a business or other undertaking in which the trustee either has a substantial financial interest or in which the trustee is engaged as counsel, consultant, representative, or agent;

3. When casting a vote would directly and substantially affect a business or other undertaking to its economic detriment, where a trustee has a substantial personal interest in a competing firm or undertaking;

4. When casting a vote would cause a trustee to have a pecuniary interest, either directly or indirectly, in a contract made by the trustee (while acting in the trustee’s official capacity) or by the Board, and;

5. When casting a vote would put the trustee in the position of an agent or solicitor in the sale or supply of goods or services to the District.

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

Legal References:

§ 2-2-105, MCA Ethical requirements for public officers and public employees
§ 2-2-121, MCA Rules of conduct for public officers and public employees
§ 2-2-302, MCA Appointment of relative to office of trust or emolument unlawful – exceptions – publication of notice
§ 20-1-201, MCA School officers not to act as agents
§ 20-3-323, MCA District policy and record of acts
§ 20-9-204, MCA Conflicts of interests, letting contracts, and calling for bids
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 statutory and constitutional rights of the public to participate in governmental operations. To allow fair and orderly expression of public comments, the Board will permit public participation through oral or written comments during the “public comment” section of the Board agenda and prior to a final decision on a matter of significant interest to the public. The Chairperson may control such comment to ensure an orderly progression of the meeting.

Individuals wishing to be heard by the Chairperson shall first be recognized by the Chairperson. Individuals, after identifying themselves, will proceed to make comments as briefly as the subject permits. The Chairperson may interrupt or terminate an individual’s statement 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 Chairperson.

Cross Reference: 1420 School Board Meeting Procedure

Legal Reference: Article II, Section 8, Montana Constitution – Right of participation
Article II, Section 10, Montana Constitution – Right of privacy
§§ 2-3-101, et seq., MCA Notice and Opportunity to Be Heard
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: 1) All trustees, except the trustee related to the person to be employed or appointed, vote to employ the related person; 2) the trustee related to
the person to be employed abstains from voting; and 3) 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

Trustee

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Degrees of Affinity

3
Great Grandparent-in-law

2
Grandparent-in-law

1
Father/Mother-in-law

3
Uncle/Aunt-in-law

1
Trustee

2
Spouse

Brother/Sister-in-law

1
Step Child

3
Nephew/Niece-in-law

2
Step Grandchild

3
Step Great Grandchild
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 nonproductive;

4. Maintain the efficiency of District operations;

5. Determine the methods, means, job classifications, and personnel by which District operations are to be conducted;

6. Take whatever actions may be necessary to carry out the missions of the District in situations of emergency;

7. Establish the methods and processes by which work is performed.

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

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

Cross Reference: 6110 Superintendent

Legal Reference: § 20-3-324, MCA Powers and duties
§ 39-31-303, MCA Management rights of public employers
Board/Staff Communications

Every reasonable means of communication is encouraged throughout the education community. Nevertheless, an organization must maintain some order and structure to promote efficient and effective communications.

Staff Communications to the Board

All official communications or reports to the Board, from principals, supervisors, teachers, or other staff members, shall be submitted through the Superintendent. This procedure shall not deny any staff member the right to appeal to the Board from administrative decisions, provided that the Superintendent shall have been notified of the forthcoming appeal and that it is processed according to the applicable procedures for complaints and grievances.

Board Communications to Staff

All official communications, policies, and directives of staff interest and concern will be communicated to staff members through the Superintendent. The Superintendent will employ all such media as are appropriate to keep staff fully informed of Board concerns and actions.

Visits to Schools

In accordance with Montana statutes, each trustee shall visit every school of the District at least once each school fiscal year to examine its condition and needs. As a courtesy, individual Board members interested in visiting schools should make arrangements for visitations through the principals of the various schools. Such visits shall be regarded as informal expressions of interest in school affairs and not as “inspections” or visits for supervisory or administrative purposes.

Social Interaction

Staff and Board members share a keen interest in schools and education. When they meet at social affairs and other functions, informal discussion about such matters as educational trends, issues, and innovations and general District problems can be anticipated. Discussions of personalities or staff grievances are not appropriate.

Legal Reference: § 20-3-324(22), MCA Powers and duties
Board-Superintendent Relationship

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

The Board hires, evaluates, and seeks the recommendations of the Superintendent as the District chief executive officer. The Board adopts policies necessary to provide the general direction for the District and to encourage achievement of District goals. The Superintendent develops plans, programs, and procedures needed to implement the policies and directs the District’s day-to-day operations.

Cross Reference: 6110 Superintendent

Legal Reference: § 20-4-401, MCA Appointment and dismissal of district superintendent or county high school principal

§ 20-4-402, MCA Duties of district superintendent or county high school principal
Trustee Expenses

Expenses for Board Members at Out-of-District Meetings

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

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

Cross Reference: 7336 Travel Allowances and Expenses

Legal Reference: §2-18-503, MCA Mileage - allowance
§20-3-311, MCA Trustee reimbursement and compensation of secretary for joint board.
Annual Goals and Objectives

Each year, during the month of June, 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
Board Development and Self Evaluation

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

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

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

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

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

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

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

A superintendent intern shall be supervised throughout the year by a licensed and endorsed superintendent contracted by the district, including participation in, and review of, and written concurrence in all performance evaluations of licensed staff completed by the intern.

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

Legal Reference:

§ 20-4-111, MCA          Emergency authorization of employment
ARM 10.55.602          Definitions
ARM 10.55.607          Internships
ARM 10.55.702          Licensure and duties of District Administrator – District Superintendent
ARM 10.57.412          Class 1 and 2 Endorsements
ARM 10.57.413          Class 3 Administrative License
Uniform Complaint Procedure

The Board establishes this Uniform Complaint Procedure as a means to address complaints arising within the District. This Uniform Complaint Procedure is intended to be used for all complaints except those governed by a 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.

The Superintendent has the authority to contract with an independent investigator at any time during the complaint procedure process. Within fifteen (15) calendar days of the Superintendent’s receipt of the independent investigator’s report and recommendation, the Superintendent will respond to the complaint and take such administrative steps as the Superintendent deems appropriate and necessary.

Level 1: Informal

An individual with a complaint is first encouraged to discuss it with the appropriate teacher, counselor, or building administrator, with the objective of resolving the matter promptly and informally. An exception is that a complaint of sexual harassment should be discussed directly with an administrator not involved in the alleged harassment.

Level 2: Building Administrator

When a complaint has not been or cannot be resolved at Level 1, an individual may file a signed and dated written complaint stating: (1) the nature of the complaint; (2) a description of the event or incident giving rise to the complaint, including any school personnel involved; and (3) the remedy or resolution requested. This written complaint must be filed within thirty (30) calendar days of the event or incident or from the date an individual could reasonably become aware of such event or incident.
When a complaint alleges violation of Board policy or procedure, the building administrator will investigate and attempt to resolve the complaint. The administrator will respond in writing to the complaint, within thirty (30) calendar days of the administrator’s receipt of the complaint.

If either the complainant or the person against whom the complaint is filed is dissatisfied with the administrator’s decision, either may request, in writing, that the Superintendent review the administrator’s decision. (See Level 3.) This request must be submitted to the Superintendent within fifteen (15) calendar days of the administrator’s decision.

When a complaint alleges sexual harassment or a violation of Title IX of the Education Amendments of 1972 (the Civil Rights Act), Title II of the Americans with Disabilities Act of 1990, or Section 504 of the Rehabilitation Act of 1973, the building administrator may turn the complaint over to a District nondiscrimination coordinator. The coordinator will complete an investigation and file a report and recommendation with the Superintendent. A coordinator may hire, with the approval of the Superintendent, an independent investigator to conduct the investigation. Within fifteen (15) calendar days of the Superintendent’s receipt of the coordinator’s or independent investigator’s report and recommendation, the Superintendent will respond to the complaint and take such administrative steps as the Superintendent deems appropriate and necessary. If either the complainant or the person against whom the complaint is filed is dissatisfied with the Superintendent’s decision, either may request, in writing, that the Board consider an appeal of the Superintendent’s decision. (See Level 4.) This request must be submitted in writing to the Superintendent, within fifteen (15) calendar days of the Superintendent’s written response to the complaint, for transmission to the Board.

Level 3: Superintendent

If either the complainant or the person against whom the complaint is filed appeals the administrator’s decision provided for in Level 2, the Superintendent will review the complaint and the administrator’s decision. The Superintendent will respond in writing to the appeal, within thirty (30) calendar days of the Superintendent’s receipt of the written appeal. In responding to the appeal, the Superintendent may: (1) meet with the parties involved in the complaint; (2) conduct a separate or supplementary investigation; (3) engage an outside investigator or other District employees to assist with the appeal; and/or (4) take other steps appropriate or helpful in resolving the complaint.

If either the complainant or the person against whom the complaint is filed is dissatisfied with the Superintendent’s decision, either may request, in writing, that the Board consider an appeal of the Superintendent’s decision. (See Level 4.) This request must be submitted in writing to the Superintendent, within fifteen (15) calendar days of the Superintendent’s written response to the complaint, for transmission to the Board.
Level 4: The Board

Upon written appeal, the Board will consider the Superintendent’s decision in Level 2 or 3. Upon receipt of written request for appeal, the Chair will either place the appeal on the agenda of a regular or special Board meeting. The Board will report its decision on the appeal, in writing, to all parties, within thirty (30) calendar days of the Board meeting. A decision of the Board is final, unless it is appealed pursuant to Montana law within the period provided by law.

Level 5: County Superintendent

When a matter falls within the jurisdiction of a county superintendent of schools, the decision of the Board may be appealed to the county superintendent by filing written appeal within thirty (30) calendar days of the Board’s decision, pursuant to Montana law.

Legal Reference: Title IX of the Education Amendments of 1972 (Civil Rights Act)
Title II of the Americans with Disabilities Act of 1990
§ 504 of the Rehabilitation Act of 1973
| R  | 2000          | Goals          |
| R  | 2100          | School Year Calendar and Day |
| R  | 2105          | Grade Organization |
| R  | 2120          | Curriculum and Assessment |
| R  | 2132          | Student and Family Privacy Rights |
|    | 2140          | Guidance and Counseling |
|    | 2150          | Suicide Awareness and Prevention |
| R  | 2158          | Family Engagement |
| R  | 2160          | Title I Parent Involvement |
| R  | 2160P         | Title I parent Involvement Procedures |
| R  | 2161          | Special Education |
| R  | 2161P         | Special Education Child Find Procedures |
| R  | 2162 – 2162P  | Section 504 of the Rehabilitation Act of 1973 (“Section 504”) |
|    | 2166          | Gifted Program |
|    | 2168          | Distance Learning Courses |
|    | 2170          | Digital Academy |
| R  | 2171          | Significant Writing Program |
| R  | 2250          | Community and Adult Education |
| R  | 2309          | Library Materials |
| R  | 2310 – 2310P  | Selection of Library Materials |
| R  | 2311          | Instructional Materials |
| R  | 2311P         | Selection, Adoption, and Removal of Textbooks and Instructional Materials |
| R  | 2312          | Copyright |
| R  | 2312P         | Copyright Compliance |
| R  | 2314          | Learning Materials Review |
|    | 2320          | Field Trips, Excursions, and Outdoor Education |
| R  | 2330          | Controversial Issues and Academic Freedom |
|    | 2332          | Religion and Religious Activities |
| R  | 2333          | Participation in Commencement Exercises |
|    | 2410 - 2410P  | High School Graduation Requirements |
| R  | 2413          | Credit Transfer and Assessment for Placement |
|    | 2420          | Grading and Progress Reports |
|    | 2421          | Promotion and Retention |
| R  | 2450          | Recognition of Native American Cultural Heritage |
| R  | 2510          | School Wellness |
Goals

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

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

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

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

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

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 10.55.714    Professional Development
ARM 10.55.906    High School Credit
Grade Organization
The District maintains instructional levels for grades kindergarten (K) through twelve (12). The grouping and housing of instructional levels in school facilities will be according to plans developed by the Superintendent and approved by the Board.

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

Legal Reference: § 20-6-501, MCA Definition of various schools
Alberton Joint School District #2

2120 - R INSTRUCTION

Curriculum 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 Superintendent is responsible for making curriculum recommendations. The District shall ensure their curriculum is aligned to all content standards and the appropriate learning progression for each grade level.

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

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

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

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

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

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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

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

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

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

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

**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.

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

Cross Reference: 2311 Instructional Materials
3200 Student Rights and Responsibilities
3410 Student Health/Physical Screenings/Examinations

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

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

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

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

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

Legal Reference

§ 49-3-203, MCA  Educational, counseling, and training programs
10.55.710, ARM  Assignment of School Counseling Staff
10.55.802, ARM  Opportunity and Educational Equity
Suicide Awareness and Prevention

The Administration shall develop and implement a youth suicide prevention program meeting minimum requirements set forth in 10.55.719, ARM.

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

The District will provide at least two (2) hours of youth suicide and prevention training beginning the 2017-18 school year. The District will provide, at a minimum, two (2) hours of youth suicide awareness and prevention training every five (5) years thereafter. All new employees who work directly with any student enrolled in the school district will be provided training the first year of employment.

Youth suicide and prevention training may include:

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

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

Legal Reference: § 20-7-1310, MCA Youth suicide awareness and prevention training
Family Engagement Policy

The Alberton 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:
   - Keeping parents/families informed of opportunities for involvement and encouraging participation in various programs.
   - Providing access to educational resources for parents/families to use together with their children.
   - Keeping parents/families informed of the objectives of district educational programs as well as of their child's participation and progress within these programs.

3. Enable families to participate in the education of their children through a variety of roles. For example, parents/family members should be given opportunities to provide input into district policies and volunteer time within the classrooms and school programs.

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

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

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

7. If practical, provide information in a language understandable to parents.
Title I Parent Involvement

The District endorses the parent involvement goals of Title I and encourages the regular participation of parents (including parents of migrant students if applicable) 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 (including parents of migrant students if applicable), 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 (including parents of migrant children if applicable) 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 (including parents of migrant children if applicable) identified to participate in Title I programs shall receive from the school principal 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 classroom and Title I 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.

Each school in the District receiving Title I funds shall develop jointly with parents of children served in the program a “School-Parent Compact” outlining the manner in which parents, school staff, 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 conferences, frequent reports to parents, and reasonable access to staff.

Legal Reference: Title I of the Elementary and Secondary Education Act of 1965, 20 U.S.C. §§ 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, “No Child Left Behind Act of 2001,” Title I – Improving the Academic Achievement of the Disadvantaged, § 1118
Equivalency/Comparability

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

In keeping with the requirements of the Elementary and Secondary School Improvement Amendments (ESSIA) and the Education Department General Administrative Regulations (EDGAR), the Board assures:

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

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’s 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 (including parents of migrant children if applicable) 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.

Administration

It is the responsibility of the administration 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 (including parents of migrant children if applicable) in a format and, to the extent practicable, in a language the parents can understand.
Alberton Joint School District #2

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INSTRUCTION

Revised on: 02/20/2018

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

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

1. Procedures used to annually inform the public of all child find activities, for children zero through twenty-one;
2. Identity of the special education coordinator;
3. Procedures used for collecting, maintaining, and reporting data on child identification;
4. Procedures for Child Find Activities (including audiological, health, speech/language, and visual screening and review of data or records for students who have been or are being considered for retention, delayed admittance, long-term suspension or expulsion or waiver of learner outcomes) in each of the following age groups:
   A. Infants and Toddlers (Birth through Age 2)
      Procedures for referral of infants and toddlers to the appropriate early intervention agency, or procedures for conducting child find.
   B. Preschool (Ages 3 through 5)
      Part C Transition planning conferences; frequency and location of screenings; coordination with other agencies; follow-up procedures for referral and evaluation; and procedures for responding to individual referrals.
   C. In-School (Ages 6 through 18)
      Referral procedures, including teacher assistance teams, parent referrals, and referrals from other sources; and follow-up procedures for referral and evaluation.
   D. Post-School (Ages 19 through 21)
      Individuals who have not graduated from high school with a regular diploma and who were not previously identified. Describe coordination efforts with other agencies.
E. Private Schools (This includes home schools.)
Child find procedures addressing the provisions of A.R.M. 10.16.3125(1); follow-up procedures for referral and evaluation.

F. Homeless Children

Procedures for Evaluation and Determination of Eligibility

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

- 10.16.3320 - Referral;
- 10.60.103 - Identification of Children with Disabilities;
- 10.16.3321 - Comprehensive Educational Evaluation Process;

Procedural Safeguards and Parental Notification

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

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

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

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

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

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

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

**Evaluation of Eligibility**

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

**Individualized Education Programs**

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

**Least Restrictive Environment**

To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled, and special classes, separate schooling, or other removal of children with disabilities from the regular class occurs only if the nature or severity of the disability is such that education in regular classes, with the use of supplementary aids and services, cannot be achieved satisfactorily. Educational placement decisions are made in accordance with A.R.M. 10.16.3340 and the requirements of 34 C.F.R. 300.114 - 300.120, and a continuum of alternate placements is available as required in 34 C.F.R. 300.551.

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

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

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

**Impartial Due Process Hearing**

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

**Special Education Records and Confidentiality of Personally Identifiable Information**

**A. Confidentiality of Information**

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

**B. Access Rights**

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

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

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

**D. Safeguards**

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

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

F. Children’s Rights

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

Discipline

Students with disabilities may be suspended from school the same as students without disabilities for the same infractions or violations for up to ten (10) consecutive school days. Students with disabilities may be suspended for additional periods of not longer than ten (10) consecutive school days for separate, unrelated incidents, so long as such removals do not constitute a change in the student’s educational placement. However, for any additional days of removal over and above ten (10) school days in the same school year, the District will provide educational services to a disabled student, which will be determined in consultation with at least one (1) of the child’s teachers, determining the location in which services will be provided. The District will implement the disciplinary procedures in accord with the requirements of CFR 300.530-300.537.
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<td>37.85.414 ARM</td>
<td>Maintenance of Records and Auditing (Medicaid)</td>
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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.

Legal Reference:
- ADA Amendments Act of 2008
- 34 C.F.R. §104.1 et seq. Purpose
- 34 C.F.R. §104.35 Evaluation and Placement
- 34 C.F.R. §104.36 Procedural safeguards
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 prehearing conference shall be scheduled to set a date and time for a hearing, identify the issues to be heard, and stipulate to undisputed facts to narrow the contested factual issues;

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

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

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

K. The hearing shall be conducted in an informal but orderly manner. Either party may request that the hearing be recorded. Should either party request that the hearing be recorded, it shall be recorded using either appropriate equipment or a court reporter. The District shall be allowed to present its case first. Thereafter the parent or legal guardian shall be allowed to present its case. Witnesses may be called to testify, and documentary evidence may be admitted; however, witnesses will not be subject to cross-examination, and the Montana Rules of Evidence will not apply. The hearing officer shall make all decisions relating to the relevancy of all evidence intended to be presented by the parties. Once all evidence has been received, the hearing officer shall close the hearing. The hearing officer may request that both parties submit proposed findings of fact, conclusions, and decision;

L. Within twenty (20) days of the hearing, the hearing examiner should issue a written report of his/her decision to the parties;

M. Appeals may be taken as provided by law. The parent or legal guardian may contact the Office of Civil Rights, 912 2nd Avenue, Seattle, WA 98714-1099; (206) 220-7900.

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

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

5. Provide educational services to gifted and talented students that are commensurate to their needs, and foster a positive self-image.

6. Comply with all federal and state laws and regulations regarding addressing gifted education.

7. 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 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
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;

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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.

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
Digital Academy Classes

The District recognizes that the District and students may have a need for greater flexibility in the educational program due to funding, teacher availability, individual learning styles, health conditions, employment responsibilities, lack of success in traditional school environments or a desire for students to accelerate their learning and work at the college level before leaving high school. The District acknowledges that online learning solutions offered by the Montana Digital Academy (MTDA) may fulfill these needs.

The Superintendent, and/or designees, shall be responsible for developing procedures for the online learning program that meet the District standards.

Further, the online learning solutions providers ensure that:

A. Online course providers are accredited by a nationally recognized accreditation program or agency or approved and endorsed by the Montana Office of Public Instruction.

B. Qualified district staff provides information and guidance to students and parents regarding the selection of appropriate online courses to meet their needs, as well as a suitable number of online courses in which a student may enroll.

C. The curriculum requirements of the state and school district are met.

D. All online courses taken by the students will be approved by the administration in advance of enrollment.

E. All teacher-led online courses include licensed, highly qualified teachers.

Specific guidelines for Digital Academy classes are found in the student handbook.

Legal Reference: §20-7-1201, MCA Montana digital academy – purposes - governance
§20-7-1202, MCA Funding – rulemaking authority
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
Community and Adult Education

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

Legal Reference:
§ 20-7-702, MCA  Authorization to establish adult education program
§ 20-7-703, MCA  Trustees’ policies for adult education
Library Materials

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

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

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

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
Selection of Library Materials

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

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

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

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

Legal 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
Library Bill of Rights
American Library Association
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 stamped:

Discard

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.

Gifts

Gift materials may be accepted with the understanding they must meet criteria set for book selection.
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, or consistent with the state’s standards revision schedule that are consistent with the goals of the continuous school improvement plan. All instructional materials must be sequential and must be compatible with previous and future offerings.

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

Teachers are encouraged to limit the use of supplemental media material to only that which will enhance, or otherwise illustrate, the subjects being taught. All supplemental media material must be age-appropriate. Additionally, no movie shall be shown to students unless prior approval is received from the Building Principal. No movie rated X or NC-17 shall be shown to student under any circumstances. All use of media material for non-classroom purposes shall have the prior approval of the Building Principal.

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
- 10.55.603(4)(b), ARM Curriculum and Assessment
Selection, Adoption, and Removal of Textbooks and Instructional Materials

Curriculum committees will generally be responsible to recommend textbooks and major instructional materials purchases. Recommendations will be made to the Superintendent. 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.
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, unauthorized reproduction of copyrighted materials is permissible for such purposes as criticism, comment, news reporting, teaching, scholarship, or research.

Under the fair use doctrine, each of the following four standards must be met in order to use the 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 Superintendent. The Superintendent will assist staff in obtaining proper authorization to copy or use protected materials, when such authorization is required.

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. 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.
Learning Materials Review

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

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

Cross Reference: 1700 Uniform Complaint Procedure
Field Trips, Excursions, and Outdoor Education

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

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

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

The presence of a person with a currently valid first aid card is required during school-sponsored activities, including field trips, athletic, and other off-campus events.

Legal Reference: ARM 37.111.825 Health Supervision and Maintenance
Controversial Issues and Academic Freedom

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

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

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

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

1. Subjects of a controversial nature shall be defined as a political, religious and moral.
2. Both the building principal and the teacher must agree to allow a speaker or material of a controversial nature in the classroom. If the teacher and building principal are unable to agree, then they shall include the Superintendent in the decision making process.
3. If the material or speaker requests presentation at an assembly, the principal shall make the decision and inform the community.
4. The person or persons responsible for approving the presentation shall also be responsible for other viewpoints expressed.
5. Opposing viewpoints shall be presented in the same general setting within a month.

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

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

Student Prayer and Discussion

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

Staff Members

Staff members are representatives of the District and must “navigate the narrow channel between impairing intellectual inquiry and propagating a religious creed.” They may not encourage, discourage, persuade, dissuade, sponsor, participate in, or discriminate against a religious activity or an activity because of its religious content. They must remain officially neutral toward religious expression.

Graduation Ceremonies

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

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

Assemblies, Extracurricular and Athletic Events

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

Student Religious Expression and Assignments

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

Religion in the Curriculum

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

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

Student Religious Clubs

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

Distribution of Religious Literature

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

Religious Holidays

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

Statement of Policy

A student’s right to participate in a commencement exercise of the graduating class at Alberton High School is an honor. As such, participation in this ceremony is reserved for those members of the graduating class who have completed all state and local requirements for graduation before the date of the ceremony. Students who complete their requirements after the date of commencement exercises will receive their diplomas at that time.

Organization and Content of Commencement Exercises

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

The school administration may invite graduating students to participate in high school graduation exercises according to academic class standing or class officer status. Any student who, because of academic class standing, is requested to participate may choose to decline the invitation.

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

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

Any presentation by participants of graduation exercises is the private expression of an individual participant and does not necessarily reflect any official position of the District, its Board, administration, or employees, nor does it necessarily indicate the views of any other graduates.

The Board recognizes that at graduation time and throughout the course of the educational process, there will be instances when religious values, religious practices, and religious persons will have some interaction with the public schools and students. The Board, while not endorsing any religion, recognizes the rights of individuals to have the freedom to express their individual political, social, or religious views.

Legal Reference:

Art. II, Sec. 5, Montana Constitution - Freedom of religion
Art. X, Sec. 1(2), Montana Constitution – Educational Goals and Duties
Art. X, Sec. 7, Montana Constitution - Nondiscrimination in education
§ 20-5-201(3), MCA Duties and Sanctions
§ 20-1-308, MCA Religious instruction released time program
§ 20-7-112, MCA Sectarian publications prohibited and prayer permitted
High School Graduation Requirements

The Board will award a regular high school diploma to every student enrolled in the District who meets graduation requirements established by the District. The official transcript will indicate the specific courses taken and level of achievement.

The Board will establish graduation requirements which, at a minimum, satisfy those established by the Board of Public Education (A.R.M. 10.55.904 and 905). Generally, any change in graduation requirements promulgated by the Board will become effective for the next class to enter ninth (9th) grade. Exceptions to this general rule may be made, when it is determined by the Board that proposed changes in graduation requirements will not have a negative effect on students already in grades nine (9) through twelve (12). The Board will approve graduation requirements as recommended by the Superintendent.

To graduate from Alberton High School, a student must have satisfactorily completed the last quarter prior to graduation as an Alberton High School student. Highly unusual exceptions may be considered by the principal, such as a student exchange program in a recognized school.

A student with a disabling condition will satisfy those competency requirements incorporated into the individualized education program (IEP). Satisfactory completion of the objectives incorporated in the IEP will serve as the basis for determining completion of a course.

A student may be denied participation in graduation ceremonies in accordance with 20-5-201(3), MCA. In such instances the diploma will be awarded after the official ceremony has been held.

Legal Reference: § 20-5-201, MCA Duties and sanctions
§ 20-3-322 (3), MCA Meetings and Quorum
10.55.904, ARM Basic Education Program Offerings: High School
10.55.905, ARM Graduation Requirements
10.55.906, ARM High School Credit

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High School Graduation Requirements

Publication of Graduation Requirements

Prior to registering in high school, each student will be provided with a copy of the current graduation requirements. Graduation requirements shall also be included in the student handbook.

Credits

Students shall be expected to earn a total of twenty-two (22) units in order to complete graduation requirements. Specific credit requirements may be found in the Student Handbook. Special education students who have successfully completed their IEP leading to completion of high school will be awarded a diploma.

Waiver of Requirement

Graduation requirements generally will not be waived under any circumstances. However, in rare and unique hardship circumstances, the principal may recommend and the Superintendent approve minor deviation from the graduation requirements.

Alternative Programs

Credit toward graduation requirements may be granted for planned learning experiences from accredited programs, such as summer school, university courses, and correspondence courses. Credit for work experience may be offered when the work program is a part of and supervised by the school.

All classes attempted at Alberton High School and all acceptable transfer credits shall be recorded on the transcript. All grades earned, including failures and retakes, shall be recorded as such and utilized in the calculation of Grade Point Average and class rank. Credit shall be awarded only once regardless of repetition of the course.

Dual Credit

Dual credit allows high schools students to simultaneously earn credit toward both a high school diploma and college coursework that can lead to a postsecondary degree or certificate, or toward transfer to another college. The primary purpose of offering dual credit courses is to deliver high quality, introductory, college level courses to high-performing high school students. The
Alberton Joint School District #2 has dual credit partnerships with various post-secondary institutions. Students interested in dual credit opportunities must meet with their building administration to determine available options.

Students should be aware of Montana High School Association on-campus attendance eligibility requirements for activity participation.

### Honor Roll

A student must have a minimum grade-point average of 3.00 to be placed on the regular honor roll. Specific information regarding honors at graduation are included in the student handbook.

### Class Rank (Grade Point Average)

Class Rank is compiled from semester grades. Courses not eligible for GPA are designated with an asterisk on the report card.

### Early Graduation

The Board authorizes the high school principal to recommend students for early graduation who have completed the minimum requirements for graduation after completion of the seventh (7th) semester. The final decision is made by the Board.

Legal Reference: § 20-9-313, MCA Circumstances under which regular average number belonging may be increased
Credit Transfer and Assessment for Placement

Grades 9-12

Requests for transfer of credit or grade placement from any non-accredited, nonpublic school will be subject to examination and approval before being accepted by the District. This will be done by the school counselor or principal or, in the case of home schools, by a credit evaluation committee consisting of a counselor, a staff member from each subject area in which credit is being requested, and a school principal.

The credit evaluation committee will:

1. Document that a student has spent approximately the same number of classroom hours in home school as would have been spent in a regular class in the District;

2. Document that a student followed a curriculum essentially similar to that of a course for which credit is requested;

3. Document that in the event of a credit request in a lab, industrial arts, or music course, equipment and facilities were sufficient to meet required learning activities of the course;

4. Require that a student has satisfactorily passed, in all courses in which a final exam normally is given, a final exam prepared and administered by a staff member in the District.

The District will give credit only for home schools which have met all requirements as specified in Montana law. Credit from home schools will be accepted only when a like course is offered in the District.

The school transcripts will record courses taken in home schools or non-accredited schools by indicating title of the course, school where the course was taken, and grade.

For the purpose of calculation of class rank, only those courses taken in an accredited school will be used.
Grades 1-8

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

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

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
Grading and Progress Reports

The administration and professional staff shall establish a system of grading and develop procedures of reporting academic achievement to students and their parents.
Promotion and Retention

The system shall determine when promotion and graduation requirements are met. The decision to promote a student to the next grade level shall be made by the building administration and shall be based on successful completion of the curriculum, attendance, performance based on standardized testing, or other testing. The District does not support promotion based upon age or any other social reason not related to academic performance. The administration shall determine remedial assistance for a student who is not promoted.
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
School Wellness

As part of the student fundamental mission, the District’s goal is to provide young people with the knowledge and skills they need to become healthy and productive adults.

**Nutrition Education and Promotion.** The District aims to teach, encourage, and support healthy eating by students. Schools should provide nutrition education and engage in nutrition promotion that:

- Is offered at each grade level as part of a sequential, comprehensive, standards-based program designed to provide students with the knowledge and skills necessary to promote and protect their health;
- Is part of not only health education classes, but also classroom instruction in subjects such as math, science, language arts, social sciences, and elective subjects;
- Promotes fruits, vegetables, whole grain products, low-fat and fat-free dairy products, healthy food preparation methods, and health-enhancing nutrition practices;
- Emphasizes caloric balance between food intake and energy expenditure (physical activity/exercise);
- Includes training for teachers and other staff.

**Food Marketing in Schools.** School-based marketing will be consistent with nutrition education and health promotions. As such, schools will limit food and beverage marketing to the promotion of foods and beverages that meet the nutrition standards for meals or for food and beverages sold individually. The promotion of healthy food, including fruits, vegetables, whole grains and low-fat dairy products is encouraged through the 10 minute break period in the high school which provides nutritious snacks at a low price.

**Alberton Elementary School.** The school food service program will approve and provide all food and beverage sales to students in elementary schools. Given young children’s limited nutrition skills, food in the elementary school will be sold as balanced meals.

**Middle/Junior High and High Schools.** In middle/junior high and high school, all foods and beverages sold individually outside the reimbursable school meal programs (including those sold through a la carte [snack] lines, vending machines, student stores, or fundraising activities) during the school day, or through programs for students after the school day, will meet nutrition and portion size standards.
Snacks. Snacks served during the school day of in after-school care or enrichment programs will meal a positive contribution to children’s diets and health, with an emphasis on serving fruits and vegetables as the primary snacks and water as the primary beverage. Schools will assess if and when to offer snacks based on timing of school meals, children’s nutrition needs, children’s ages, and other considerations.

**School Lunch Program.** Meals served through the National School Lunch and Breakfast Programs will:

- Be appealing and attractive to children;
- Be served in clean and pleasant settings;
- Meet, at a minimum, nutrition requirements established by local, state, and federal statutes and regulations;
- Offer a variety of fruits and vegetables;
- Serve only low-fat (2%) and fat–free milk and nutritionally-equivalent non-dairy alternatives (to be defined by USD); and
- Ensure that half of the served grains are whole grain.

Schools should engage students and parents, through taste-tests of new entrees and surveys, in selecting foods sold through the school meal programs in order to identify new, healthful, and appealing food choices. In addition, Alberton Schools will share information about the nutritious meals with parents and students. Such information is made available on menus, the school website, and on cafeteria menu.

**Breakfast.** To ensure that all children have breakfast, either at home or at school, in order to meet their nutritional needs and enhance their ability to learn;

- Alberton Schools will, to the extent possible, operate the School Breakfast Program;
- Alberton Schools will, to the extent possible, arrange bus schedules and utilize methods to serve school breakfasts that encourage participation, including serving breakfast during morning break or recess;
- Alberton Schools will notify parents and student of the availability of the School Breakfast Program.

**Free and Reduced-priced Meals.** The District will make every effort to eliminate any social stigma attached to, and prevent the overt identification of student who are eligible for free and reduced-price school meals. Toward this end, schools will utilize electronic identification and payment systems; provide meals at no charge to all children, regardless of income; promote the availability of school meals to all students.

**Qualifications of School Food Service Staff.** Qualified nutrition professionals will administer the school meal programs. As part of the school district’s responsibility to
operate a food service program, Alberton Schools will provide continuing professional
development for all nutrition professionals in schools. Staff development programs should
include appropriate certification and/or training programs for child nutrition directors, school
nutrition managers, and cafeteria workers, according to their levels of responsibility.

**Integrating Physical Activity into the Classroom Setting.** For students to receive the
nationally-recommended amount of daily physical activity (i.e., at least 60 minutes per day) and
for students to fully embrace regular physical activity as a personal behavior, student need
opportunities for physical activity beyond physical education class. Toward that end:

- Classroom health education will complement physical education by reinforcing the
  knowledge and self-management skills needed to maintain a physically-active lifestyle
  and to reduce time spent on sedentary activities, such as watching television;
- Opportunities for physical activity will be incorporated into other subject lessons; and
- Classroom teachers will provide short physical activity breaks between lessons or classes,
  as appropriate.

**Staff Wellness.** The District highly values the health and well-being of every staff member and
will plan and implement activities and policies that support personal efforts by staff to maintain a
healthy lifestyle. The District will establish and maintain a staff wellness committee composed of
at least one staff member, school nurse, nutrition specialist or other health professional, athletic
director union representative, and employee benefits specialist. The committee will develop,
promote, and oversee a multifaceted plan to promote staff health and wellness. The plan will
include an incentive for wellness by giving employees the opportunity to leave for physical
activity when the student school day ends if no other obligations interfere. The plan should be
based on input solicited from school staff and should outline ways to encourage healthy eating,
physical activity, and other elements of a healthy lifestyle among school staff. The staff wellness
committee should distribute its plan to the staff.

**Daily Physical Education (P.E.) K-12.** All students in grade K-12, including students with
disabilities, special health-care needs, and in alternative educational settings, will receive daily
physical education. All physical education will be taught by a certified physical education
teacher. Student involvement in other activities involving physical activity (e.g., interscholastic
or intramural sports) will not be substituted for meeting the physical education requirements.
Student will spend at least 50 percent of physical education class time participating in moderate
to vigorous physical activity.
Daily Recess. All elementary school students will have at least 20 minutes a day of supervised recess, preferably outdoors, during which schools should encourage moderate to vigorous physical activity verbally and through the provision of space and equipment.

Schools should discourage extended periods (i.e., period of two or more hours) of inactivity. When activities, such as mandatory school-wide testing, make it necessary for students to remain indoors for long periods of time, the District will give student periodic breaks during which they are encouraged to stand and be moderately active.

Physical Activity Opportunities Before and After School. The elementary, middle, and high school will offer extracurricular physical activity programs, such as physical activity clubs or intramural programs including the Outdoor Club. The high school, and middle school as appropriate, will offer interscholastic sports programs.

Use of School Facilities Outside of School Hours. School spaces and facilities will be available to students, staff, and community member before, during, and after the school day, on weekends, and during school vacations. These spaces and facilities will also be available to community agencies and organizations offering physical activity and nutrition programs. School policies concerning safety will apply at all times. Agencies will be required to complete a facility use agreement.

Legal Reference

P.L. 108-265 Child Nutrition and WIC Reauthorization Act of 2004
P.L. 111-296 The Healthy, Hunger-Free Kids Act of 2010
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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 is to enroll but is not yet 19 years of age. Parents may request a waiver of the age requirement. All waivers are granted in the sole discretion of the District subject to conditions stated in the Student Handbook. 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

1. The District requires that a student’s parents, legal guardian, or legal custodian present proof of identity of the child to the school within forty (40) days of enrollment, as well as proof of residence in the District. Students who are not residents of the District may apply for admission pursuant to Policy 3141.

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

3. The above requirements are not to serve as barriers to immediate enrollment of students designated as homeless or foster children as required by the Every Student Succeeds Act (ESSA) and the McKinney-Vento Act as amended by ESSA. The District shall work with the local child welfare agency, the school last attended, or other relevant agencies to obtain necessary enrollment documentation.

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.

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
Transfer

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

Elementary Grades (K-8): A student transferring into the District will be admitted and placed subject to observation by appropriate teachers and a building principal during a probation period of two (2) weeks. Thereafter, should doubt arise as to initial grade and level placement of a student, school personnel will conduct an educational assessment to determine appropriate grade and level placement.

Secondary Grades (9-12) Credit Transfer: A transfer of credits from any secondary school is subject to a satisfactory examination of the following:

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

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

Legal Reference:

§ 20-5-101, MCA Admittance of child to school
§ 20-5-403, MCA Immunization required – 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
10.16.3122, ARM Local Educational Agency Responsibility
10.55.601, et seq., ARM Accreditation Standards: Procedures
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:

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

The provisions above do not apply in the following cases:

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

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
§ 20-5-109, MCA Nonpublic school requirement for compulsory enrollment exemption
§ 20-5-202, MCA Suspension and Expulsion
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.

Homeless Youth and Foster Children

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

Legal Reference:

§ 1-1-215, MCA  Residence – rules for determining
§ 20-9-311, MCA  Calculation of average number belonging (ANB)  -- three-year averaging.
§ 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 accredited Montana job corps program
29 U.S.C. 794  Nondiscrimination under Federal grants and programs
34 CFR 300.1, et seq.  Assistance to states for the education of children with disabilities
Attendance Policy

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

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

Specific rules and regulations regarding attendance and tardies can be found in the respective student handbook.
Attendance Policy - Truancy

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

The Alberton Joint School District #2’s definition of non-attendance without excuse is stated in the respective student handbooks.

The Alberton Joint School District #2 has appointed the K-12 Principal as the attendance officer of the district.

The attendance officer shall have the powers and duties as stated in 20-5-105(1) (Section 2), MCA and 20-5-106, MCA.

The Attendance Officer is vested with police powers and shall have the following authority to:

- Serve warrants;
- Enter a student’s place of employment in order to enforce the compulsory attendance provisions of the State;
- Make reports in the manner and to whomever the Board designates;
- Take the necessary steps to investigate and enforce the compulsory attendance provisions under Montana law and the District’s attendance policies and procedures;
- Institute proceedings against any parent, guardian, or other person violating the compulsory attendance provisions under Montana law;
- Keep a record of transactions for the inspection and information of the Board; and
- Perform any other duties prescribed by the Board to preserve the morals and secure good conduct of the District’s students.

Legal Reference:

§ 20-5-103, MCA Compulsory attendance and excuses
§ 20-5-104, MCA Attendance officer
§ 20-5-105, MCA Attendance officer – powers and duties
§ 20-5-106, MCA Truancy
§ 20-5-107, MCA Incapacitated and indigent child attendance
§ 41-5-103(22), MCA Definitions
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 Superintendent will review and revise as necessary rules or procedures that may be barriers to enrollment of homeless children and youths. In reviewing and revising such procedures, the Superintendent will consider issues of transportation, immunization, residence, birth certificates, school records, and other documentation.

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 Superintendent will give special attention to ensuring the enrollment and attendance of homeless children and youths not currently attending school. The Superintendent will appoint a liaison for homeless children.

A “homeless individual” is defined as provided in the McKinney Homeless Assistance Act.

Anyone having a concern or complaint regarding placement or education of a homeless child will first present it orally and informally to the District homeless liaison. Thereafter, a written complaint must be filed in accordance with the District Uniform Complaint Procedure.

Cross Reference: 1700 Uniform Complaint Procedure
3125F McKinney-Vento Homeless Educational Assistance Dispute Resolution Form

McKinney Homeless Assistance Act
§ 20-5-101, MCA Admittance of child to school
MCKINNEY-VENTO HOMELESS EDUCATION ASSISTANCE
DISPUTE RESOLUTION FORM

School District ___________________________ Liaison _____________________
Telephone __________________

Date of first contact by homeless individual, guardian, or representative ____________

Homeless Student’s Name ________________________________________________

Describe the issue(s) in question ___________________________________________
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________

School District Contact _____________________ Telephone __________________
(Superintendent/Principal)

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

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

Describe Resolution Results _____________________________________________
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________

Homeless Coordinator Signature _________________________________________

This form must be filed with Heather Denny
Homeless Coordinator
Office of Public Instruction
Po Box 202501
Helena, MT 59620-2501
**Students of Legal Age**

Every student eighteen (18) years of age or older will be deemed to be an adult and will have legal capacity to act as such. Such students, like all other students, will comply with the rules established by the District, pursue the prescribed course of study, and submit to the authority of teachers and other staff members as required by policy and state law.

**Admission to School**

The residence of an adult student who is not residing with a parent or guardian will be considered the residence for school purposes.

**Field Trips/Athletic Programs**

Approved forms for participation will be required of all students. The form should indicate that the signature is that of the parent or the adult student. Sponsors or coaches will be required to confirm the ages of those students signing their own forms.

**Absence/Lateness/Truancy**

Absence notes, normally signed by parents or guardians, may be signed by adult students. Excessive absences will result in consequences according to policy 3122P and will be reported on the report card.

**Suspension/Expulsion**

All suspension and/or expulsion proceedings will conform to the requirements of state statutes. Notification of all such proceedings will be sent to parents or guardians. Adult students, however, are permitted to represent themselves if they so choose.

**Withdrawal From School**

Adult students may withdraw from school under their own cognizance. Counselors will guide and counsel potential dropouts and encourage their continued attendance. Parents will be notified of impending dropouts by the school.

**Permission to Inspect Student Records**

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.

**Report Cards**

Progress reports will be sent to the parent or legal guardian.

**Excuses From School**

The school will verify requests from students who wish to leave school early for reasons such as job interviews, college visits, driver testing, etc., with the organization being visited. Permission to leave school early may be denied for what is considered a non-valid reason.

**Financial Responsibility**

Adult students can be held financially responsible for damage to school property.
Discretionary Nonresident Student Attendance Policy

1. Except as required by § 20-5-321, MCA, the District will admit nonresident students at its discretion.

2. The Superintendent will recommend to the Board any nonresident student admission in accordance with this policy, with the Board making the final decision on admission.

3. The District will examine a student’s records from this district and other school districts before any Board approval for admission. Review of the records and decisions regarding admission cannot be inconsistent with district policies regarding nondiscrimination.

4. The District will not admit nonresident students when doing so would cause the district to exceed the class size standards under 10.55.712 and 10.55.713, ARM.

5. Every nonresident student who attends District schools must reapply for admission for the succeeding school year by June 15. Admission in one school year does not infer or guarantee admission in subsequent years.

6. Nonresident students enrolled under this policy are subject to all district policies, rules, regulations on the same basis as resident students.

7. All resident students who become nonresidents because their parents or guardians move out of the District may continue attendance for the school year, barring registration in another District. At the completion of the school year, a student must apply as a nonresident student in accordance with #5.

8. The Board will not admit any nonresident student who is serving a suspension or expulsion from another school district.

9. All nonresident students will be considered ineligible transportees for school transportation services (§ 20-10-101, MCA).
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Foreign Exchange Students

It is the policy of the Board to recognize the benefits from foreign exchange students in the District. The Board does not, however, sponsor foreign exchange programs or provide financial contributions to any foreign exchange students. The Board assumes no responsibility or control over items such as travel, living accommodations, funding, insurance, etc., which remain the responsibility of the sponsor and/or student.

J-1 visa holders (students sponsored by an approved foreign exchange organization) are eligible to attend either elementary or secondary school. Any sponsoring organization must have a local representative, be a nonprofit organization, and be approved by the Council on Standards for International Education Travel. F-1 visa holders (individual foreign students sponsored by relatives or friends) may not attend the District.

Legal Reference: 20 U.S.C. 221, et seq.  Foreign and Exchange Students
Part-Time Attendance

The District will not accept students eligible to enroll in grades K-8 on a part-time basis unless they are disabled. The District will review requests for part-time enrollment of grades 9-12 students on a case-by-case basis, with a building principal making a final decision. The District will consider only those students who are not enrolled in any other school, including a home school.

Criteria for accepting students in grades 9-12 for part-time enrollment are the following:

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

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

Legal Reference: § 20-9-311(a), MCA Calculation of average number belonging (ANB) – 3-year averaging

Kaptien
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

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, actual or potential marital or parental status. No student will be denied equal access to programs, activities, services, or benefits or be limited in the exercise of any right, privilege, or advantage, or denied equal access to educational and extracurricular programs and activities.

Inquiries regarding discrimination or intimidation should be directed to the District Title IX Coordinator. Any individual may file a complaint alleging violation of this policy, Policy 3200-Student Rights and Responsibilities, Policy 3225-Sexual Harassment/Intimidation of Students, or Policy 3226-Bullying/Harassment/Intimidation/Hazing by following those policies or Policy 1700-Uniform Complaint Procedure.

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

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

Cross Reference: 1700 Uniform Complaint Procedure 3200 Student Rights and Responsibilities 3225 Sexual Harassment/Intimidation of Students 3226 Bullying/Harassment/Intimidation/Hazing

Publications, Distribution or Posting of Materials

School Sponsored Publications

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

Non-School Sponsored Publications

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

Distribution and Posting of Materials

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

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

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

Students’ dress and grooming must not disrupt the educational process, interfere with the maintenance of a positive teaching/learning climate, create a health or safety hazard for students, staff, or others, or compromise reasonable standards of health, safety, and decency.

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

Cross Reference: Policy 2333 Participation in Commencement Exercises

Legal Reference: SB 319-Chapter 229 Tribal regalia and objects of cultural significance allowed at public events
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 counselor, teacher, 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
ingregarding 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 Superintendent for the name of the
current Title IX Coordinator for the District. The 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
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.)

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

b) Describe the incident(s). ______________________________________________________

______________________________________________________________________________

______________________________________________________________________________

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

______________________________________________________________________________

______________________________________________________________________________

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

______________________________________________________________________________

______________________________________________________________________________

e) Did anyone witness the incident(s)? □ yes □ no
If so, name the witnesses. ______________________________________________________

______________________________________________________________________________

______________________________________________________________________________

f) Did you take any action in response to the incident? □ yes □ no
If yes, what action did you take? ________________________________________________

______________________________________________________________________________

______________________________________________________________________________

g) Were there any prior incidents? □ yes □ no
If so, describe any prior incidents. ________________________________________________

______________________________________________________________________________

______________________________________________________________________________

Signature of complainant _________________________________________________________

Signatures of parents/legal guardians ____________________________________________
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.

Definitions

a) "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.

b) "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.

c) "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.

d) "Bullying" means any harassment, intimidation, hazing, or threatening, insulting, or demeaning gesture or physical contact, including any intentional written, verbal, or electronic communication ("cyberbullying") or threat directed against a student that is persistent, severe, or repeated, and that substantially interferes with a student’s educational benefits, opportunities, or performance, that takes place on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation, at any official school bus stop, or anywhere conduct may reasonably be considered to be a threat or an attempted intimidation of a student or staff member or an interference with school purposes or an educational function, and that has the effect of:

a. Physically harming a student or damaging a student’s property;

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

c. Creating a hostile educational environment, or;

d. Substantially and materially disrupts the orderly operation of a school.
e) “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.

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

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

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
10.55.719, ARM Student Protection Procedures
10.55.801(1)(d), ARM School Climate
Alberston Joint School District #2

3231 STUDENTS

Adopted on: 
Reviewed on: 
Revised on: 02/20/2018

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.

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

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

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

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

Seizure of Property

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

Legal Reference:  
  *Terry v. Ohio*, 392 U.S. 1, 20 (1968)  
  *B.C. v. Plumas*, (9th Cir. 1999) 192 F.3d 1260
Searches and Seizure

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

h) The Superintendent, principal, and the authorized assistants of either shall be authorized to conduct any searches or to seize property on school premises, as further provided in this procedure.

i) If the authorized administrator has reasonable suspicion to believe that any locker, car, or other container of any kind on school premises contains any item or substance which constitutes an imminent danger to the health and safety of any person or to the property of any person or the District, the administrator is authorized to conduct a search of any car, locker, or container and to seize any such item or substance of any kind on school premises without notice or consent.

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

4. Whenever circumstances allow, any search or seizure authorized in this procedure shall be conducted in the presence of at least one (1) adult witness, and a written record of the time, date, and results shall be made by the administrator. A copy shall be forwarded to the Superintendent as soon as possible.

5. In any instance where an item or substance is found which would appear to be in violation of the law, the circumstance shall be reported promptly to the appropriate law enforcement agency.
Student Use of Buildings: Equal Access

Groups of students not previously recognized as a student group may conduct meetings on school premises under the following guidelines without restriction on the basis of the religious, political, philosophical, or other content of the meeting. Students wishing to form groups or organizations must have prior recognition by the school administration.

The following guidelines must be met:

1. The meeting is voluntary and student-initiated.
2. There is no sponsorship of the meeting by the school district, or its agents or employees.
3. The meeting must occur during non-instructional time on regular school days.
4. Employees or agents of the school district are present only in a capacity outside of their official duties.
5. The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school.
6. Non-school persons may not direct, conduct, control, or regularly attend activities.

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

This policy pertains to student meetings. The school has the authority, through its agent or employees, to maintain order and discipline on school premises and to protect the well-being of students and faculty.

Legal Reference: 20 U.S.C. 4071 Equal Access Act

*Board of Education v. Mergens*, 110 S.Ct. 2356 (1990)
Video Surveillance

The Board authorizes the use of video cameras on District property to ensure the health, welfare, and safety of all staff, students, and visitors to District property and to safeguard District buildings, grounds, and equipment. The Superintendent will approve appropriate locations for video cameras.

The Superintendent will notify staff and students, through staff and student handbooks or by other means that video surveillance may occur on District property. A notice will also be posted at the main entrance of all District buildings, and on all buses, indicating the use of video surveillance.

The District may choose to make video recordings a part of a student’s educational record or of a staff member’s personnel record. The District will comply with all applicable state and federal laws related to record maintenance and retention.

The video surveillance will not include audio recordings unless specific notice is given as required by law.

Cross Reference: 3600 Student Records
Suspension and Expulsion - Corrective Actions and Punishment

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

Suspension

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

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

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

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

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

The Superintendent will conduct a review of any suspension on request of a parent or legal guardian. A student and parent or legal guardian may meet with the Superintendent to discuss suspension. After the meeting and after concluding a review, the Superintendent will take such final action as appropriate. The decision of the Superintendent is final and may not be appealed to the Board.

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.

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

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

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

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

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

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

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

Procedures for Suspension and Expulsion of Students With Disabilities

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

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

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

Legal Reference: 20 U.S.C. 1400, et seq. Individuals with Disabilities Education Act
34 CFR 300.519-521 Procedural Safeguards
§ 20-1-213, MCA Transfer of School Records
§ 20-4-302, MCA Discipline and punishment of pupils – definition
§ 20-4-402, MCA of corporal punishment – penalty – defense
§ 20-4-402, MCA Duties of district superintendent or county high
§ 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
ARM 10.55.910 Student Discipline Records
Section 504 IDEA
Alberton Joint School District #2

Student Discipline

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

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

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

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 (tobacco products include, but are not limited to, cigarettes, cigars, snuff, smoking tobacco, smokeless tobacco, and alternative nicotine and vapor products as defined in 16-11-302, MCA).
- Using, possessing, distributing, purchasing, or selling alcoholic beverages, including powdered alcohol. Students who may be under the influence of alcohol will not be permitted to attend school functions and will be treated as though they had alcohol in their possession.
- Using, possessing, distributing, purchasing, or selling drug paraphernalia, illegal drugs, 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.

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• 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 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, a threat to the safety and welfare of the student population, or conduct that detrimentally effects the climate or efficient operations of the school.

Disciplinary Measures

Disciplinary measures include but are not limited to:
• Expulsion
• Suspension
• Detention
• Clean-up duty
• Loss of student privileges
• Loss of bus privileges
• Notification to juvenile authorities and/or police
• Restitution for damages to school property

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 Suspension and Expulsion
3226 Bullying, Harassment
5015 Bullying, Harassment

Legal Reference: § 16-11-302(1)(7), MCA Definitions
§ 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
§ 45-5-637, MCA Possession or consumption of tobacco products,
alternative nicotine products, or vapor products
by persons under 18 years of age is prohibited –
unlawful attempt to purchase - penalties
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).

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).

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).

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).


Student violates code of conduct, and the recommended disciplinary consequence would result in a removal from the current educational placement for more than ten (10) consecutive school days (alternate placement, expulsion). This constitutes a change of placement. Reg. 300.519(a).

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).
If the IEP Team determines the misbehavior was not a manifestation of the disability, regular disciplinary consequences may be applied to the student, except that the student must continue to be provided a free appropriate public education. Sec. 1415(k)(5)(A); Sec. 1412(a)(1)(A); Reg. 300.121(a); Reg. 300.524(a). The campus must ensure that special education and disciplinary records are transmitted for consideration by the school district person making the final determination regarding the disciplinary action. Sec. 1415(k)(5)(B); Reg. 300.524(b).

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(k)(6); Reg. 300.525(a), (b).

Parent may appeal decision to place student in forty-five-(45)-day interim placement. The hearing is expedited before a special education hearing officer, who applies the standards regarding a dangerous student in Reg. 300.521. Sec. 1415(k)(6)(B)(ii); Reg. 300.525(b)(2).

When a parent requests a hearing in a drug or weapon case to challenge the interim alternative placement or the manifestation determination, student remains in interim placement until decision of hearing officer or forty-five (45) days expires, whichever comes first, unless the parent and school agree otherwise. Reg. 300.526(a). Then student returns to current placement (defined as placement prior to interim alternative educational setting). School can ask for expedited hearing before special education hearing officer to prevent this return, if the student is substantially likely to injure self or others. Reg. 300.526(b), (c). The hearing officer applies the standards in Reg. 300.121. Reg. 300.526(c). Hearing officer can order another placement for up to forty-five (45) days. Reg. 300.526(c)(3).

The standard the educational 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).

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. See 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).

- or -

If the IEP Team determines the misbehavior was not a manifestation of the disability, regular disciplinary consequences may be applied to the student, except that the student must continue to be provided a free appropriate public education. Sec. 1415(k)(5)(A); Sec. 1412(a)(1)(A). Reg. 300.121(a). Reg. 300.524(a). The campus must ensure that special education and disciplinary record are transmitted for consideration by the school district person making the final determination regarding the disciplinary action. Sec. 1415(k)(5)(B); Reg. 300.524(b).

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 the standard the education services must meet 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)(ii)(B); Reg. 300.524(a).

The IEP Team must determine what services are necessary to meet this standard. Reg. 300.121(d)(3)(ii).
### Students Dangerous to Self or Others

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 modifications 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.*

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.*

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If parent appeals forty-five-(45)-day interim alternative placement by IEP Team in drug or weapon case, hearing officer applies these standards in expedited hearing. *Sec. 1415(k)(6)(B)(ii); Reg. 300.525(b)(2).*
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.
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 Alberton Joint School District #2 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, the Board of Trustees through this policy authorizes the Superintendent, or principal of a school without a Superintendent, to use his/her discretion on a case-by-case basis and modify the requirement of expulsion of a student if he/she deems such modification to be warranted under the circumstances. Note: Under this Option, there is no expulsion hearing unless the administration determines that the circumstances warrant a recommendation of expulsion of the student for a period of one (1) year to the Board.

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

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; nunchucks (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))

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

Note: 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
Co-Curricular Participation Code

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

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

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

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Student Health/Physical Screenings/Examinations

The Board may arrange each year for health services to be provided to all students. Such services may include but not be limited to:

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

Parents/guardians will receive written notice of any screening result which indicates a condition that might interfere or tend to interfere with a student’s progress.

In general the District will not conduct physical examinations of a student without parental consent to do so or by court order, unless the health or safety of the student or others is in question. Further, parents will be notified of the specific or approximate dates during the school year when screening administered by the District is conducted as well as notification of requirements of the District’s policy on physical examinations and screening of students, at least annually at the beginning of the school year and within a reasonable period of time after any substantive change in the policy, which is:

1. Required as a condition of attendance.
2. Administered by the school and scheduled by the school in advance.
3. Not necessary to protect the immediate health and safety of the student or other students.

Parents or eligible students will be given the opportunity to opt out of the above-described screenings.

Students who wish to participate in certain extracurricular activities may be required to submit to a physical examination to verify their ability to participate in the activity. Students participating in activities governed by the Montana High School Association will be required to follow the rules of that organization, as well as other applicable District policies, rules, and regulations.

Legal Reference: § 20-3-324(20), MCA Powers and duties
20 U.S.C. 1232h(b) General Provisions Concerning Education
Student Immunization

The Board requires all students to present evidence of their having been immunized against the following diseases: varicella, diphtheria, pertussis (whooping cough), poliomyelitis, measles (rubeola), mumps, rubella, and tetanus in the manner and with immunizing agents approved by the department. Haemophilus influenza type “b” immunization is required for students under age five (5).

Upon initial enrollment, an immunization status form shall be completed by the student’s parent or guardian. The certificate shall be made a part of the student’s permanent record.

A student who transfers into the District may photocopy immunization records in the possession of the school of origin. The District will accept the photocopy as evidence of immunization. Within thirty (30) days after a transferring student ceases attendance at the school of origin, the school shall retain a certified copy for the permanent record and send the original immunization records for the student to the school district to which the student transfers. Exemptions from one or more vaccines shall be granted for medical reasons upon certification by a physician indicating the specific nature and probable duration of the medical condition for not administering the vaccine(s). Exemptions for religious reasons must be filed annually. The statement for an exemption shall be maintained as part of the student’s immunization record. The permanent file of students with exemptions shall be marked for easy identification, should the Department of Public Health and Human Services order that exempted students be excluded from school temporarily when the risk of contracting or transmitting a disease exists. Exclusion shall not exceed thirty (30) calendar days.

The administrator may allow the commencement of attendance in school by a student who has not been immunized against each disease listed in § 20-5-403, MCA, if that student has received one or more doses of the vaccine for each disease listed in 20-5-403, except that Haemophilus influenza type “b” vaccine is required only for children under 5 years of age.

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

Legal Reference: § 20-3-324(20), MCA  Powers and duties
§ 20-5-402 - 410, MCA  Health
§ 20-5-403, MCA  Immunization required – release and acceptance of immunization records
§ 20-5-405, MCA  Medical or religious exemption
Medical Exemption Statement 3413F1

Physician: Please mark the contraindications/precautions that apply to this patient, then sign and date the back of the form. The signed Medical Exemption Statement verifying true contraindications/precautions is submitted to and accepted by schools, childcare facilities, and other agencies that require proof of immunization. For medical exemptions for conditions not listed below, please note the vaccine(s) that is contraindicated and a description of the medical condition in the space provided at the end of the form. The State Medical Officer may request to review medical exemptions.

Attach a copy of the most current immunization record

Name of patient [ ] DOB [ ] Name of parent/guardian [ ] Address
(patient/parent) [ ] School/child care facility [ ]

Medical contraindications for immunizations are determined by the most recent General Recommendations of the Advisory Committee on Immunization Practices (ACIP), U.S. Department of Health and Human Services, published in the Centers for Disease Control and Prevention’s publication, the Morbidity and Mortality Weekly Report.

A contraindication is a condition in a recipient that increases the risk for a serious adverse reaction. A vaccine will not be administered when a contraindication exists.

A precaution is a condition in a recipient that might increase the risk for a serious adverse reaction or that might compromise the ability of the vaccine to produce immunity. Under normal conditions, vaccinations should be deferred when a precaution is present.

For official use only:

☐ Check if reviewed by public health [ ] Name/credentials of reviewer: [ ] Date of review: [ ]

Contraindications and Precautions

<table>
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<tr>
<th>Vaccine</th>
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<tbody>
<tr>
<td>Hepatitis B (not currently required by Administrative Rule of Montana [ARM])</td>
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<tr>
<td>□</td>
<td>Contraindications</td>
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<tr>
<td>• Serious allergic reaction (e.g., anaphylaxis) after a previous vaccine dose or vaccine component</td>
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<tr>
<td>☐</td>
<td>Precautions</td>
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<tr>
<td>• Moderate or severe acute illness with or without fever</td>
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<tr>
<td>Vaccine</td>
<td>Contraindications</td>
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| DTaP    | • Severe allergic reaction (e.g., anaphylaxis) after a previous dose or to a vaccine component  
<p>|         | • Encephalopathy within 7 days after receiving previous dose of DTP or DTaP |  |
| DT, Td  | □ | • Progressive neurologic disorder, including infantile spasms, uncontrolled epilepsy, progressive encephalopathy; defer DTaP until neurological status has clarified and stabilized  |
|         | □ | • Fever ≥40.5°C (105°F) within 48 hours after vaccination with previous dose of DTP or DTaP  |
|         | □ | • Guillain-Barre’s syndrome ≤6 weeks after a previous dose of tetanus toxoid-containing vaccine  |
|         | □ | • Seizure ≤3 days after vaccination with previous dose of DTP or DTaP  |
|         | □ | • Persistent, inconsolable crying lasting ≥3 hours within 48 hours after vaccination with previous dose of DTP/DTaP  |
|         | □ | • History of arthus-type hypersensitivity reactions after a previous dose of tetanus toxoid-containing vaccine  |
|         | □ | • Moderate or severe acute illness with or without fever  |
| Tdap    | □ |  |
| IPV     | Contraindications | Precautions |
|         | □ | • Severe allergic reaction (e.g., anaphylaxis) after a previous dose or to a vaccine component  |
|         | □ | • Pregnancy  |
|         | □ | • Moderate or severe acute illness with or without fever  |
|         | □ |  |</p>
<table>
<thead>
<tr>
<th>Vaccine</th>
<th>X</th>
</tr>
</thead>
<tbody>
<tr>
<td>PCV (not currently required by ARM)</td>
<td>Contraindications</td>
</tr>
<tr>
<td>□</td>
<td>Severe allergic reaction (e.g., anaphylaxis) after a previous dose (of PCV7, PCV13, or any diphtheria toxoid--contain vaccine) or to a component of a vaccine (PCV7, PCV13, or any diphtheria toxoid-containing vaccine)</td>
</tr>
<tr>
<td>□</td>
<td>Moderate or severe acute illness with or without fever</td>
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<tr>
<td>Hib</td>
<td>Contraindications</td>
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<tr>
<td>□</td>
<td>Severe allergic reaction (e.g., anaphylaxis) after a previous dose or to a vaccine component</td>
</tr>
<tr>
<td>□</td>
<td>Age &lt;6 weeks</td>
</tr>
<tr>
<td>□</td>
<td>Moderate or severe acute illness with or without fever</td>
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<tr>
<td>MMR</td>
<td>Contraindications</td>
</tr>
<tr>
<td>□</td>
<td>Severe allergic reaction (e.g., anaphylaxis) after a previous dose or to a vaccine component</td>
</tr>
<tr>
<td>□</td>
<td>Known severe immunodeficiency (e.g., hematologic and solid tumors, chemotherapy, congenital immunodeficiency, long-term immunosuppressive therapy, or patients with HIV infection who are severely immunocompromised)</td>
</tr>
<tr>
<td>□</td>
<td>Pregnancy</td>
</tr>
<tr>
<td>□</td>
<td>Recent (&lt;11 months) receipt of antibody-containing blood product (specific interval depends on the product)</td>
</tr>
<tr>
<td>□</td>
<td>History of thrombocytopenia or thrombocytopenic purpura</td>
</tr>
<tr>
<td>□</td>
<td>Need for tuberculin skin testing</td>
</tr>
<tr>
<td>□</td>
<td>Moderate or severe acute illness with or without fever</td>
</tr>
<tr>
<td>Varicella</td>
<td>Contraindications</td>
</tr>
<tr>
<td>□</td>
<td>Severe allergic reaction (e.g., anaphylaxis) after a previous dose or to a vaccine component</td>
</tr>
<tr>
<td>□</td>
<td>Known severe immunodeficiency (e.g., hematologic and solid tumors, chemotherapy, congenital immunodeficiency, long-term immunosuppressive therapy, or patients with HIV infection who are severely immunocompromised)</td>
</tr>
<tr>
<td>□</td>
<td>Pregnancy</td>
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<td>Recent (&lt;11 months) receipt of antibody-containing blood products (interval depends on product)</td>
</tr>
<tr>
<td>□</td>
<td>Moderate or severe acute illness with or without fever</td>
</tr>
</tbody>
</table>

For medical conditions not listed, please note the vaccine(s) that is contraindicated and a description of the condition

---

Name of Student______ Date Exemption

Ends_______

Completing physician’s name (please print)

Address______ Phone_______

Completing physician’s signature (only licensed physicians may sign)

---

Instructions

Purpose: To provide Montana physicians with a mechanism to document true medical exemptions to vaccinations

Preparation:
1. Complete patient information (name, DOB, address, and school/childcare facility)
2. Check applicable vaccine(s) and exemption(s)
3. Complete date exemption ends and physician information
4. Attach a copy of the most current immunization record
5. Retain a copy for file
6. Return original to person requesting form

Reorder: Immunization Program
1400 Broadway, Room C-211
Helena, MT 59620
(406) 444-5580
http://www.dphhs.mt.gov/publichealth/immunization/

Questions? Call (406) 444-5580

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Administrative Rules of Montana

37.114.701-721: Immunization of K-12, Preschool, and Post-secondary schools
37.95.140: Daycare Center Immunizations, Group Daycare Homes, Family Day Care Homes

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Montana Code Annotated

20-5-101-410: Montana Immunization
Law 52-2-735: Daycare certification

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AFFIDAVIT OF EXEMPTION ON RELIGIOUS GROUNDS FROM MONTANA SCHOOL IMMUNIZATION LAW AND RULES

Student's Full Name                                            Birth Date                          Age        Sex

School: _______________________________________________________

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

Street address and city: _________________________________________

Telephone: _____________________________________________________

I, the undersigned, swear or affirm that immunization against

☐ Diphtheria, Pertussis, Tetanus (DTaP, DT, Tdap)  ☐ Polio
☐ Measles, Mumps and Rubella (MMR)                    ☐ Varicella (chickenpox)
☐ Haemophilus Influenzae Type b (Hib)

is contrary to my religious tenets and practices.

I also understand that:

• I am subject to the penalty for false swearing if I falsely claim a religious exemption for the above-named student [i.e. a fine of up to $500, up to 6 months in jail, or both (Sec. 45-7-202, MCA)];
• In the event of an outbreak of one of the diseases listed above, the above-exempted student may be excluded from school by the local health officer or the Department of Public Health and Human Services until the student is no longer at risk for contracting or transmitting that disease; and
• A new affidavit of exemption for the above student must be signed, sworn to, and notarized yearly, before the start of the school year and kept together with the State of Montana Certificate of Immunization (HES-101) in the school’s records.

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

Subscribed and sworn to before me this _______ day of _____.

Seal

Signature: Notary Public for the State of Montana

Print Name: Notary Public for the State of Montana

Residing in __________________________

My commission expires __________________________

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Management of Sports Related Concussions

The Alberton Joint School District #2 recognizes that concussions and head injuries are commonly reported injuries in children and adolescents who participate in sports and other recreational activities. The Board acknowledges the risk of catastrophic injuries or death is significant when a concussion or head injury is not properly evaluated and managed. Therefore, all K-12 competitive sport athletic activities in the District will be identified by the administration.

Consistent with guidelines provided by the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, the National Federation of High School (NFHS) and the Montana High School Association (MHSA), the District will utilize procedures developed by the MHSA and other pertinent information to inform and educate coaches, athletic trainers, officials, youth athletes, and their parents and/or guardians of the nature and risk of concussions or head injuries, including the dangers associated with continuing to play after a concussion or head injury. Resources are available on the Montana High School Association Sports Medicine page at www.mhsa.org; U.S. Department of Health and Human Services page at: www.hhs.gov; and; the Centers for Disease and Prevention page at www.cdc.gov/concussion/sports.index.html.

Annually, the district will distribute a head injury and concussion information and sign-off sheet to all parents and guardians of student-athletes in competitive sport activities prior to the student-athlete's initial practice or competition.

All coaches, athletic trainers, officials, including volunteers participating in organized youth athletic activities, shall complete the training program at least once each school year as required in the District procedure. Additionally, all coaches, athletic trainers, officials, including volunteers participating in organized youth athletic activities will comply with all procedures for the management of head injuries and concussions.

Reference: Montana High School Association, Rules and Regulations Section 4, Return to Play

Legal Reference: Dylan Steigers Protection of Youth Athletes Act

20-7-1301, MCA Purpose
20-7-1302, MCA Definitions
20-7-1303, MCA Youth athletes – concussion education requirements
20-7-1304, MCA Youth athletes – removal from participation following concussion – medical clearance required before return to participation

Cross Reference: 3415F Student-Athlete & Parent/Legal Custodian Concussion Statement
Management of Sports Related Concussions

A. Athletic Director or Administrator in Charge of Athletic Duties:
   1. **Updating:** Each spring, the athletic director, or the administrator in charge of athletics if there is no athletic director, shall review any changes that have been made in procedures required for concussion and head injury management or other serious injury by consulting with the MHSA or the MHSA Web site, U.S. DPHHS, and CDCP web site. If there are any updated procedures, they will be adopted and used for the upcoming school year.
   2. **Identified Sports:** Identified sports include all organized youth athletic activity sponsored by the school or school district.

B. **Training:** All coaches, athletic trainers, and officials, including volunteers shall undergo training in head injury and concussion management at least once each school year by one of the following means: (1) through viewing the MHSA sport-specific rules clinic; (2) through viewing the MHSA concussion clinic found on the MHSA Sports Medicine page at [www.mhsa.org](http://www.mhsa.org); or by the district inviting the participation of appropriate advocacy groups and appropriate sports governing bodies to facilitate the training requirements.

C. **Parent Information Sheet:** On a yearly basis, a concussion and head injury information sheet shall be distributed to the student-athlete and the athlete's parent and/or guardian prior to the student-athlete's initial practice or competition. This information sheet may be incorporated into the parent permission sheet which allows students to participate in extracurricular athletics and should include resources found on the MHSA Sports Medicine page at [www.mhsa.org](http://www.mhsa.org), U.S. DPHHS, and CDCP websites.

D. **Responsibility:** An athletic trainer, coach, or official shall immediately remove from play, practice, tryouts, training exercises, preparation for an athletic game, or sport camp a student-athlete who is suspected of sustaining a concussion or head injury or other serious injury.

E. **Return to Play After Concussion or Head Injury:** In accordance with MHSA Return to Play Rules and Regulations and The Dylan Steigers Protection of Youth Athletes Act a student athlete who has been removed from play, practice, tryouts, training exercises, preparation for an athletic game, or sport camp may not return until the athlete is cleared by a licensed health care professional (registered, licensed, certified, or otherwise statutorily recognized health care professional). The health care provider may be a volunteer.
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
- A 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)
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:_______________________________  School: ____________________________________
Sex:  (Please circle) Female/Male               City/Town: _________________________________
Birth Date:  _____/_____/_____                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

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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
Head Lice

The Board recognizes its responsibility to all students enrolled in the Alberton Schools to provide a safe and healthy environment in which they may attend school. One inhibitor to a healthy environment is the head louse (Pediculus capitis). Head lice infestations must be addressed in public schools if a healthy environment is to be maintained. Every attempt will be made to educate students and parents on the prevention and eradication of head lice before and after infestation is detected.

The innocent desire of children to be social and the communicable nature of lice requires preventive measures by the school district and the public health agency to contain infestations. The Alberton School will work cooperatively with the public health agency to insure that infestations of head lice are contained and eradicated in the school.

In the interest of health and welfare of students enrolled in Alberton, no student will be permitted to attend classes with the general population if they are infested with head lice.

To avoid embarrassment and to contain the infestation, whole classrooms will be checked for head lice upon the report of possible infestation by a classroom teacher. The administrator, his/her designee, school nurse or another qualified professional will examine the child in question and their classmates. Siblings of students found with lice and their classmates will also be checked if there is suspicion that infestation may exist.

The student found with head lice is to be kept out of school until he/she is treated and hair is free of lice and eggs. Although eggs (nits) cannot spread to other children, they may hatch in 2-3 days and would immediately become communicable. A child may return to school after being successfully treated so that no live lice are present.

Parents or guardians will be informed of lice infestation by a letter that explains the problem, lists the procedures for treatment and requirements for reentering school. Every attempt will be made to contact parents or guardians immediately upon discovery of head lice. Parents will be asked to come to school to pick up the student and begin treatment immediately.
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 immediately call a parent or parental designee so that the parent may arrange for care or treatment of an injured student. A principal or designated staff member will call a parent or parental designee so that the parent may arrange for care or treatment of an injured student.

When a student develops symptoms of illness while at school, a responsible school official will do the following:

Isolate the student from other children to a room or area segregated for that purpose;

Inform a parent or guardian as soon as possible about the illness and request the parent or guardian to pick up the child; and

Report each case of suspected communicable disease the same day by telephone to a local health authority or as soon as possible thereafter if a health authority cannot be reached the same day.

When a parent or guardian cannot be reached, and it is the judgment of a principal or other person in charge that immediate medical attention is required, an injured student may be taken directly to a hospital. Transportation to the hospital by any mode of transportation is not the financial responsibility of the District. 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
**Accident Report**

This form is to be completed by the appropriate employee(s) as soon as possible after an accident occurs. Please Print or Type.

- **District Name:** ______________________  
- **School Name:** ______________________
- **Principal’s Name:** ____________________  
- **School Phone:** ______________________
- **Date of Accident:** ___________  
- **Time:** ____  
- **Supervising Employee:** _______________

**Claimant’s Name:** _____________________________________________________________ 
- **Last Name:** ______________________  
- **First Name:** ______________________  
- **Middle Initial:** ____________________  
- **City:** ____________________________  
- **State:** ____________________________  
- **ZIP Code:** _________________________  
- **Claimant’s SS #:** ___________________  
- **Home Phone Number:** (_____) ____________________
- **Claimant’s Age:** _______  
- **Date of Birth:** ____________________  
- **Sex:** ____________________________  
- **Grade:** __________________________
- **Parent’s Name:** _____________________  
- **Work Phone Number:** (_____) ____________________

**Nature of Injury**  
- Scratch  
- Concussion  
- Fracture  
- Head Injury  
- Bruise  
- Sprain/Strain  
- Burn  
- Cut/Puncture  
- Dislocation  
- Bite  
- Other ____________________________

**Place of Accident**  
- Classroom  
- Gymnasium  
- Hallway  
- Parking Lot  
- Bathroom  
- Sidewalk  
- Cafeteria  
- Stairs  
- Playground  
- Athletic Field  
- Other ____________________________

**Body Part Injured**  
- Ankle  
- Foot  
- Leg  
- Arm  
- Face  
- Nose  
- Back  
- Finger  
- Teeth  
- Neck  
- Hand  
- Wrist  
- Eye  
- Knee  
- Shoulder  
- Other ____________________________

**Describe accident and injury in detail (attach additional description as necessary):**

____________________________________________________________________________________

____________________________________________________________________________________

Were efforts made to contact the parent/guardian about the accident?  
- **Yes**  
- **No**

Was first aid administered?  
- **Yes**  
- **No**  
- **By whom:** __________________________

Was the student  
- **Sent home**  
- **Sent to physician**  
- **Sent to hospital**

Is student covered by Student Accident Insurance?  
- **Yes**  
- **No**  
- **If "yes," please list Company Name, address, and phone number:** __________________________

**If medical or hospital treatment was required, please complete the following information. (Attach a copy of medical bills, if available.)**

Name and address of doctor or hospital  

Witnesses (Name, Address, and Phone)  

__________________________ ____________________________

**Signature/Name of Person Completing the Report**  

**Date**
Removal of Student during School Day

The Board recognizes its responsibility for the proper care of students during a school day. In accordance with District procedures, only a duly authorized person may remove a student from school grounds, any school building, or school function during a school day. A person seeking to remove a student from school must present evidence satisfactory to the administrator of having proper authority to remove the student. A teacher should not excuse a student from class to confer with anyone, unless a request is approved by the administrator.

Schools must exercise a high order of responsibility for the care of students while in school. The removal of a student during the school day may be authorized in accordance with the following procedures:

1. Law enforcement officers, upon proper identification, may remove a student from school as provided in Policies 4410 and 4411.

2. Any other agencies must have a written administrative or court order directing the District to give custody to them. However, employees of the Department of Public Health and Human Services may take custody of a student under provisions of § 41-3-301, MCA, without a court order. Proper identification is required before the student shall be released.

3. A student shall be released to the custodial parent. When in doubt as to custodial rights, school enrollment records must be relied upon, as the parents (or guardians) have the burden of furnishing schools with accurate, up-to-date information.

4. The school should always check with the custodial parent before releasing the student to a non-custodial parent.

5. Prior written authorization from the custodial parent or guardian is required before releasing a student into someone else’s custody, unless an emergency situation justifies a waiver.

6. Police should be called if a visitor becomes disruptive or abusive.

Cross Reference: 4410 Relations With the Law Enforcement and Child Protective Agencies
4411 Interrogations and Investigations Conducted by School Officials
School-Sponsored Student Activities

1. Student Organizations:
   a. All student organizations must be approved by the administration. Secret or clandestine organizations or groups will not be permitted.
   b. Bylaws and rules of student organizations must not be contrary to Board policy or to administrative rules and regulations.
   c. Procedures in student organizations must follow generally accepted democratic practices in the acceptance of members and nomination and election of officers.

2. Social Events
   a. Social events must have prior approval of the administration.
   b. Social events must be held in school facilities unless approved by the Board.
   c. Social events must be chaperoned at all times.
   d. Attendance at high school social events and dances shall be limited to high school students, and middle school social events shall be limited to middle school students, unless prior permission is received from the principal.

3. Extracurricular Activities
   a) Academic and behavior eligibility rules are established by MHSA rules and District policy.
   b) Any student convicted of a criminal offense may, at the discretion of school officials, become ineligible for such a period of time as the school officials may decide.
   c. In establishing an interscholastic program, the Board directs the administration to:
      i. Open all sports to all students enrolled in the District, with an equal opportunity for participation.
      ii. Recommend sports activities based on interest inventories completed by the students.

Cross Reference: Policy 3233 Student use of Buildings-Equal Access

Legal Reference: § 20-5-203, MCA Secret Organization Prohibited
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 delegates authority to the Superintendent to establish appropriate fees and procedures governing collection of fees and asks the Superintendent 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. A building 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 to another district because a student owes fines or fees. A school district may withhold the grades, diploma, or transcripts of a current or former 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 Superintendent and to the Board.

Legal reference:
§ 20-1-213 (3), MCA Transfer of school records
§ 20-5-201(4), MCA Duties and sanctions
§ 20-7-601, MCA Free textbook provisions
§ 20-9-214, MCA Fees
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 Superintendent will implement this policy and state and federal law with administrative procedures. The Superintendent or designee will inform staff members of this policy and inform students and their parents of it, as well as of their rights regarding student school records.

Each student’s permanent file, as defined by the board of public education, must be permanently kept in a secure location. Other student records must be maintained and destroyed as provided in 20-1-212, MCA.

§ 20-1-212, MCA Destruction of records by school officer.
§ 20-5-201, MCA Duties and sanctions
§ 40-4-225, MCA Access to records by parent
10.55.909, ARM Student Records
No Child Left Behind Act of 2001, P.L. 107-334
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.

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 § 20-5-406, MCA)
- Attendance record
- Statewide student identifier assigned by the Office of Public Instruction
- Record of any disciplinary action taken against the student, which is educationally related

Each student’s permanent file, as defined by the board of public education, must be permanently kept in a secure location.

The cumulative record may include:
- Intelligence and aptitude scores
- Psychological reports
- Participation in extracurricular activities
- Honors and awards
- Teacher anecdotal records
- Verified reports or information from non-educational persons
- Verified information of clear relevance to the student’s education
- Information pertaining to release of this record
- Disciplinary information
- Camera footage only for those students directly involved in the incident

Information in the permanent record will indicate authorship and date and will be maintained in perpetuity for every student who has been enrolled in the District. Cumulative records will be maintained for eight (8) years after the student graduates or permanently leaves the District. Cumulative records which may be of continued assistance to a student with disabilities, who graduates or permanently withdraws from the District, may, after five (5) years, be transferred to the parents or to the student if the student has succeeded to the rights of the parents.
The building principal will be responsible for maintenance, retention, or destruction of a student’s permanent or cumulative records, in accordance with District procedure established by the Superintendent.

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:

- a. Academic progress reports or records;
- b. Health reports;
- c. Notices of parent-teacher conferences;
- d. School calendars distributed to parents/guardians; and
- e. Notices about open houses and other major school events, including student-parent interaction.

A student that attains the age of legal majority is an “eligible student” under FERPA. An eligible student has the right to access and inspect their student records. An eligible student may not prevent their parents from accessing and inspecting their student records if they are a dependent of their parents in accordance with Internal Revenue Service regulations.

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

3. The District may grant access to or release information from student records without prior written consent to school officials with a legitimate educational interest in the information. A school official is a person employed by the District in an administrative, supervisory, academic, or support staff position (including, but not limited to administrators, teachers, counselors, paraprofessionals, coaches, and bus drivers), and the board of trustees. A school official may also include a volunteer or contractor not employed by the District but who performs an educational service or function for which the District would otherwise use its own employees and who is under the direct control of the District with respect to the use and maintenance of personally
identifying information from education records, or such other third parties under contract with the
District to provide professional services related to the District’s educational mission, including,
but not limited to, attorneys and auditors. A school official has a legitimate educational interest
in student education information when the official needs the information in order to fulfill his or
her professional responsibilities for the District. Access by school officials to student education
information will be restricted to that portion of a student’s records necessary for the school
official to perform or accomplish their official or professional duties.

4. The District may grant access to or release information from student records without parental
consent or notification to any person, for the purpose of research, statistical reporting, or
planning, provided that no student or parent can be identified from the information released, and
the person to whom the information is released signs an affidavit agreeing to comply with all
applicable statutes and rules pertaining to school student records.

5. The District may grant release of a child’s education records to child welfare agencies without the
prior written consent of the parents.

6. The District will grant access to or release information from a student’s records pursuant to a
court order.

7. The District will grant access to or release information from any student record, as specifically
required by federal or state statute.

8. The District will grant access to or release information from student records to any person
possessing a written, dated consent, signed by the parent or eligible student, with particularity as
to whom the records may be released, the information or record to be released, and reason for the
release. One (1) copy of the consent form will be kept in the records, and one (1) copy will be
mailed to the parent or eligible student by the Superintendent. 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. School officials may also include those listed in #3 above.

10. Prior to release of any records or information under items 5, 6, 7, 8, and 9, above, the District will
provide prompt written notice to the parents or eligible student of this intended action. This
notification will include a statement concerning the nature and substance of the records to be
released and the right to inspect, copy, and challenge the contents.

11. The District may release student records or information in connection with an emergency, without
parental consent, if the knowledge of such information is necessary to protect the health or safety
of the student or other persons. The records custodian will make this decision, taking into
consideration the nature of the emergency, the seriousness of the threat to the health and safety of
the student or other persons, the need for such records to meet the emergency, and whether the
persons to whom such records are released are in a position to deal with the emergency. The
District will notify the parents or eligible student, as soon as possible, of the information released,
date of the release, the person, agency, or organization to whom the release was made, and the
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

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

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

Student Record Challenges

The District shall give a parent or eligible student, on request, an opportunity for a hearing to challenge content of the student’s education records on the grounds that the information contained in the education records is inaccurate, misleading, or in violation of the privacy rights of the student.

The hearing required by 34 C.F.R. 99.21 must meet, at a minimum, the following requirements:

- The District shall hold the hearing within a reasonable time after it has received the request for the hearing from the parent or eligible student.
- The District shall give the parent or eligible student notice of the date, time, and place, reasonably in advance of the hearing.
- The hearing may be conducted by any individual including an official of the District who does not have direct interest in the outcome of the hearing.
- The District shall make its decision in writing within a reasonable amount of time after the hearing.
- The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.

The parent or eligible student has:

- The right to present evidence and to call witnesses;
- The right to cross-examine witnesses;
- The right to counsel;
- The right to a written statement of any decision and the reasons therefor;

The parents may insert a written statement of reasonable length describing their position on disputed information. The school will maintain the statement with the contested part of the record for as long as the record is maintained and will disclose the statement whenever it discloses the portion of the record to which the statement relates.

Legal Reference: Family Education Rights and Privacy Act, 20 U.S.C. § 1232g (2011); 34 C.F.R. § 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
Transfer of Student Records

The District will forward by mail or by electronic means a certified copy of a permanent or cumulative file of any student and a file of special education records of any student to a local educational agency or accredited school in which a student seeks to or intends to enroll within five (5) working days after receipt of a written or electronic request. The files to be forwarded must include education records in a permanent file – that is, name and address of a student, name of parent or legal guardian, date of birth, academic work completed, level of achievement (grades, standardized tests), immunization records, special education records, and any disciplinary actions taken against a student that are educationally related.

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

Cross Reference: 3413 Student Immunization
3600 - 3600P Student Records
3606F Records Certification

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

- Superintendent
- Principal
- Counselor

When the District receives information pursuant to law, the Superintendent will prevent unauthorized dissemination of that information.

Cross Reference: 3600 - 3600P Student Records

Legal Reference: § 41-3-205, MCA Confidentiality – disclosure exceptions
District-Provided Access to Electronic Information, Services, and Networks

The District provides access for students to the Internet as an educational tool. Because the Internet is uncensored and can be misused, no student shall be allowed to use the District's access to the Internet unless the student and the student's parent first sign the district's Authorization for Electronic Network Access.

Internet Safety

Pursuant to the Children’s Internet Safety Act, the District will implement measures to prevent:
- Access over its computer networks, or the transmission of, inappropriate material through the Internet, electronic mail, chat rooms, or other forms of direct electronic communications;
- Unauthorized access and other unlawful online activity; or
- Unauthorized online disclosure, use, or dissemination of personal information of students.

The District shall use technology protection measures to protect against adults and students using District computers with Internet access from visual depictions that are obscene, child pornography, or, with respect to use by students, harmful to students. Subject to the approval of the Superintendent or designee, an administrator, supervisor, or other authorized person may disable the technology protection measure during use by an adult to enable access for bone fide research or other lawful purpose.

The District’s provision of educational services shall include educating students about appropriate online behavior, including interacting with other individuals on social networking sites and in chat rooms and cyberbullying awareness and response.

The District will provide reasonable supervision of students using its access to the Internet and will monitor the online activities of students.

Acceptable Use

Students using the District’s Internet access shall have no right of privacy in their use of that system. Misuse of the District’s access to the Internet, electronic mail, chat rooms, or other forms of direct electronic communications includes, but is not limited to, the following:
(a) use of the District's access to Internet, electronic mail, chat rooms, or other forms of direct electronic communications for other than educational purposes;
(b) gaining intentional access or maintaining access to materials which are obscene, pornographic, or whose dominant appeal is sexual arousal;
(c) using the District’s access to the Internet, electronic mail, chat rooms, or other forms of direct electronic communications for any illegal activity, including computer hacking and copyright or intellectual property law violations;
(d) accessing "chat lines" unless authorized by the instructor for a class activity directly supervised by a staff member;
(e) using abusive or profane language in private messages through the District’s access to the Internet, electronic mail, chat rooms, or other forms of direct electronic communications; or using the District’s access to the Internet, electronic mail, chat rooms, or other forms of direct electronic communications to harass, insult, or verbally attack others;
(f) posting anonymous messages through the District’s access to the Internet, electronic mail, chat rooms, or other forms of direct electronic communications;
(g) using encryption software;
(h) vandalizing data of another user;
(i) obtaining or sending information which could be used to make destructive devices such as guns, weapons, bombs, explosives, or fireworks;
(j) gaining unauthorized access to resources or files;
(k) identifying oneself with another person's name or password or using an account or password of another user without proper authorization;
(l) using the District’s access to the Internet, electronic mail, chat rooms, or other forms of direct electronic communications for financial or commercial gain without district permission; or
(m) introducing a virus to, or otherwise improperly tampering with the network or the District’s access to the Internet, electronic mail, chat rooms, or other forms of direct electronic communications.

Students who fail to abide by the district Internet rules may be subject to disciplinary action, revocation of their privilege to use the system, or legal action as appropriate.
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**

j) 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.

F. 2. Privileges – The use of the District’s electronic networks is a privilege, not a right, and inappropriate use will result in cancellation of those privileges. The system administrator (and/or principal) will make all decisions regarding whether or not a user has violated these procedures and may deny, revoke, or suspend access at any time. That decision is final.

G. 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;

a. 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.

H. 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.

I. 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.
J. 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.

K. 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.

L. 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.

M. 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.

N. 10. Copyright Web Publishing Rules – Copyright law and District policy prohibit the republishing of text or graphics found on the Web or on District Websites or file servers, without explicit written permission.

a. For each republication (on a Website or file server) of a graphic or text file that was produced externally, there must be a notice at the bottom of the page crediting the original producer and noting how and when permission was granted. If possible, the notice should also include the Web address of the original source.

b. Students and staff engaged in producing Web pages must provide library media specialists with e-mail or hard copy permissions before the Web pages are published. Printed evidence of the status of “public domain” documents must be provided.

c. The absence of a copyright notice may not be interpreted as permission to copy the materials. Only the copyright owner may provide the permission. The manager of the Website displaying the material may not be considered a source of permission.

d. The “fair use” rules governing student reports in classrooms are less stringent and permit limited use of graphics and text.
e. Student work may only be published if there is written permission from both the parent/guardian and the student.

Internet Safety

1. Internet access is limited to only those “acceptable uses,” as detailed in these procedures. Internet safety is almost assured if users will not engage in “unacceptable uses,” as detailed in these procedures, and will otherwise follow these procedures.

2. Staff members shall supervise students while students are using District Internet access, to ensure that the students abide by the Terms and Conditions for Internet access, as contained in these procedures.

3. Each District computer with Internet access has a filtering device that blocks entry to visual depictions that are: (1) obscene; (2) pornographic; or (3) harmful or inappropriate for students, as defined by the Children’s Internet Protection Act and determined by the Superintendent or designee.

4. The district shall provide age-appropriate instruction to students regarding appropriate online behavior. Such instruction shall include, but not be limited to: positive interactions with others online, including on social networking sites and in chat rooms; proper online social etiquette; protection from online predators and personal safety; and how to recognize and respond to cyberbullying and other threats.

5. The system administrator and principal shall monitor student Internet access.

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)
- Language instruction for limited English proficient and immigrant students
- 47 U.S.C. § 254(h) and (l) Universal service
Cell Phones and Other Electronic Equipment

Student possession and use of cellular phones, pagers, and other electronic signaling devices on school grounds, at school-sponsored activities, and while under the supervision and control of District employees is a privilege which will be permitted only under the circumstances described herein. At no time will any student operate a cell phone or other electronic device with video capabilities in a locker room, bathroom, or other location where such operation may violate the privacy right of another person.
# ALBERTON JOINT SCHOOL DISTRICT #2

4000 SERIES
COMMUNITY RELATIONS

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Public Relations

The District will strive to maintain effective two-way communications with the public to enable the Board and staff to interpret schools’ needs to the community and provide a means for citizens to express their needs and expectations to the Board and staff.

The Superintendent will establish and maintain a communication process within the school system and between it and the community. Such public information program will provide for news releases at appropriate times, arrange for media coverage of District programs and events, provide for regular direct communications between individual schools and the citizens they serve, and assist staff in improving their skills and understanding in communicating with the public.

The District may solicit community opinion through parent organizations, parent-teacher conferences, open houses, and other events or activities which may bring staff and citizens together.

Legal Reference:  
Art. II, Sec. 8, Montana Constitution - Right of participation  
Art. II, Sec. 9, Montana Constitution - Right to know
School-Support Organizations, Boosters and Fundraising

The Board recognizes that parent, teacher, and student organizations are a helpful resource for schools and supports their formation and vitality. While parent, teacher, and student organizations have no administrative authority and cannot determine District policy, their suggestions and assistance are always welcome.

School-Support Organizations

Parent or booster organizations are recognized by the Board and permitted to use the District’s name, a District school’s name, or a District school’s team name or any logo attributable to the District, provided they first receive the Board’s approval during a duly constituted Board meeting. Unauthorized use of the District school’s team name, logo, or imagery is strictly prohibited. The District reserves the right to seek all available legal remedies for unauthorized use of the District school’s name, logo, or imagery.

In order for the School District to comply with the federal law, state law and MHSA By-Laws, Rules and Regulations, Board recognition as a parent or booster organization along with consent to use one of the above-mentioned names or logos will be granted if the organization has approved and submitted bylaws containing the following:

1. The organization’s name and purpose. Acceptable purposes may include enhancement of students’ educational experiences, assistance to meet educational needs of students, support of academic clubs, or enrichment of extracurricular activities.

2. The rules and procedures under which it operates.

3. A statement that the membership will adhere to applicable Board policies and administrative procedures when working on District premises or with District officials or programs.

4. A statement that membership is open and unrestricted and the organization will not engage in discrimination based on someone’s innate characteristics or membership in a protected classification.

5. A statement that the District is not, and will not be, responsible for the organization’s business or the conduct of its members.
6. A designation of the organization’s treasurer. A statement that the organization will maintain finances consistent with General Finance Principles in a manner open to review by any member of the organization or the school district.

7. A recognition that money given to a school cannot be earmarked for any particular expense. Booster organizations may make recommendations, but cash or other valuable consideration must be given to the District to use at its discretion. The Board’s legal obligation to comply with Title IX by providing equal athletic opportunity for members of both genders will supersede an organizations recommendation.

8. A recognition that the School District reserves the right to reject any and all donations.

Permission to use one of the above-mentioned names, logos or imagery may be suspended by the administration and rescinded by the Board for failure to comply with this policy. Authorization to use one of the above-mentioned names, logos, or imagery does not constitute permission to act as the District’s representative. At no time does the District accept responsibility for the actions of any parent or booster organization, regardless of whether it was recognized and/or permitted to use any of the above-mentioned names or logos. The Superintendent shall designate an administrative staff member to serve as the liaison to parent or booster organization. The liaison will serve as a resource person and provide information about school programs, resources, policies, problems, concerns, and emerging issues. Building staff may be encouraged to participate in the organizations.

Individual Boosters or Donors

Individual boosters or donors not covered by the bylaws of an organization governed by this policy may still assist in school operations. The Board encourages the involvement of local communities in school activities and operations. In order for the School District to comply with the federal law, state law and MHSA By-Laws, Rules and Regulations, individual boosters or donors must honor the following provisions:

1. The individual must have prior approval must be granted by the Board for use of the District’s name, logo, or imagery.

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1 The School District may not accept booster organization assistance that creates vast gender differences or a school board may face claims that it has violated Title IX. Title IX’s focus is on equal funding opportunities, equal facility availability, similar travel and transportation treatment, comparable coaching, and comparable publicity (34 C.F.R. Part 106).

2 Booster organizations present potential liabilities to a school district beyond loss of funds, because they seldom are properly organized (they generally are not incorporated or otherwise legally recognized), carry no insurance, raise and handle large sums of money, and organization members hold themselves out as agents of the school (after all, no funds could be raised but for the school connection). A disclaimer, such as the one presented here, may not be sufficient. A district may take several actions, after discussion with its attorney, to minimize liability, such as adding a requirement to item 6 above that the organization: (1) operate under the school’s authority (activity accounts); or (2) be properly organized and demonstrate fiscal responsibility by being a 501(c)(3) organization, obtaining a bond, and/or arranging regular audits. Ultimately, the best way to minimize liability is to be sure that the district’s errors-and-omissions insurance covers parent organizations and booster organizations.
2. The individual must comply with Board policies and administrative procedures when submitting donations.

3. The individual may not violate federal law, state law, District policy or MHSA By-Laws, Rules and Regulations.

4. The individual acknowledges the District is not, and will not be, responsible for the individual booster or donor’s business or their conduct.

5. The individual acknowledges that donations cannot be earmarked for any particular expense. Individual boosters or donors may make recommendations, but cash or other valuable consideration must be given to the District to use at its discretion in accordance with applicable laws. The Board’s legal obligation to comply with Title IX by providing equal athletic opportunity for members of both genders will supersede any individual’s recommendation.

6. The District reserves the right to reject any and all donations.

**Fundraising**

All donations completed by recognized organizations are subject to applicable School District policies regarding financial management. Funding endeavors are generally viewed as beneficial when coordinated with district goals, initiatives, and existing plans. The District reserves the right to reject any and all donations.

All funds raised by recognized organizations that are donated to the School District become public funds when placed in a School District account. All public funds must be monitored in accordance with state law. Donations must be reviewed to ensure compliance with equity rules, amateur rules and appropriateness under district policy. Donations may be conditional under state law if conditions are in compliance.

Funds spent by the School District will be done in accordance with District purchase order policy and spending limits regardless of the source of the donation. All expenditures should be preapproved to ensure equity and auditing standards are met.

Legal Reference: § 20-6-601, MCA Power to accept gifts
§ 2-2-103-2(3), MCA Definitions
§ 2-2-104, MCA Rules of conduct for public officers, legislators, and public employees
Visitors to Schools

The District encourages visits by parents and citizens to all District buildings. All visitors shall report to the principal’s office on entering any District building. Conferences with teachers should be held outside school hours or during the teacher’s conference or preparation time.
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
Spectator Conduct and Sportsmanship for Athletic and Co-Curricular Events

Any person, including an adult, who behaves in an unsportsmanlike manner during an athletic or co-curricular event may be ejected from the event and/or denied admission to school events for up to a year after a Board hearing. Examples of unsportsmanlike conduct include but are not limited to:

- Using vulgar or obscene language or gestures;
- Possessing or being under the influence of any alcoholic beverage or illegal substance;
- Possessing a weapon;
- Fighting or otherwise striking or threatening another person;
- Failing to obey instructions of a security officer or District employee; and
- Engaging in any illegal or disruptive activity.

The Superintendent may seek to deny future admission to any person by delivering or mailing a notice by certified mail with return receipt requested, containing:

1. Date, time, and place of a Board hearing;
2. Description of the unsportsmanlike conduct; and
3. Proposed time period admission to school events will be denied.

Legal Reference:  
§ 20-1-206, MCA  Disturbance of school – penalty
§ 20-4-303, MCA  Abuse of teachers
§ 45-8-101, MCA  Disorderly conduct
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 Superintendent 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 Superintendent or building principal if they have a disability which will require special assistance or services and what services are required. This notification should occur as far as possible before the school-sponsored function, program, or meeting.

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

Cross Reference: 1700 Uniform Complaint Procedure

Community Use of School Facilities

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

The Superintendent will develop procedures to manage community use of school facilities, which will be reviewed and approved by the Board. Use of school facilities requires the Superintendent’s approval and is subject to the procedures established by the Superintendent.

Legal 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

§ 20-6-602, MCA Trustee’s power over property

20 USC § 7905 Boy Scouts of America Equal Access Act
SCHOOL FACILITIES/GROUNDS USE AND LIABILITY RELEASE AGREEMENT

Alberton Joint School District #2

Organization or Individual Requesting Facility Use: __________________________________________

Facility Requested: ____________________________________________________________________

Date and Hours of Requested Use: ________________________________________________________

Purpose of Use: _______________________________________________________________________

Will there be an admission fee? ______          If so, how much? _______________________________

Premises and Conditions

Conditions of Facilities Use - Use of District facilities is conditioned upon the following covenants:
1. 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.
5. The presence of weapons, including firearms, must be previously reviewed and approved by the
   Board of Trustees in accordance with Montana law.

Rent and Deposit

The requesting organization or individual agrees to pay the District, as rent for the premises and
as payment for special services (if any) provided by the District, the sum of $______________________,
and this shall be due ______________ days in advance. The requesting organization or individual shall be
responsible for the actual cost of repair or replacement, including costs, disbursements, and expenses,
resulting while it has use of the premises.

Indemnification

The requesting organization or individual, by signature below, hereby guarantees that the
organization shall indemnify, defend, and hold harmless the District and any of its employees or agents,
from any liability, expenses, costs (including attorney’s fees), damages, and/or losses arising out of injury
or death to any person or persons or damage to any property of any kind in connection with the
organization or individual’s use of the District facility, which are not the result of fraud, willful injury to a
person or property, or willful or negligent violation of a law on the part of the School District. The
undersigned organization or individual accepts and assumes all such risks and hazards and does hereby
release the School District from any and all liability including, but not limited to bodily injury, personal
injury, and/or property damage which are not the result of fraud committed, willful injury to a person or
property, or willful or negligent violation of a law on the part of the School District.

Insurance

The user of the facility shall provide the District with a certificate of insurance and endorsement to their
property and liability policy. Said certificate and policy endorsement shall name the District as an
additional insured. The certificate and policy shall show coverage for comprehensive general liability
insurance for injuries to or death of any person or damage to or loss of property arising out of or in any
way resulting from the described use of the facility. The insurance shall provide for amounts not less than
$1,000,000 for bodily injury or death to any one person or resulting from any one accident, and
$1,000,000 for property damage in any one accident or the policy may provide a combined single limit
for bodily injury and property damage for $1,000,000. The certificate shall contain a provision that the
insurer not cancel or refuse to renew without giving the District written notice at least 10 days before the

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effective date of the cancellation or non-renewal.

Special Events Coverage

The district requires the event holder to purchase a special event liability policy for the event, and to name the district as an additional insured on the policy. The event holder should provide the district with a certificate insurance outlining the coverage limits and that the district has been named as an additional insured on the policy. Minimum coverage limits of $1,000,000 per occurrence and $2,000,000 aggregate should be purchased.

Assumption of Risk

The requesting organization agrees to indemnify, release and hold harmless the District, inclusive of its employees, administration, board of trustees, and insurers form any and all civil liability involving any and all forms of injury except those that may arise as a result of willful, wanton or reckless conduct by the District or its agents adding unwarranted danger to participation in such event.

The requesting organization understands that the District will take all reasonable precautions to insure the risk of injury to individuals accessing the facilities or grounds is minimized. However, even though these precautions are taken there is still a chance of injury, and in rare instances even severe injury and death. The requesting organization understands the risks involved.

The School District DOES NOT provide medical insurance for any individuals who choose to access and use the facilities.

Non-Discrimination

The District will consider requests for use of district facilities for political purposes and activity in accordance with Montanan law. The requesting organization or individual agrees to abide by nondiscrimination 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 ________________________________

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Conduct on School Property

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

• Injure or threaten to injure another person;
• Damage another’s property or that of the District;
• Violate any provision of the criminal law of the state of Montana or town or county ordinance;
• Smoke or otherwise use tobacco or nicotine products, including alternative nicotine and vapor products as defined in 16-11-302, MCA, or other similar products;
• Consume, possess, or distribute alcoholic beverages, illegal drugs, including medical marijuana, or possess weapons (as defined in Policy 3310/3311) at any time;
• Impede, delay, or otherwise interfere with the orderly conduct of the District’s educational program or any other activity occurring on school property;
• Enter upon any portion of school premises at any time for purposes other than those which are lawful and authorized by the Board; or
• Willfully violate other District rules and regulations.

“School property” means within school buildings, in vehicles used for school purposes, or on owned or leased school grounds. These regulations are in effect year round, and during all District extra or co-curricular activities. District administrators will take appropriate action as circumstances warrant, up to an including recommending that the individual violating this policy be denied access to District property.

Cross Reference: 3310 Student Discipline
3311 Firearms and Weapons

Smoke Free School Act of 1994
§ 20-1-220, MCA Use of tobacco product in public school building or on public school property prohibited
§ 20-5-410, MCA Civil penalty
Public Access to District Records

Within limits of an individual’s right of privacy, the public will be afforded full access to information concerning administration and operations of the District. Public access to District records shall be afforded according to appropriate administrative procedures.

“District records” include any writing, printing, photostating, photographing, etc. (including electronic mail), which has been made or received by the District in connection with the transaction of official business and presented for informative value or as evidence of a transaction, and all other records required by law to be filed with the District. “District records” do not include personal notes and memoranda of staff which remain in the sole possession of the maker and which are not generally accessible or revealed to other persons.

The Superintendent will serve as the public records coordinator, with responsibility and authority for ensuring compliance with the display, indexing, availability, inspection, and copying requirements of state law and this policy. As coordinator, the Superintendent will authorize the inspection and copying of District records only in accordance with the criteria set forth in this policy.

In accordance with Title 2, Chapter 6, MCA, the District will make available for public inspection and copying all District records or portions of records, except those containing the following information:

1. Personal information in any file maintained for students. Information in student records will be disclosed only in accordance with requirements of the Family Educational Rights and Privacy Act of 1974 and adopted District policy.

2. Personal information in files maintained for staff, to the extent that disclosure will violate their right to privacy.

3. Test questions, scoring keys, or other examination data used to administer academic tests.

4. The contents of real estate appraisals made for or by the District relative to the acquisition of property, until the project is abandoned or until such time as all of the property has been acquired, but in no event will disclosure be denied for more than three (3) years after appraisal.

4. Preliminary drafts, notes, recommendations, and intra-District memoranda in which opinions are expressed or policies formulated or recommended, except a specific record
shall not be exempt when publicly cited by the District in connection with any District action.

6. Records relevant to a controversy to which the District is a party, but which would not be available to another party under the rules of pretrial discovery, for cases pending resolution.

7. Records or portions of records, the disclosure of which would violate personal rights of privacy.

8. Records or portions of records, the disclosure of which would violate governmental interests.

If the District denies any request, in whole or in part, for inspection and copying of records, the District will provide the requesting party with reasons for denial.

If the record requested for inspection and/or copying contains both information exempted from disclosure and non-exempt information, the District shall, to the extent practicable, produce the record with the exempt portion deleted and shall provide written explanation for the deletion.

The District will not provide access to lists of individuals, which the requesting party intends to use for commercial purposes or which the District reasonably believes will be used for commercial purposes if such access is provided. However, the District may provide mailing lists of graduating students to representatives of the U.S. armed forces and the National Guard for purpose of recruitment.

The coordinator is authorized to seek an injunction to prevent disclosure of records otherwise suitable for disclosure, when it is determined reasonable cause exists to believe disclosure would not be in the public interest and would substantially or irreparably damage any person or would substantially or irreparably damage vital governmental functions.

Legal Reference: Title 20, Ch. 6, MCA School districts
Title 2, Ch. 6, Part 10, MCA
Relations With Law Enforcement and Child Protective Agencies

The staff is primarily responsible for maintaining proper order and conduct in the schools. Staff shall be responsible for holding students accountable for infractions of school rules, which may include minor violations of the law, occurring during school hours or at school activities. When there is substantial threat to the health and safety of students or others, such as in the case of bomb threats, mass demonstrations with threat of violence, individual threats of substantial bodily harm, trafficking in prohibited drugs, or the scheduling of events where large crowds may be difficult to handle, the law enforcement agency shall be called upon for assistance. Information regarding major violations of the law shall be communicated to the appropriate law enforcement agency.

The District will strive to develop and maintain cooperative working relationships with the law enforcement agencies. Procedures for cooperation between law enforcement, child protective, and school authorities will be established. Such procedures will be made available to affected staff and will be periodically revised.

Cross Reference: 4313 Disruption of School Operations

Legal Reference: § 20-1-206, MCA Disturbance of school – penalty
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.

Investigations by Law Enforcement

When a student becomes involved with law enforcement officers due to events outside of the school environment and officers must interact with a student, the officer(s) is requested to confer with the student off school district property when he/she is being investigated for conduct not under the jurisdiction of the school. If this cannot be arranged the following steps shall be taken to cooperate with the authorities.

a. The officer shall contact the school principal and present proper identification in all occasions upon his/her arrival on school premises.

b. 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

c. 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
Cooperative Programs with Other Districts and Public Agencies

Whenever it appears to the economic, administrative, and/or educational advantage of the District to participate in cooperative programs with other units of local government, the Superintendent will prepare and present for Board consideration an analysis of each cooperative proposal.

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

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

The District may enter into an interlocal agreement providing for the sharing of teachers, specialists, superintendents, or other professional persons licensed under Title 37, MCA. If the District shares a teacher or specialist with another district(s), the District’s share of such teacher’s or specialist’s compensation will be based on the total number of instructional hours expended by the teacher or the specialist in the District.

Legal Reference: §§ 7-11-101, et seq., MCA  Interlocal Cooperation Act
§ 20-3-363, MCA  Multidistrict agreements
§§ 20-7-451 through 456, MCA  Authorization to create full service education cooperatives
§§ 20-7-801, et seq., MCA  Public recreation
Registered Sex Offenders

The State of Montana has determined that perpetrators of certain sex crimes pose a continuing threat to society as a whole even after completion of their criminal sentences. Recognizing that the safety and welfare of students is of paramount importance, the Alberton Joint School District #2 declares that, except in limited circumstances, Alberton Joint School District #2 should be off limits to registered sex offenders.

Employment

Notwithstanding any other Board policy, individuals listed by the State of Montana as registered sex offenders are ineligible for employment in any position within the Alberton Joint School District #2. However, the Superintendent shall have discretion consistent with other Board policies to recommend an individual whose name has been expunged from the Sex Offender Registry.

School Off Limits

The District hereby declares that no registered sex offender may come on, about, or within any District-owned buildings or property except as otherwise provided in this policy. If an administrator becomes aware that such a sex offender is on, about, or within school property, the administrator shall direct the sex offender to immediately leave the area. The Board authorizes the administrator to request the assistance of the appropriate law enforcement authorities to secure the removal of any registered sex offender from the area. If a registered sex offender disregards the terms of this policy or the directives of the school administrator, then the Superintendent is authorized to confer with counsel and to pursue such criminal or civil action as may be necessary to enforce compliance with this policy.

This policy shall not be construed to impose any duty upon any administrator or any other employee of the District to review the Sex Offender Registry or to screen individuals coming on or within school property to ascertain whether they are on the Registry. This policy shall only apply when administrators are actually aware that the person in question is on the Sex Offender Registry and that the offender’s victim was a minor.

The provisions of this policy prohibiting a registered sex offender from coming on, about, or within school property shall not apply in the event that a sex offender’s name should be expunged from the Registry.
Rights of Parents on the Sex Offender Registry

In the event that a registered sex offender whose victim was a minor has a child attending the District, the administrator of the school where the child attends shall be authorized to modify this policy’s restrictions to permit the parent to drop off and pick up the child from school and to come onto campus to attend parent-teacher conferences. However, the parent may not linger on or about school property before or after dropping off his or her child, and the parent is prohibited from being in any part of the school building except the main office.

This policy does not impose a duty upon the administrator of any school or any other employee of the District to review the Sex Offender Registry and the school system’s directory information to ascertain whether a registered sex offender may have a child attending school in the District. The provisions of this policy shall apply only if an administrator actually becomes aware that a parent of a student at the school is a registered sex offender.

To facilitate voluntary compliance with this policy, administrators are encouraged to speak with any affected parents upon learning of their status as registered sex offenders to communicate the restrictions of this policy. At all times, the administrator shall endeavor to protect the privacy of the offender’s child.

In the event of a truly exceptional situation such as graduation, a parent on the Sex Offender Registry may ask the Superintendent for a waiver of this policy to permit the parent to attend these special events. It is the intent of the Board, however, that these special circumstances be truly unusual and infrequent occurrences.

Legal Reference: § 46-23-501, MCA Sexual or Violent Offender Registration Act
www.doj.mt.gov/svor/ Sexual or Violent Offender Registry
# ALBERTON JOINT SCHOOL DISTRICT #2

## 5000 SERIES

### PERSONNEL

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Accommodating Individuals With Disabilities and Section 504 of the Rehabilitation Act of 1973

It is the intent of the District to ensure that qualified employees with disabilities under Section 504 of the Rehabilitation Act of 1973 are identified, evaluated, and provided with appropriate accommodations or other positive actions in assistance.

The District will not discriminate against a qualified individual on the basis of disability in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, or other terms, conditions, and privileges of employment.

The Superintendent is designated the Section 504 and Americans with Disabilities Act Title II Coordinator and, in that capacity, is directed to:

1. Oversee District compliance efforts, recommend to the Board necessary modifications, and maintain the District’s final Title II self-evaluation document and keep it available for public inspection.

2. Make information regarding Title II protection available to any interested party.

3. Coordinating and monitoring the district’s compliance with Section 504 and Title II of the ADA, as well as state civil rights requirements regarding discrimination and harassment based on disability.

4. Overseeing prevention efforts to avoid Section 504 and ADA violations by necessary actions, including by not limited to, scheduling Section 504 meetings, implementing and monitoring Section 504 plans of accommodation and providing information to employees and supervisors.

5. Implementing the district’s discrimination complaint procedures with respect to allegations of Section 504/ADA violations, discrimination based on disability, and disability harassment; and

6. Investigating complaints alleging violations of Section 504/ADA, discrimination based on disability, and disability harassment.

The District’s procedure for resolution of complaints alleging violation of this policy is set forth in Policy 1700.

Cross Reference: 1700 Uniform Complaint Procedure

Equal Employment Opportunity and Non-Discrimination

The School District will provide equal employment opportunities to all persons regardless of race, creed, religion, color, or national origin or because of age, physical or mental disability, marital status, or sex when the reasonable demands of the position do not require an age, physical or mental disability.

The District will make reasonable accommodation for an individual with a disability known to the District, if the individual is otherwise qualified for the position, unless the accommodation would impose undue hardship on the District.

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

All complaints about behavior that may violate this policy shall be promptly investigated.

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

Cross Reference: 1700 Uniform Complaint Procedure

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 engaging in any conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;
- Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting that individual; or
- 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 electronic, 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.

Employees who believe they may have been sexually harassed or intimidated should contact the Title IX Coordinator, building principal or 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
- § 49-2-101, MCA Human Rights Act
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.

Definitions

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

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

• “Harassment, intimidation, or bullying” means any act that substantially interferes with an employee’s opportunities or work performance, that takes place on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation, or anywhere such conduct may reasonably be considered to be a threat or an attempted intimidation of a staff member or an interference with school purposes or an educational function, and that has the effect of:
  a. Physically harming an employee or damaging an employee’s property;
  b. Knowingly placing an employee in reasonable fear of physical harm to the employee or damage to the employee’s property; or
  c. Creating a hostile working environment.

Reporting

All complaints about behavior that may violate this policy shall be promptly investigated. Any employee or third party who has knowledge of conduct in violation of this policy or feels he/she has been a victim of harassment, intimidation, or bullying in violation of this policy is encouraged to immediately report his/her concerns to the 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, via written communication to the Board Chair.

The complainant may be provided a summary of the findings of the investigation and, as appropriate, that remedial action has been taken.

Responsibilities

The District Administrator shall be responsible for ensuring that notice of this policy is provided to staff and third parties.

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. 10.55.701(3)(g) Board of Trustees
Admin. R. Mont. 10.55.801(1)(d) School Climate
Hiring Process and Criteria
Vacant positions may be advertised in District only or through media sources. Unless stated in a
negotiated agreement with staff, a vacancy need not be advertised as determined by the Superintendent.
The Board and Superintendent/administrator will determine the screening and hiring process upon the
existence of each vacancy. The District shall hire the person who best meets the criteria consistent with
budget and staffing requirements, and shall comply with Board policy on equal employment opportunities
and veteran’s preference. The Superintendent shall maintain current job descriptions for each position in
the District. All applicants must complete the District application in order to be considered for
employment, including a written authorization for a criminal background investigation. Applications
shall be kept for 2 years after submission pursuant to law.

Every applicant must provide the District with written authorization for a criminal background
investigation. The Superintendent will keep any conviction record confidential as required by law and
District policy. The district will create a determination sheet from the criminal history record. The
determination sheet will be kept on file at the District Office. The Criminal History Record with no
disqualifiers will be shredded on site immediately after review. The Criminal History Record with
disqualifiers will be retained on file at the District Office according to law. Every newly hired employee
must complete an Immigration and Naturalization Service form, as required by federal law.

Certification
The District requires contracted certified staff to hold valid Montana teacher or specialist certificates
endorsed for the roles and responsibilities for which they are employed. Failure to meet this requirement
shall be just cause for termination of employment. No salary warrants may be issued to a staff member,
unless a valid certificate for the role to which the teacher has been assigned has been registered with the
county superintendent within sixty (60) calendar days after a term of service begins. Every teacher and
administrator under contract must bring their current, valid certificate to the personnel office at the time
of initial employment, as well as at the time of each renewal of certification.

The custodian of records will register all certificates, noting class and endorsement of certificates, and
update permanent records as necessary. The custodian of records also will retain a copy of each valid
certificate of a contracted certified employee in that employee’s personnel file.

Cross Reference: 5122 Fingerprints 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
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 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
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 national 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 Dissemination of confidential criminal justice information – procedure for dissemination through court
Admin. R. Mont. 10.55.716 Substitute Teachers
Public Law 105-251, Volunteers for Children Act
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 by Alberton Joint School District #2 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.8

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.9

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 http://www.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 dojitsdpublicrecords@mt.gov or 406-444-3625.

Your signature below acknowledges this agency has informed you of your privacy rights for fingerprint-based background check requests used by the agency.

Signed:

Name ____________________________ Date __________

8 Written notification includes electronic notification, but excludes oral notification.

9 See 28 CFR 50.12(b).

10 See 5 U.S.C. 552(a); 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).
To _________________________________________________________________________________:

You have applied for employment with, will be working in a volunteer position with, or will be providing vendor or contractor services to (write in Agency or Entity name)____________________________________________________ for the position of (please be specific)______________________________________________________________________.  

The National Child Protection Act of 1993 (NCPA), Public Law (Pub. L.) 103-209, as amended by the Volunteers for Children Act(VCA), Pub. L. 105-251 (Sections 221 and 222 of Crime Identification Technology Act of 1998), codified at 42 United States Code (U.S.C.) Sections 5119a and 5119c, authorizes a state and national criminal history background check to determine the fitness of an employee, or volunteer, or a person with unsupervised access to children, the elderly, or individuals with disabilities.

1. Provide your name, address, and date of birth, as appears on a document made or issued by or under the authority of the United States Government, a State, political subdivision of a State, a foreign government, a political subdivision of a foreign government, an international governmental or an international quasi-governmental organization which, when completed with information concerning a particular individual, is of a type intended or commonly accepted for the purpose of identification of individuals. 18 U.S.C. §1028(D)(2).

2. Provide a certification that you (a) have not been convicted of a crime, (b) are not under indictment for a crime, or (c) have been convicted of a crime. If you are under indictment or have been convicted of a crime, you must describe the crime and the particulars of the conviction, if any.

3. Prior to the completion of the background check, the entity may choose to deny you unsupervised access to a person to whom the entity provides care.

The entity shall access and review State and Federal criminal history records and shall make reasonable efforts to make a determination whether you have been convicted of, or are under pending indictment for, a crime that bears upon your fitness and shall convey that determination to the qualified entity. The entity shall make reasonable efforts to respond to the inquiry within 15 business days.

Your Name: ________________________________________________

_________________________________________________  
First         Middle             Maiden            Last  

Date of Birth: ________________________________  

Address: ________________________________________________________________________________  
________________________________________________________________________________  
City                            State                Zip  

☐ I have been convicted of, or am under pending indictment for, the following crimes [include the dates, location/jurisdiction, circumstances and outcome]:

☐ I have not been convicted of, nor am I under pending indictment for, any crimes

☐ I authorize Montana Department of Justice, Criminal Records and Identification Services Section to disseminate criminal history record information to Alberton Joint School District #2.

__________________________________________________________  
Signature of Applicant       Date  

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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 Superintendent 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 Superintendent 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)
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 pre-placement physical but before commencement of work, the District may require an applicant to have a medical examination and to meet any other health requirements which may be imposed by the state. The District may condition an offer of employment on the results of such examination, if all employees who received a conditional offer of employment in the applicable job category are subject to such examination. The report shall certify the employee’s ability to perform the job-related functions of the position for which the employee is being considered. Such examination shall be used only to determine whether the applicant is able to perform with reasonable accommodation job-related functions.

All bus drivers, whether full-time, regular part-time, or temporary part-time, are required by state law to have a satisfactory medical examination before employment.

Communicable Diseases
The term “communicable disease” refers to the diseases identified in 37.114.203, ARM, Reportable Diseases, with the exception of common colds and flu.

If a staff member has a communicable disease, the staff member must notify the school nurse or other responsible person designated by the Board of the communicable disease which could be life threatening to an immune-compromised person. The school nurse or other responsible person designated by the Board must determine, after consultation with and on the advice of public health officials, if the immune-compromised person needs appropriate accommodation to protect their health and safety.
An employee with a communicable disease shall not report to work during the period of time in which the employee is infectious. An employee afflicted with a communicable disease capable of being readily transmitted in the school setting (e.g., airborne transmission of tuberculosis) shall be encouraged to report the existence of the illness so that precautions may be taken to protect the health of others. The District reserves the right to require a statement from an employee’s primary care provider, before the employee may return to work.

Confidentiality

In all instances, District personnel will respect an individual’s right to privacy and treat any medical diagnosis as confidential information. Any information obtained regarding the medical condition or history of any employee will be collected and maintained on separate forms and in separate medical files and will be treated as confidential information. Only those individuals with a legitimate need to know will be provided necessary medical information.

Supervisors and managers may be informed of necessary restrictions on the work or duties of an employee and necessary accommodations. First aid and safety personnel may be informed, when appropriate, if a staff member with a disability might require emergency treatment.

Cross Reference:  Policy 5005  Section 504 of the Rehabilitation Act

Legal Reference:  29 U.S.C. § 794, et seq.  Section 504 of the Rehabilitation Act
29 U.S.C. § 12101, et seq.  Americans with Disabilities Act
29 CFR, Part 1630.14(c)  Examination of employees
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
Admin. R. Mont. 37.114.1010  Employee of School: Day Care
Admin. R. Mont. 37.111.825  Facility Care Provider
Admin. R. Mont. 37.111.825  Health Supervision and Maintenance
Employment and Assignment

Certificated Employee

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

Classified Employee

Each classified employee will be employed under a written contract of employment for a specific term, with a beginning and ending date, within the meaning of § 39-2-912, MCA, after the employee has satisfied the requisite probationary period of six (6) months.* During the probationary period of employment, the employment may be terminated at the will of either the School District or the employee on notice to the other for any reason or no reason. Should the employee satisfy the probationary period, such employee shall have no expectation of continued employment beyond the current contract term.

The District reserves the right to change employment conditions affecting an employee’s duties, assignment, supervisor, or grade.

The Board will determine salary and wages for classified personnel.

If the employer does not establish a specific probationary period, the probationary period is presumed to be six months

Legal Reference: § 39-2-904, MCA Elements of wrongful discharge – presumptive probationary period

§ 39-2-912, MCA Exceptions to Wrongful Discharge from Employment Act
Assignments, Reassignments, Transfers

The Superintendent may assign, reassign, and/or transfer positions and duties of all staff, subject to any provisions contained in the collective bargaining agreement. Teachers will be assigned at the levels and in the subjects for which they are licensed and endorsed, or for which they are enrolled in an internship as defined in ARM 10.55.602 and meet the requirements of ARM 10.55.607. The Superintendent will provide for a system of assignment, reassignment, and transfer of classified staff, including voluntary transfers and promotions. Nothing in this policy prevents reassignment of a staff member during a school year.

Classified Staff

The District retains the right of assignment, reassignment, and transfer.

Legal Reference:

§ 20-4-402, MCA Duties of District Superintendent or County High School Principal
ARM 10.55.602 Definition of Internship
ARM 10.55.607 Internships
Prohibition on Aiding Sexual Abuse

The district prohibits any employee, contractor or agent from assisting a school employee, contractor or agent in obtaining a new job if the individual or district knows or has probable cause to believe that such school employee, contractor or agent engaged in sexual misconduct regarding a minor or a student in violation of the law. This prohibition does not include the routine transmission of administrative and personnel files.

This prohibition does not apply under certain conditions specified by the Every Student Succeeds Act (ESSA) such as:

1. The matter has been reported to law enforcement authorities and it has been officially closed or the school officials have been notified by the prosecutor or police after an investigation that there is insufficient information to establish probable cause, or;

2. The individual has been acquitted or otherwise cleared of the alleged misconduct, or;

3. The case remains open without charges for more than 4 years after the information was reported to a law enforcement agency.

Legal Reference: ESSA section 8038, § 8546
Evaluation of Certified Staff

Each certified staff member’s job performance will be evaluated by the staff member’s direct supervisor. Certified staff members may be evaluated according to the terms stated in the current collective bargaining agreement. The evaluation model shall be aligned with applicable district goals, standards of the Board of Public Education, and the district’s mentorship and induction program. It shall identify what skill sets are to be evaluated, include both summative and formative elements, and include an assessment of the educator’s effectiveness in supporting every student in meeting rigorous learning goals through the performance of the educator’s duties.

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

Evaluation of Classified Staff

Each classified staff member’s job performance will be evaluated by the staff member’s direct supervisor. The supervisor will provide a copy of the completed evaluation to the staff member and will provide opportunity to discuss the evaluation. The original should be signed by the staff member and placed in the personnel file. If the staff member refuses to sign the evaluation, the supervisor should note the refusal and submit the evaluation to the Superintendent.

Cross Reference: Policy 5231-5231P Personnel Records
Legal Reference: ARM 10.55.701(4)(a)(b) Board of Trustees
Personal Conduct

School District employees will abide by all district policies in the course of their employment. Where applicable, employees will abide by and honor the professional educator code of conduct.

Employees are expected to maintain high standards of honesty, integrity, and impartiality in the conduct of District business.

In accordance with state law, an employee shall not dispense or utilize any information gained from employment with the District, accept gifts or benefits, or participate in business enterprises or employment that creates a conflict of interest with the faithful and impartial discharge of the employee’s District duties. A District employee, before acting in a manner which might impinge on any fiduciary duty, may disclose the nature of the private interest which would create a conflict. Care should be taken to avoid using or avoid the appearance of using official positions and confidential information for personal advantage or gain.

Further, employees are expected to hold confidential all information deemed not to be for public consumption as determined by state law and Board policy. Employees also will respect the confidentiality of people served in the course of an employee’s duties and use information gained in a responsible manner. The Board may discipline, up to and including discharge, any employee who discloses confidential and/or private information learned during the course of the employee’s duties or learned as a result of the employee’s participation in a closed (executive) session of the Board. Discretion should be used even within the school system’s own network of communication and confidential information should only be communicated on a need to know basis.

Administrators and supervisors may set forth specific rules and regulations governing staff conduct on the job within a particular building.

Legal Reference: § 20-1-201, MCA School officers not to act as agents
Title 2, Chapter 2, Part 1 Standards of Conduct
§ 39-2-102, MCA What belongs to employer
Political Activity

The Board recognizes its employees’ rights of citizenship, including but not limited to engaging in political activities. A District employee may seek an elective office, provided the employee does not campaign on school property during working hours, and provided all other legal requirements are met. The District assumes no obligation beyond making such opportunities available. An employee elected to office is entitled to take a leave of absence without pay, in accordance with the provisions of § 39-2-104, MCA.

No person, in or on District property, may attempt to coerce, command, or require a public employee to support or oppose any political committee, the nomination or election of any person to public office, or the passage of a ballot issue.

No District employee may solicit support for or in opposition to any political committee, the nomination or election of any person to public office, or the passage of a ballot issue, while on the job or in or on District property.

Nothing in this policy is intended to restrict the right of District employees to express their personal political views.

Legal Reference: 5 U.S.C. § 7321 Hatch Act
§ 39-2-104, MCA Mandatory leave of absence for employees holding public office
§ 13-35-226, MCA Unlawful acts of employers and employees
Title 2, Chapter 2, Part 1 Standards of Conduct
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; and
- Notify his or her supervisor of his or her conviction under any criminal drug statute, for a violation occurring on District premises or while performing work for the District, no later than five (5) days after such conviction.

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

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

An employee who violates this policy may be subject to disciplinary action; up to and including termination of employment. Alternatively, the Board may require an employee to successfully complete an appropriate drug- or alcohol-abuse, employee-assistance rehabilitation program.

The Board will take disciplinary action with respect to an employee convicted of a drug offense in the workplace, within thirty (30) days of receiving notice of a conviction.

Should District employees be engaged in the performance of work under a federal contract or grant, or under a state contract or grant, the 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 U.S.C. §§ 702, 703, 706 Drug-free workplace requirements for Federal grant recipients

Johnson v. Columbia Falls Aluminum Company LLC, 2009 MT 108N.
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 Superintendent will adopt and enact regulations consistent with federal regulations, defining the circumstances and procedures for testing.

Pre-Employment Tests

Tests shall be conducted before the first time a driver performs any safety-sensitive function for the District.

Safety-sensitive functions include all on-duty functions performed from the time a driver begins work or is required to be ready to work, until he/she is relieved from work and all responsibility for performing work. It includes driving; waiting to be dispatched; inspecting and servicing equipment; supervising, performing, or assisting in loading and unloading; repairing or obtaining and waiting for help with a disabled vehicle; performing driver requirements related to accidents; and performing any other work for the District or paid work for any entity.

The tests shall be required of an applicant only after he/she has been offered the position.

Exceptions may be made for drivers who have had the alcohol test required by law within the previous six (6) months and participated in the drug testing program required by law within the previous thirty (30) days, provided that the District has been able to make all verifications required by law.

Post-Accident Tests

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

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

Drivers shall make themselves readily available for testing, absent the need for immediate medical attention.

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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.

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Enforcement

Any driver who refuses to submit to a post-accident, random, reasonable suspicion, or follow-up test shall not perform or continue to perform safety-sensitive functions.

Drivers who test positive for alcohol or drugs shall be subject to disciplinary action up to and including termination of employment.

A driver who violates District prohibitions related to drugs and alcohol shall receive from the District the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs available to evaluate and resolve drug and alcohol-related problems. The employee shall be evaluated by a substance abuse professional who shall determine what help, if any, the driver needs in resolving such a problem. Any substance abuse professional who determines that a driver needs assistance shall not refer the driver to a private practice, person, or organization in which he/she has a financial interest, except under circumstances allowed by law.

An employee identified as needing help in resolving a drug or alcohol problem shall be evaluated by a substance abuse professional to determine that he/she has properly followed the prescribed rehabilitation program and shall be subject to unannounced follow-up tests after returning to duty.

Return-to-Duty Tests

A drug or alcohol test shall be conducted when a driver who has violated the District’s drug or alcohol prohibition returns to performing safety-sensitive duties.

Employees whose conduct involved drugs cannot return to duty in a safety-sensitive function until the return-to-duty drug test produces a verified negative result.

Employees whose conduct involved alcohol cannot return to duty in a safety-sensitive function until the return-to-duty alcohol test produces a verified result that meets federal and District standards.

Follow-Up Tests

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

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

Notifications

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

1. The person designated by the District to answer driver questions about the materials;

2. The categories of drivers who are subject to the Code of Federal Regulations, Title 49, Part 382;

3. Sufficient information about the safety-sensitive functions performed by drivers to make clear what period of the work day the driver is required to comply with Part 382;

4. Specific information concerning driver conduct that is prohibited by Part 382;

5. The circumstances under which a driver will be tested for drugs and/or alcohol under Part 382;

6. The procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of test results, and ensure that test results are attributed to the correct driver;

7. The requirement that a driver submit to drug and alcohol tests administered in accordance with Part 382;

8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences;

9. The consequences for drivers found to have violated the drug and alcohol prohibitions of Part 382, including the requirement that the driver be removed immediately from safety-sensitive functions and the procedures for referral, evaluation, and treatment;
10. The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04; 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.


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)
Personnel Records

The District maintains a complete confidential and permanent personnel record for every current and former employee. The employees’ personnel records will be maintained in the District’s administrative office, under the Superintendent’s direct supervision. Employees will be given a copy of their personnel record upon request.

The District may release public information regarding the professional qualifications, degrees, and experience of teachers and the qualifications of paraprofessionals to parents upon request. Access to other information is governed by Policy 4340.

Personnel records must be kept for 10 years after separation of employment.

Cross Reference: 4340 Public Access to District Records

Legal Reference: Admin. R. Mont. 10.55.701(4) Board of Trustees
No Child Left Behind Act of 2001, (Public Law 107-334)
§ 20-1-212(2), MCA Destruction of records by school officer.
§ 2-6-1001, MCA Definitions
Personnel Records

The District shall maintain a cumulative personnel file in the administrative office for each of its employees, as required by the Office of Public Instruction and current personnel policies. These records are not to leave the administrative office except as specifically authorized by the Superintendent, and then only by signed receipt. Payroll records are maintained separately.

Contents of Personnel Files

A personnel file may contain but is not limited to transcripts from colleges or universities, information allowed by statute, a record of previous employment (other than college placement papers for periods beyond active candidacy for a position), evaluations, copies of contracts, and copies of letters of recommendation requested by an employee. All material in the personnel file must be related to the employee’s work, position, salary, or employment status in the District. All documents, communications, and records dealing with the processing of a grievance shall be filed separately from the personnel files of the participants.

No material derogatory to an employee’s conduct, service, character, or personality shall be placed in the file, unless such placement is authorized by the Superintendent, as indicated by the Superintendent’s initials, and unless the employee has had adequate opportunity to read the material. For the latter purpose, the Superintendent shall take reasonable steps to obtain the employee’s initials or signature verifying that the employee has received a copy of the material. If the employee refuses to sign the document indicating that the employee has had an opportunity to read it, the Superintendent will place an addendum to the document, noting that the employee was given a copy but refused to sign. The Superintendent will date and sign the addendum.
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.

If a written report is filed with DPHHS, a copy of the report will be maintained in a separate file by the building principal.

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  
Montana Criminal Background Checks/Abuse and Neglect Registry
Termination of Employment

Non-Renewal and Dismissal

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

Resignation

The Board authorizes the Superintendent, at his/her discretion, to accept on its behalf resignations from any District employee.

Once the Superintendent has accepted the resignation, it may not be withdrawn by the employee. The resignation and its acceptance should be reported as information to the Board at the next regular or special meeting.

A certified employee who resigns after signing a contract with the District may face disciplinary action related to the employee’s certificate.

Reduction in Force

The Board has exclusive authority to determine the appropriate number of employees. A reduction in employees may occur as a result of, but not be limited to, changes in the education program, staff realignment, changes in the size or nature of the student population, financial considerations, or other reasons deemed relevant by the Board. The Board will follow the procedure stated in the current collective bargaining agreement when considering a reduction in force of certified staff. The Board will consider performance evaluations, staff needs, and other reasons it deems relevant, in determining order of dismissal when it reduces classified staff or discontinues some type of educational service.

Cross Reference: 5140 Classified Employment and Assignment

5255 Disciplinary Action

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
Payment of Employer Contributions and Interest on Previous Service

A Public Employees’ Retirement System (PERS) member may purchase: (1) all or a portion of the member’s employment with an employer prior to the time the employer entered into a contract for PERS coverage; and (2) all or a portion of the member’s employment for which optional PERS membership was declined (both of which are known as previous service).

The member must file a written application with the PERS Board to purchase all or a portion of the employment for service credit and membership service. The application must include salary information certified by the member’s employer or former employer.

The District has the option to pay, or not to pay, the employer’s contributions due on previous service and the option to pay, or not to pay, the outstanding interest due on the employer’s contributions for the previous service.

It is the policy of this District to not pay the employer’s contributions due on previous service.

It is also the policy of this District to not pay the outstanding interest due on the employer’s contributions for the previous service.

This policy will be applied indiscriminately to all employees and former employees of this District.

The District has opted to not pay the employer’s contributions due on previous service and/or the outstanding interest due on the employer’s contributions for previous service, therefore, the employee shall pay the amount not paid by the employer in order to receive service credit and membership service for the period of employment.

Legal Reference: § 19-3-505, MCA Purchase of previous employment with employer
Disciplinary Action

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

Discipline will be reasonably appropriate to the circumstance and will include but not be limited to a supervisor’s right to reprimand an employee and the Superintendent or building principal’s right to suspend an employee, with or without pay, or to impose other appropriate disciplinary sanctions. Disciplinary sanctions, including all forms of reprimands, will be documented and placed in the employees personnel file accordance with Policy 5231. In accordance with Montana law, only the Board may terminate an employee or non-renew employment.

The Superintendent or building principal is authorized to immediately suspend a staff member, with pay, in a non-disciplinary manner.

Cross Reference: Policy 5250

Legal Reference:
- § 20-3-324, MCA Powers and duties
- § 20-4-204, MCA Termination of tenure teacher services
- § 20-4-207, MCA Dismissal of teacher under contract
- § 39-2-903, MCA Definitions
- § 45-8-361, MCA Possession or allowing possession of a weapon in school building – exceptions – penalties – seizure and forfeiture or return authorized – definitions.
Substitutes

The Board will regularly approve a list of acceptable substitutes that meet the guidelines as prescribed in this policy. Appearance on the substitute list does not guarantee employment.

The Board authorizes the use of substitute teachers that appear on the list to replace teachers who are temporarily absent. The principal shall arrange for the substitute to work for the absent teacher. Under no condition is a teacher to select or arrange for their own substitute. A substitute teacher may be employed to carry on a teacher’s duties not to exceed 35 consecutive teaching days.

If the absence of the regular, licensed or authorized teacher continues for more than 35 consecutive teaching days, the board of trustees shall place a licensed teacher under contract or seek an emergency authorization of employment in accordance with Administrative Rules of Montana 10.57.107.

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

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

All substitute teachers will be required to undergo fingerprint and background checks prior to being placed in the classroom.

Legal Reference: Admin. R. Mont. 10.55.716 Substitute teachers
Leaves of Absence

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

Sick and Bereavement Leave

Certified employees will be granted sick and bereavement leave according to terms of their collective bargaining agreement.

Administrators will be granted sick and bereavement leave according to the terms of their individual contracts and board policies.

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. Immediate family is defined as an employee’s spouse and any member of the employee’s household, or any parent, child, grandparent, grandchild, or corresponding in-law.

Sick leave may be used by an employee when they are unable to perform job duties because of:

- A physical or mental illness, injury, or disability;
- Maternity or pregnancy-related disability or treatment, including prenatal care, birth, or medical care for the employee or the employee’s child;
- Parental leave for a permanent employee as provided in § 2-18-606, MCA;
- Quarantine resulting from exposure to a contagious disease;
- Examination or treatment by a licensed health care provider;
- Short-term attendance, in an agency’s discretion, to care for a person (who is not the employee or a member of the employee’s immediate family) until other care can reasonably be obtained;
• Necessary care for a spouse, child or parent with a serious health condition, as defined in the Family and Medical Leave Act of 1993; or

• Death or funeral attendance of an immediate family member or, at an agency’s discretion, another person.

**Personal and Emergency Leave**

Certified employees will be granted personal and emergency leave according to the terms of their teaching contracts. Administrators will be granted personal and emergency leave pursuant to the terms of their individual contracts, or at the discretion of the Board. Classified staff may be granted personal and emergency leave pursuant to the terms and conditions stated in the current classified staff handbook. Personal and emergency leave is without pay unless otherwise stated.

**Civic Duty Leave/**

Leaves for service on either a jury or in the Legislature will be granted in accordance with state and federal law.

An employee who is summoned to jury duty or subpoenaed to serve as a witness may elect to receive regular salary or to take annual leave during jury time. An employee who elects not to take annual leave, however, must remit to the District all juror and witness fees and allowances (except for expenses and mileage). The District may request the court to excuse an employee from jury duty, when an employee is needed for proper operation of the school.

**Legal Reference:**

- 42 U.S.C §2000e Equal Employment Opportunities
- § 2-18-601(15), MCA Definitions
- § 2-18-618, MCA Sick leave
- § 2-18-619, MCA Jury Duty – Service as Witness
- § 39-2-104, MCA Mandatory Leave of Absence for employees
- § 49-2-310, MCA Holding public office
- § 49-2-311, MCA Maternity leave – unlawful acts of employers
- § 49-2-311, MCA Reinstatement to job following pregnancy-related leave of absence
Conditions for Use of Leave

Certified staff may use sick leave for those instances listed in the current collective bargaining agreement. Classified staff may use sick leave for illness; injury; medical disability; maternity-related disability, including prenatal care, birth, miscarriage, or abortion; parental leave for a permanent employee as provided in § 2-18-606, MCA; quarantine resulting from exposure to contagious disease; medical, dental, or eye examination or treatment; necessary care of or attendance to an immediate family member or, at the District’s discretion, another relative for the above reasons until other attendants can reasonably be obtained; and death or funeral attendance for an immediate family member. Leave without pay may be granted to employees upon the death of persons not included in this list.

Accrual and Use of Sick Leave Credits

Certified employees will accrue and may use their sick leave credits according to the current collective bargaining agreement.

Classified employees serving in positions that are permanent full-time, seasonal full-time, or permanent part-time are eligible to earn sick leave credits, which will accrue from the first (1st) day of employment. A classified employee must be employed continuously for a qualifying period of ninety (90) calendar days in order to use sick leave. Unless there is a break in service, an employee only serves the qualifying period once. After a break in service, an employee must again complete the qualifying period to use sick leave. Sick leave may not be taken in advance nor may leave be taken retroactively. A seasonal classified employee may carry over accrued sick leave credits to the next season if management has a continuing need for the employee or, alternatively, may be paid a lump sum for accrued sick leave credits when the season ends.

Employees, whether classified or certified, simultaneously employed in two (2) or more positions, will accrue sick leave credits in each position according to the number of hours worked or a proration of the contract (in the case of certified) worked. Leave credits will be used only from the position in which the credits were earned and with approval of the supervisor or appropriate authority for that position. Hours in a pay status paid at the regular rate will be used to calculate leave accrual. Sick leave credits will not accrue for those hours exceeding forty (40) hours in a workweek, which are paid as overtime hours or recorded as compensatory time. A full-time employee will not earn less than nor more than the full-time sick leave accrual rate provided classified employees.

When an employee who has not worked the qualifying period for use of sick leave takes an approved continuous leave of absence without pay in excess of fifteen (15) working days, the amount of time an employee is on leave of absence will not count toward completion of the qualifying period. The approved leave of absence exceeding fifteen (15) working days is not a break in service, and the employee will not lose any accrued sick leave credits nor lose credit for time
earned toward the qualifying period. An approved continuous leave of absence without pay of fifteen (15) working days or less will be counted as time earned toward the ninety-(90)-day qualifying period.

**Calculation of Sick Leave Credits**

Certified employees will earn sick leave credits at the rate stated in the current collective bargaining agreement.

Full-time classified employees will earn sick leave credits at the rate of twelve (12) working days for each year of service. Sick leave credits will be prorated for part-time employees who have worked the qualifying period. The payroll office will refine this data by keeping records per hour worked.

**Lump-Sum Payment on Termination of Classified Employees**

When a classified employee terminates employment with the District, the employee is entitled to cash compensation for one-fourth (¼) of the employee’s accrued and unused sick leave credits, provided the employee has worked the qualifying period. The value of unused sick leave is computed based on the employee’s salary rate at the time of termination.

**Industrial Accident**

An employee who is injured in an industrial accident may be eligible for workers’ compensation benefits. Use of sick leave must be coordinated with receipt of workers’ compensation benefits on a case-by-case basis, by contacting the Montana Schools Group Workers’ Compensation Risk Retention Program (WCRRP).

**Sick Leave Substituted for Annual Leave**

A classified employee who qualifies for use of sick leave while taking approved annual vacation leave, may be allowed to substitute accrued sick leave credits for annual leave credits. Medical certification of the illness or disability may be required.

Legal Reference:

- § 2-18-601(15), MCA Definitions
- § 2-18-618, MCA Sick Leave
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.


§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
Breastfeeding in the Workplace

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

Discrimination and harassment of breastfeeding mothers in any form is unacceptable and will not be tolerated at the Alberton Joint School District #2. Any incident of harassment of a breastfeeding employee will be addressed in accordance with the District’s Uniform Grievance Procedure.

Time to Express Milk or Breastfeed (Lactation Time)

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

Space and Equipment for Expressing Milk or Breastfeeding

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

The Lactation Area will:

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

Legal Reference:

§ 39-2-215, MCA Public employer policy on support of women and breastfeeding – unlawful discrimination

§ 39-2-216, MCA Private place for nursing mothers

§ 39-2-217, MCA Break time for nursing

§ 50-19-501, MCA Nursing mother and infant protection

Cross References: Policy 1700 Uniform Complaint Procedure
Family Medical Leave

Employees are eligible for benefits under the Family Medical Leave Act when the District has fifty (50) or more employees. The Alberton Joint School District #2 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
Long-Term Illness/Temporary Disability Leave

Employees may use sick leave for long-term illness or temporary disability, and, upon the expiration of sick leave, the Board may grant eligible employees leave without pay if requested. Medical certification of the long-term illness or temporary disability may be required, at the Board’s discretion.

Leave without pay arising out of any long-term illness or temporary disability shall commence only after sick leave has been exhausted. The duration of leaves, extensions, and other benefits for privileges such as health and long-term illness, shall apply under the same conditions as other long-term illness or temporary disability leaves.

The Superintendent shall devise procedures within the intent of Title VII of the 1964 Civil Rights Act as amended in 1978 by the Pregnancy Discrimination Act, and within the scope of applicable law and court rulings in the state of Montana.
Long-Term Illness/Temporary Disability Leave

The following procedures will be used when an employee has a long-term illness or temporary disability, including maternity:

1. When any illness or temporarily disabling condition is “prolonged,” an employee will be asked by the administration to produce a written statement from a physician, stating that the employee is temporarily disabled and is unable to perform the duties of his/her position until such a time.

2. In the case of any other extended illness, procedures for assessing the probable duration of the temporary disability will vary. The number of days of disability will vary according to different conditions, individual needs, and the assessment of individual physicians. Normally, however, the employee should expect to return on the date indicated by the physician, unless complications develop which are further certified by a physician.
Maternity Leave

Long-term illness or temporary disability shall be construed to include pregnancy, miscarriage, childbirth and recovery therefrom. Maternity leave includes only continuous absence immediately prior to delivery, absence for delivery, and absence for post-delivery recovery, or continuous absence immediately prior to and in the aftermath of miscarriage or other pregnancy-related complications.

It is unlawful for an employer to refuse to grant an employee a reasonable leave of absence for pregnancy. In determining the reasonableness which shall apply to a request for a leave of absence for a pregnancy, an employer shall apply standards at least as inclusive as those which have been applied to requests for leave of absence for any other valid medical reason. The Alberton Joint School District #2 has determined that maternity leave shall not exceed twelve (12) weeks unless mandated otherwise by the employee’s physician.

It is also unlawful for an employer to deny to the employee who is disabled as a result of pregnancy any compensation to which the employee is entitled as a result of the accumulation of disability or leave benefits accrued pursuant to plans maintained by the employer, provided that the employer may require disability as a result of pregnancy to be verified by medical certification that the employee is not able to perform employment duties.

As a disabling condition, maternity leave is not available to fathers.

An employee who has signified her intent to return at the end of her maternity leave of absence shall be reinstated to her original job or an equivalent position with equivalent pay and accumulated seniority, retirement, fringe benefits, and other service credits.

Legal Reference: § 49-2-310, MCA Maternity leave – unlawful acts of employers
§ 49-2-311, MCA Reinstatement to job following pregnancy-related leave of absence
Admin. R. Mont. 24.9.1201—1207 Maternity Leave
Insurance Benefits for Employees

Certified employees are eligible for insurance benefits offered by the District as stated in the current collective bargaining agreement. Classified employees who are regularly scheduled to work twenty hours per week or more, and whose positions are eligible for insurance benefit, will receive group health insurance benefits contributions on the same basis as the certified staff.

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

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

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

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

When one of the above holidays falls on Sunday, the following Monday will not be a holiday. When one of the above holidays falls on Saturday, the preceding Friday will not be a holiday.

When a holiday occurs during a period in which vacation is being taken by an employee, the holiday will not be charged against the employee’s annual leave.

Legal Reference: § 20-1-305, MCA School holidays
Vacations

Classified employees, Business Managers/District Clerks, and Superintendents will accrue annual vacation leave benefits in accordance with §§ 2-18-611, 2-18-612, 2-18-614 through 2-18-617 and 2-18-621, MCA. Nothing in this policy guarantees approval for granting specific days as annual vacation leave in any instance. The District will judge each request for vacation in accordance with staffing needs.

Employees are not entitled to any vacation leave with pay until they have been continuously employed for a period of six (6) calendar months.

The District, in its sole discretion and/or subject to the terms of the collective bargaining agreement, may provide cash compensation for unused vacation leave in lieu of the accumulation of vacation leave.

Legal Reference: § 2-18-611, MCA Annual vacation leave
§ 2-18-612, MCA Rate earned
§ 2-18-617, MCA Accumulation of leave – cash for unused – transfer
Vacations

All classified employees, except those in a temporary status, serving more than six (6) months, are eligible to earn vacation leave credits retroactive to the date of employment. Leave credits may not be advanced nor may leave be taken retroactively. A seasonal employee’s accrued vacation leave credits may be carried over to the next season, if management has a continuing need for the employee, or paid out as a lump-sum payment to the employee when the season ends (generally in June). The employee may request a lump-sum payment at the end of each season.

Vacation is earned according to the following schedule:

RATE-EARNED SCHEDULE

<table>
<thead>
<tr>
<th>Years of Employment</th>
<th>Working Days Credit per Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 day - 10 years</td>
<td>15</td>
</tr>
<tr>
<td>10 - 15 years</td>
<td>18</td>
</tr>
<tr>
<td>15 - 20 years</td>
<td>21</td>
</tr>
<tr>
<td>20 years on</td>
<td>24</td>
</tr>
</tbody>
</table>

Time as an elected state, county, or city official, as a school teacher, or as an independent contractor, does not count toward the rate earned. For purposes of this paragraph, an employee of a district or the university system is eligible to have school district or university employment time count toward the rate-earned schedule, if that employee was eligible for annual leave in the position held with the school district or university system.

Maximum Accrual of Vacation Leave

All full-time and part-time employees serving in permanent and seasonal positions may accumulate two (2) times the total number of annual leave credits they are eligible to earn per year, according to the rate-earned schedule.

Sick Leave Bank

An employee may contribute accumulated vacation leave to the sick leave bank provided for in § 2-18-618, MCA. Donation of vacation leave credits to and use of vacation leave credits in the sick leave bank are governed by terms of the current collective bargaining agreement.
Annual Pay-Out

The District may, in its sole discretion and/or subject to the terms of a collective bargaining agreement, provide cash compensation in January of each year for unused vacation leave in lieu of the accumulation of vacation leave.

Lump-Sum Payment Upon Termination

An employee who terminates employment for reasons not reflecting discredit on the employee shall be entitled, upon the date of such termination, to cash compensation for unused vacation leave, assuming that the employee has worked the qualifying periods set forth in § 2-18-611, MCA. The District shall not pay accumulated leaves to employees who have not worked the qualifying period. Vacation leave contributed to the sick leave bank is nonrefundable and is not eligible for cash compensation upon termination.

Legal Reference: §§ 2-18-611 ---- § 2-18-618, MCA Leave Time
Alberton Joint School District #2

Fair labor Standards Act

Compensatory Time and Overtime for Classified Employees

Non-exempt classified employees who work more than forty (40) hours in a given workweek may receive overtime pay of one and one-half (1½) 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 (1½) times all hours worked in excess of forty (40) hours in any workweek. The Superintendent must approve any overtime work of a classified employee.

Under Montana law and the Federal Fair Labor Standards Act, a classified employee may not volunteer to work without pay in an assignment similar to the employee’s regular work.

A non-exempt employee who works overtime without authorization may be subject to disciplinary action.

Record-Keeping Requirements Under the Fair Labor Standards Act

1. Records required for ALL employees:
   A. Name in full (same name as used for Social Security);
   B. Employee’s home address, including zip code;
   C. Date of birth if under the age of nineteen (19);
   D. Sex (may be indicated with Male/Female, M/F, Mr./Mrs./Miss/Ms.);
   E. Time of day and day of week on which the employee’s workweek begins;
   F. Basis on which wages are paid (such as $5/hour, $200/week, etc.);
   G. Any payment made which is not counted as part of the “regular rate”;
   H. Total wages paid each pay period.
   I. Occupation

2. Additional records required for non-exempt employees:
   A. Regular hourly rate of pay during any week when overtime is worked;
   B. Hours worked in any workday (consecutive twenty-four-(24)-hour period);
   C. Hours worked in any workweek (or work period in case of 207[k]);
   D. Total daily or weekly straight-time earnings (including payment for hours in excess of forty (40) per week but excluding premium pay for overtime);
   E. Total overtime premium pay for a workweek;
   F. Date of payment and the pay period covered;
   G. Total deductions from or additions to wages each pay period;

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H. Itemization of dates, amounts, and reason for the deduction or addition, maintained on an individual basis for each employee;
I. Number of hours of compensatory time earned each pay period;
J. Number of hours of compensatory time used each pay period;
K. Number of hours of compensatory time compensated in cash, the total amount paid, and the dates of such payments;
L. The collective bargaining agreements which discuss compensatory time, or written understandings with individual non-union employees.

Legal Reference: 29 U.S.C § 201, et seq. Fair Labor Standards Act
ARM, 24.9.805 Employment Records
Title 39, Chapter 3, Part 4 Minimum Wage and Overtime Compensation
Admin. R. Mont. 24.16.2501—2581 Overtime Compensation
Employee use of Electronic Mail, Internet, Networks, and District Equipment

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.

The District e-mail and Internet systems are intended to be used for educational purposes only, and employees have no expectation of privacy. Employees have no expectation of privacy in district owned technology equipment, including but not limited to district-owned desktops, laptops, memory storage devices, and cell phones.

Users of District 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 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 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 shall not leave the terminal “signed on” when unattended and may not leave their password available in an obvious place near the terminal or share their password with anyone except the system administrator. The District reserves the right to bypass individual passwords at any time and to monitor the use of such systems by employees.

Additionally, District records and e-mail/Internet records are subject to disclosure to law enforcement or government officials or to other third parties through subpoena or other process. Consequently, the District retains the right to access stored records in cases where there is reasonable cause to expect wrongdoing or misuse of the system and to review, store, and disclose all information sent over the District e-mail systems for any legally permissible reason, including but not limited to determining whether the information is a public record, whether it contains information discoverable in litigation, and to access District information in the employee’s
absence. Employee e-mail/Internet messages may not necessarily reflect the views of the
District.

All District employees should be aware that e-mail messages can be retrieved, even if they have
been deleted, and that statements made in e-mail communications can form the basis of various
legal claims against the individual author or the District.

All e-mail/Internet records are considered District records and should be transmitted only to
individuals who have a need to receive them. E-mail sent or received by the District or the
District’s employees may be considered a public record subject to public disclosure or
inspection. All District e-mail and Internet communications may be monitored.

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

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

When a District employee separates from employment, wages owed will be paid on the next regular pay day for the pay period in which the employee left employment or within fifteen (15) days, whichever occurs first.

In the case of an employee discharged for allegations of theft connected to the employee’s work, the District may withhold the value of the theft, provided:

- The employee agrees in writing to the withholding; or
- The District files a report of the theft with law enforcement within seven (7) business days of separation.

If no charges are filed within thirty (30) days of the filing of a report with law enforcement, wages are due within a thirty-(30)-day period.

Legal Reference: § 39-3-205, MCA Payment of wages when employee separated from employment prior to payday – exceptions
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

The Superintendent 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:

Superintendent
Alberton Joint School District #2
PO Box 330
Alberton, MT 59820

Legal Reference: 45 C.F.R. Parts 160, 162, 164
Employee Use of Mobile Devices

The Board recognizes that the use of mobile devices may be appropriate to help ensure the safety and security of District property, students, staff, and others while on District property or engaged in District-sponsored activities.

District-owned mobile devices will be used for authorized District business purposes. Unauthorized personal use of such equipment is prohibited except in emergency situations. Use of mobile devices in violation of Board policies, administrative regulations, and/or state/federal laws will result in discipline up to and including termination of employment.

District employees are prohibited from using mobile devices while driving or otherwise operating District-owned motor vehicles, or while driving or otherwise operating personally-owned vehicles for school district purposes.

Emergency Use

Staff are encouraged to use any available mobile device in the event of an emergency that threatens the safety of students, staff, or other individuals.

Use of Personal Mobile Devices

Employees are prohibited from using their personal mobile devices during the instructional period for non-instructional purposes. When necessary, employees may use their personal mobile devices only during non-instructional time. In no event shall an employee’s use of a mobile device interfere with the employee’s job obligations and responsibilities. If such use is determined to have interfered with an employee’s obligations and responsibilities, the employee may be disciplined in accordance with the terms of the collective bargaining agreement and Board policies.
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<thead>
<tr>
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<td>Superintendent – Duties and Authority</td>
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<td><strong>R 6110P</strong></td>
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<td>Principal</td>
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<tr>
<td><strong>6420</strong></td>
<td>Professional Growth and Development</td>
</tr>
</tbody>
</table>
Goals and Objectives

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

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

Legal References:
- Mont. Const. Art. X, § 8
- § 20-2-324, MCA  Powers and duties
- § 20-4-402, MCA  Duties of district superintendent
- 10.55.701, ARM  Board of Trustees
Superintendent - Duties and Authority

The Superintendent is the District’s executive officer and is responsible for the administration and management of District schools, in accordance with Board policies and directives and state and federal law. The Superintendent is authorized to develop administrative procedures to implement Board policy and to delegate duties and responsibilities; however, delegation of a power or duty does not relieve the Superintendent of responsibility for that which was delegated.

Qualifications and Appointment

The Superintendent will have the experience and skills necessary to work effectively with the Board, District employees, students, and the community. The Superintendent must be appropriately licensed and endorsed in accordance with state statutes and Board of Public Education rules; or considered appropriately assigned if the Superintendent is enrolled in an internship program as defined in ARM 10.55.602 and meets the requirements of ARM 10.55.607 and ARM 10.55.702.

Evaluation

The Board will conduct a formal evaluation of the Superintendent each year by the end of December, using standards and objectives developed by the Superintendent and the Board, which are consistent with District mission and goal statements. The Superintendent or the Board may request, and the Board may conduct, additional informal evaluations.

Compensation and Benefits

The Board and the Superintendent will enter into a contract which conforms to this policy and state law. The contract will govern the employment relationship between the Board and the Superintendent.

Legal Reference:

§ 20-4-402, MCA  Duties of district superintendent or county high school principal
ARM 10.55.602  Definition of Internship
ARM 10.55.607  Internships
ARM 10.55.701  Board of Trustees
ARM 10.55.702  Licensure and Duties of District Administrator – District Superintendent

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### Superintendent – Board Responsibilities

<table>
<thead>
<tr>
<th>The Board will:</th>
<th>The Superintendent will:</th>
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</thead>
<tbody>
<tr>
<td>Select the Superintendent and delegate to him/her all necessary administrative powers.</td>
<td>Serve as chief executive officer of the District.</td>
</tr>
<tr>
<td>Adopt policies for the operations of the school system and review administrative procedures.</td>
<td>Recommend policies or policy changes to the Board and develop procedures which implement Board policy.</td>
</tr>
<tr>
<td>Formulate a statement of goals reflecting the philosophy of the District.</td>
<td>Provide leadership in the development, operation, supervision, and evaluation of the educational program.</td>
</tr>
<tr>
<td>Approve courses of study.</td>
<td>Recommend courses of study.</td>
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<tr>
<td>Approve textbooks.</td>
<td>Recommend textbooks.</td>
</tr>
<tr>
<td>Approve the annual budget.</td>
<td>Prepare and submit the annual budget.</td>
</tr>
<tr>
<td>Employ certificated and classified staff, in its discretion, upon recommendation of the Superintendent.</td>
<td>Recommend candidates for employment as certificated and classified staff.</td>
</tr>
<tr>
<td>Authorize the allocation of certificated and classified staff.</td>
<td>Recommend staff needs based on student enrollment, direct and assign teachers and other employees of the schools under his/her supervision; shall organize, reorganize, and arrange the administrative and supervisory staff, including instruction and business affairs, as best serves the District, subject to the approval of the Board.</td>
</tr>
<tr>
<td>Approve contracts for major construction, remodeling, or maintenance.</td>
<td>Recommend contracts for major construction, remodeling, or maintenance.</td>
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<tr>
<td>Approve payment of vouchers and payroll.</td>
<td>Recommend payment of vouchers and payroll.</td>
</tr>
<tr>
<td>Approve proposed major changes of school plant and facilities.</td>
<td>Prepare reports regarding school plant and facilities needs.</td>
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<tr>
<td>The Board will:</td>
<td>The Superintendent will:</td>
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<td>----------------------------------------------------------------</td>
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<tr>
<td>Assure that appropriate criteria and processes for evaluating staff are in place.</td>
<td>Establish criteria and processes for evaluating staff.</td>
</tr>
<tr>
<td>Appoint citizens and staff to serve on special Board committees, if necessary.</td>
<td>Recommend formation of <em>ad hoc</em> citizens’ committees.</td>
</tr>
<tr>
<td>Conduct regular meetings.</td>
<td>As necessary, attend all Board meetings and all Board and citizen committee meetings, serve as an ex-officio member of all Board committees, and provide administrative recommendations on each item of business considered by each of these groups.</td>
</tr>
<tr>
<td>Serve as final arbitrator for staff, citizens, and students.</td>
<td>Inform the Board of appeals and implement any such forthcoming Board decisions.</td>
</tr>
<tr>
<td>Promptly refer to the Superintendent all criticisms, complaints, and suggestions called to its attention.</td>
<td>Respond and take action on all criticism, complaints, and suggestions, as appropriate.</td>
</tr>
<tr>
<td>Authorize the ongoing professional enrichment of its administrative leader, as feasible.</td>
<td>Undertake consultative work, speaking engagements, writing, lecturing, or other professional duties and obligations.</td>
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<tr>
<td>Approve appropriate District expenditures recommended by the Superintendent for the purpose of ongoing District operations.</td>
<td>Diligently investigate and make purchases that benefit the most efficient and functional operation of the District.</td>
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District Organization

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

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

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

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

Unless otherwise specified, the Superintendent has the authority to designate a staff member to serve in an official capacity for the implementation of District policies or as his/her personal representative. This authorization will include those responsibilities appropriate for the position as designated or directed by the Superintendent.
Alberton Joint School District #2

6210 - R
ADMINISTRATION

Principal

Qualifications
All administrative personnel must be appropriately licensed and endorsed in accordance with state statutes and Board of Public Education rules, or be considered appropriately assigned if the administrator is enrolled in an internship as defined in ARM 10.55.602 and meets the requirements of ARM 10.55.607, and must meet other qualifications as specified in their position’s job description.

Administrative Work Year
The administrators’ work year will correspond with the District’s fiscal year, unless otherwise stated in an employment agreement. In addition to legal holidays, the administrators will have vacation periods as approved by the Superintendent.

Compensation and Benefits
Administrators will receive compensation and benefits as stated in their employment agreements.

Duties
The principal is the chief administrator of their assigned school and is responsible for the day-to-day operation of their building. The primary responsibility of Principals is the development and improvement of instruction. The majority of the Principals’ time shall be spent on curriculum and staff development through formal and informal activities, establishing clear lines of communication regarding the school rules, accomplishments, practices, and policies with parents and teachers. The Principal is responsible for management of the staff, maintenance of the facility and equipment, administration of the educational program, control of the students attending the school, management of the school’s budget, and communication between the school and the community, and enforcement of District policy.

Principals will be evaluated in accordance with ARM 10.55.701(4)(a)(b).

Legal Reference: § 20-4-403, MCA Powers and duties of principal
10.55.701, ARM Board of Trustees
10.55.703, ARM Licensure and Duties of School Principal

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Professional Growth and Development

The Board recognizes that training and study for administrators contribute to skill development necessary to better serve the District’s needs.

The Administrator is encouraged to be a member of and participate in professional associations which have as their purposes the upgrading of school administration and the continued improvement of education in general.

Legal Reference: § 20-1-304, MCA Pupil-instruction-related day
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Nonresident Student Attendance Agreement (Tuition/Transportation Costs)

Whenever a nonresident student is to be enrolled in the District, either by choice or by placement, an attendance agreement must be filed with the Board. Terms of the agreement must include tuition rate, the party responsible for paying tuition and the schedule of payment, transportation charges, if any, and the party responsible for paying transportation costs.

Tuition rates shall be determined annually, consistent with Montana law and approved by the Board.

Cross Reference: 3141 Discretionary Nonresident Student Attendance Policy

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
10.10.301, ARM Calculating Tuition Rates
Budget and Program Planning

The annual budget is evidence of the Board’s commitment to the objectives of the instruction programs. The budget supports immediate and long-range goals and established priorities within all areas – instructional, non-instructional, and administrative programs.

Before presentation of a proposed budget for adoption, the Superintendent, in conjunction with the district clerk will prepare, for the Board’s consideration, recommendations (with supporting documentation) designed to meet the needs of students, within the limits of anticipated revenues.

Program planning and budget development may provide for staff participation and the sharing of information with patrons before any action by the Board.
Revenues

The District will seek and utilize all available sources of revenue for financing its educational programs, including revenues from non-tax, local, state, and federal sources. The District will properly credit all revenues received to appropriate funds and accounts as specified by federal and state statutes and accounting and reporting regulations for Montana school districts.

The District will collect and deposit all direct receipts of revenues as necessary but at least once monthly. The District will make an effort to collect all revenues due from all sources, including but not limited to rental fees, bus fees, fines, tuition fees, other fees and charges. Uncollectible checks may be turned over to the county attorney for collection.

Legal Reference:  
Title 20, Chapter 9, MCA Finance  
Title 10, Chapter 10, ARM Special Accounting Practices
Crowdfunding Proposals

All crowdfunding requests and receivables are governed and supervised by board policy. Crowdfunding endeavors are generally viewed as beneficial when coordinated with district goals, initiatives, and existing plans. Proposals, products, and resources generated through crowdfunding must receive prior approval from the Superintendent or designee. Approvals for proposals or gifted resources may be denied based upon but not limited to: technology, curricular, and/or activities incompatibility; long term sustainability concerns regarding materials, service, and/or staffing; conflicts with district initiatives, state or federal law.

If a proposal is successfully funded:

- The author(s) shall immediately notify the building principal or Superintendent.
- A check should be requested to be mailed to the school in the name of the school, not to an individual person.
- All gifts, grants, bequests and contributions must be officially accepted in accordance with Policy 7260 (Endowments, Gifts, and Investments).
- All non-monetary items (supplies, equipment, etc.) obtained are the property of the Alberton Joint School District #2 and all inventory procedures apply, and, if applicable, will remain in the school where the author(s) was (were) located at time of the grant award.
- All monetary donations should be recorded by the business manager/clerk in the Schools Funds accounting system at each school.

A file is to be maintained at the school for any crowdfunding request. This file should include: the principal’s/administrator’s fundraising approval form, the written detail of the projects as well as what is posted on the platform website, any photos or images posted with the project and a copy of all agreements and permission forms.

Only district related/approved groups are permitted to operate under this policy and that non-District groups may not use the District’s name, network or infrastructure to conduct online fundraising.

As public employees, staff members are subject to Montana public employees ethics laws. Staff members may not solicit or accept material, cash, or equipment intended for personal use from individuals or through a crowd source effort that could be considered a gift of substantial value or that otherwise violates the ethics statutes.
Cross Reference: Policy 7260  Endowments, Gifts, and Investments

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Disposal and Sale of School District Property

Without a Vote

The Board is authorized to dispose of a site, building, or any other real or personal property of the District, that is or is about to become abandoned, obsolete, undesirable, or unsuitable for school purposes.

To effect proper disposal, the trustees shall pass a resolution stating their decision concerning property disposal. The resolution will not become effective until fourteen (14) days after the resolution is published in a newspaper of general circulation in the District.

Should any taxpayer properly protest the resolution during the fourteen (14) days after the date of publication, the trustees shall submit testimony to the court with jurisdiction.

Once the resolution is effective, or if appealed the decision has been upheld by the court, the trustees shall sell or dispose of the real or personal property in a reasonable manner determined to be in the best interests of the District. Proceeds from the sale of fixed assets can be deposited to the general, debt service, building, or any other appropriate fund.

With a Vote

Unless the property can be disposed of without a vote, the Board has the power to dispose of all District property, only when the qualified electors of the District approve of such action at an election called for such approval or when the trustees adopt a resolution stating their intention to dispose of the property. When the trustees adopt such a resolution, they shall schedule a meeting to consider a resolution to authorize the sale of the real property. The conduct of the meeting and any such subsequent appeals shall be in accord with § 20-6-604, MCA.

The money realized from the sale or disposal of real or personal property of the district must be credited to the debt service fund, building fund, general fund, or other appropriate fund, at the discretion of the trustees.

Legal Reference:  § 20-6-603, MCA  Trustees’ authority to acquire or dispose of sites and buildings – when election required  § 20-6-604, MCA  Sale of property when resolution passed after hearing – appeal procedure
Endowments, Gifts, and Investments

The Board may accept gifts, endowments, legacies, and devises subject to the lawful conditions imposed by the donor. Endowments received by the District will be deposited to an endowment fund as an expendable or nonexpendable trust. Neither the Board nor the Superintendent will approve any gifts that are inappropriate. Unless conditions of an endowment instrument require immediate disbursement, the Board will invest money deposited in the endowment fund according to the provisions of the Uniform Management of Institutional Funds Act (Title 72, chapter 30, MCA).

The Board authorizes the Superintendent to establish procedures for determining the suitability or appropriateness of all gifts received and accepted by the District.

Once accepted, donated funds are public funds subject to state law. Donated funds may not be transferred to a private entity. Benefactors may not adjust or add terms or conditions to donated funds after the donation has been accepted.

The Board directs that all school funds be invested in a prudent manner so as to achieve maximum economic benefit to the District. Funds not needed for current obligations may be invested in investment options as set out in Montana statutes, whenever it is deemed advantageous for the District to do so.

Educational Foundations may exist in the community, but are not managed, directed, or approved by the Board of Trustees.

Legal Reference:

§ 20-6-601, MCA Power to accept gifts
§ 20-7-803, MCA Authority to accept gifts
§ 20-9-212, MCA Duties of county treasurer
§ 20-9-213(4), MCA Duties of trustees
§ 20-9-604, MCA Gifts, legacies, devises, and administration of endowment fund
§ 72-30-209, MCA Appropriation for expenditure or accumulation of endowment fund – rules of construction
Alberton Joint School District #2

7310 FINANCIAL MANAGEMENT

Budget Implementation and Execution

Once adopted by the Board, the operating budget shall be administered by the Superintendent’s designees. All actions of the Superintendent/designees in executing programs and/or activities delineated in that budget are authorized according to these provisions:

1. Expenditure of funds for employment and assignment of staff shall meet legal requirements of the state of Montana and adopted Board policies.

2. Funds held for contingencies may not be expended without Board approval.

3. A listing of warrants describing goods and/or services for which payment has been made must be presented for Board ratification each month.

4. Purchases will be made according to the legal requirements of the state of Montana and adopted Board policy.

Legal Reference:

§ 20-3-332, MCA Personal immunity of trustees

§ 20-9-213, MCA Duties of trustees
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 $20,000, 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 Clerk will
establish requisition and purchase order procedures to control and maintain proper accounting of
expenditure of funds. Staff who obligate the District without proper authorization may be held
personally responsible for payment of such obligations.

Bids and Contracts

Whenever it is in the interest of the District, the District will execute a contract for any building
furnishing, repairing, purchasing or other work for the benefit of the District. If the sum of the
contract or work exceeds Eighty Thousand Dollars ($80,000), the District will call for formal
bids by issuing public notice as specified in statute. Specifications will be prepared and made
available to all vendors interested in submitting a bid. The contract shall be awarded to the
lowest responsible bidder, except that the trustees may reject any or all bids as per § 18-4-307,
MCA as stated below in the legal reference. The Board, in making a determination as to which
vendor is the lowest responsible bidder, will take into consideration not only the amount of each
bid, but will also consider the skill, ability, and integrity of a vendor to do faithful, conscientious
work and to promptly fulfill the contract according to its letter and spirit. Bidding requirements
do not apply to a registered professional engineer, surveyor, real estate appraiser, or registered
architect; a physician, dentist, pharmacist, or other medical, dental, or health care provider; an
attorney; a consulting actuary; a private investigator licensed by any jurisdiction; a claims
adjuster; or an accountant licensed under Title 37, Chapter 50.

Advertisement for bid must be made once each week for two (2) consecutive weeks, and a
second (2nd) publication must be made not less than five (5) nor more than twelve (12) days
before consideration of bids.

The 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
§ 18-4-307, MCA Cancellation of invitations for bids or requests for proposals
§ 20-9-204, MCA Conflicts of interests, letting contracts, and calling for bids - exceptions
§ 20-10-110, MCA School Bus Purchases – contracts- bids
Debcon v. City of Glasgow, 305 Mont. 391 (2001)
Documentation and Approval of Claims

All financial obligations and disbursements must be documented in compliance with statutory provisions and audit guidelines. Documentation will specifically describe acquired goods and/or services, budget appropriations applicable to payment, and required approvals. All purchases, encumbrances and obligations, and disbursements must be approved by the administrator designated with authority, responsibility, and control over budget appropriations. The responsibility for approving these documents cannot be delegated.

The District business office is responsible for developing procedures and forms to be used in the requisition, purchase, and payment of claims.
Payroll Procedures/Schedules

The District will establish one (1) or more days in each month as fixed paydays for payment of wages in accord with the current collective bargaining agreement or District practice. Employees may choose to have their salaries paid in full upon the last pay date following completion of their assignments or may annualize their pay. Employees who choose to receive payment of wages beyond the period in which the wages were earned (deferred payment) will be subject to Internal Revenue Service (IRS) penalties, unless they provide a written election of such deferral prior to (the first (1st) duty day) (July 1)\(^1\) of the year of deferral. Forms for such deferral shall be made available. Any change to the election must be made prior to the first (1st) duty day of the fiscal year of the deferment.

When a District employee quits, is laid off, or is discharged, wages owed will be paid on the next regular payday for the pay period in which the employee left employment or within fifteen (15) days from the date of separation of employment, whichever occurs first.

Cross Reference: 5500 Payment of Wages upon Termination

Legal Reference: § 409A, Internal Revenue Code, Deferred Compensation
Advertising in Schools/Revenue Enhancement

Revenue enhancement through a variety of District-wide and District-approved marketing activities, including but not limited to advertising, corporate sponsorship, signage in or on District facilities, is a Board-approved venture. The Board may approve such opportunities subject to certain restrictions in keeping with the community standards of good taste. Advertising will model and promote positive values for District students through proactive educational messages and not be simply traditional advertising of a product. Preferred advertising includes messages encouraging student achievement and establishment of high standards of personal conduct.

All sponsorship contracts will allow the District to terminate the contract on at least an annual basis, if it is determined that it will have an adverse impact on implementation of curriculum or the educational experience of students.

The revenue derived should:

- Enhance student achievement;
- Assist in maintenance of existing District athletic and activity programs; and
- Provide scholarships for students participating in athletic, academic, and activity programs, who demonstrate financial need and merit.

Appropriate opportunities for marketing activities include but are not limited to:

1. Fixed signage.
2. Banners.
3. District-level publications.
4. Television and radio broadcasts.
5. Athletic facilities, including stadiums, high school baseball fields, and high school gymnasiums.
6. District-level projects.
7. Expanded usage of facilities beyond traditional uses (i.e., concerts, rallies, etc.).
8. The interior and exterior of a limited number of District buses, if the advertising is associated with student art selected by the District. The only advertising information allowed will note sponsorship of the student art by the participant. Maintenance for these buses will include but not exceed normal maintenance costs.
9. Individual school publications (when not in conflict with current contracts).
Advertising will not be allowed in classrooms, other than corporate-sponsored curriculum materials approved subject to Board policy.

The following restrictions will be in place when seeking revenue enhancement. Revenue enhancement activities will not:

1. Promote hostility, disorder, or violence;
2. Attack ethnic, racial, or religious groups;
3. Discriminate, demean, harass, or ridicule any person or group of persons on the basis of gender;
4. Be libelous;
5. Inhibit the functioning of the school and/or District;
6. Promote, favor, or oppose the candidacy of any candidate for election, adoption of any bond/budget issues, or any public question submitted at any general, county, municipal, or school election;
7. Be obscene or pornographic, as defined by prevailing community standards throughout the District;
8. Promote the use of drugs, alcohol, tobacco, firearms, or certain products that create community concerns;
9. Promote any religious or political organization;
10. Use any District or school logo without prior approval.

Cross Reference: 2120 Curriculum Development and Assessment 2309 Library Materials 2311 Instructional Materials
Travel Allowances and Expenses

The District will reimburse employees and trustees for travel expenses while traveling outside the District and engaged in official District business. District employees who are not exempted by another policy will be reimbursed according to the current state levels pursuant to Montana law. All travel expenses must be reported on the established travel expense and approved by the employee’s supervisor and the Superintendent.

The District business office is responsible for development of procedures and forms to be used in connection with travel expense claims and reimbursements.

Personal Reimbursements

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

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

The District business office is responsible for developing procedures and forms to be used in processing claims for personal reimbursements.

Legal Reference: § 2-18-501, MCA Meals, lodging, and transportation of persons in state service
§ 2-18-502, MCA Computation of meal allowance
§ 2-18-503, MCA Mileage – allowance
IRS.gov
Extra- and Co-Curricular Funds

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

The Board shall follow the Student Activity Fund Accounting (published by the Montana Association of School Business Officials (MASBO)) in establishing accounting procedures for administration of student extra- and co-curricular funds and will appoint a fund administrator.

Legal Reference: § 2-7-503, MCA  Financial reports and audits of local government entities
§ 20-9-504, MCA  Extracurricular fund for pupil functions
Financial Reporting and Audits

The Board directs that financial reports of all District funds be prepared in compliance with statutory provisions and generally accepted accounting and financial reporting standards. In addition to reports required for local, state, and federal agencies, financial reports will be prepared monthly and annually and presented to the Board. Financial reports shall reflect financial activity and status of District funds.

Appropriate interim financial statements and reports of financial position, operating results, and other pertinent information will be prepared to facilitate management and control of financial operations.

The Board directs that District audits be conducted in accordance with Montana law. Each audit shall be a comprehensive audit of the affairs of the District and District funds. The audits shall comply with all statutory provisions and generally accepted governmental auditing standards. Each audit may be made every year and cover the immediately preceding fiscal year.

Legal Reference: §§ 2-7-501, et seq., MCA Audits of Political Subdivisions
§ 2-7-503, MCA Financial Reports and Audits of local government entities
§ 20-9-212, MCA Duties of county treasurer
§ 20-9-213, MCA Duties of trustees
Insurance Management

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

The insurance program shall include:

- Liability coverage to insure against any loss or liability of the District; Board members; employees; and volunteer personnel, by reason of civil rights damage claims and suits, statutory, contractual and constitutional rights damage claims and suits, and death and bodily injury and property damage claims and suits, including defense costs, when damages are sought for negligent or wrongful acts allegedly committed during the scope of employment or under the direction of the Board.

- Comprehensive property insurance covering a broad range of causes of loss involving building and personal property;

- Workers' Compensation to protect the individual employees against financial loss in case of a work-related injury, certain types of disease, or death incurred in an employee-related situation.

Legal Reference: § 2-9-211, MCA Political subdivision insurance

§ 20-10-109, MCA Liability insurance for school bus
Property Records

Property and inventory records will be maintained for all land, buildings, and physical property under District control and will be updated annually.

For purposes of this policy, “equipment” means a unit of furniture or furnishings, an instrument, a machine, an apparatus or a set of articles which retains its shape and appearance with use, is nonexpendable, and does not lose its identity when incorporated into a more complex unit. The Superintendent will ensure inventories of equipment are systematically and accurately recorded and updated annually. Property records of facilities and other fixed assets will be maintained on an ongoing basis. No equipment will be removed for personal or non-school use except in accordance with Board policy.

Property records will show, appropriate to the item recorded, the:

1. Description and identification
2. Manufacturer
3. Date of purchase
4. Initial cost
5. Location
6. Serial number, if available
7. Model number, if available

Equipment may be identified with a permanent tag providing appropriate District and equipment identification.

Cross Reference: 7510 Capitalization Policy for Fixed Assets

Legal Reference: § 20-6-602, MCA Trustees’ power over property
§ 20-6-608, MCA Authority and duty of trustees to insure district property
Capitalization Policy for Fixed Assets

A fixed asset is a property that meets all the following requirements:

1. Must be tangible in nature;
2. Must have a useful life of longer than the current fiscal year; and
3. Must be of significant value.

Fixed assets may be acquired through donation, purchase, or may be self-constructed. The asset value for a donation will be the fair market value at the time of donation. The asset value for purchases will be the initial cost plus the trade-in value of any old asset given up, plus all costs related to placing the asset into operation. The cost of self-constructed assets will include both the cost of materials used and the cost of labor involved in construction of the asset.

The following significant values will be used for different classes of assets:

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<th>Class of Fixed Asset</th>
<th>Significant Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equipment and machinery</td>
<td>$5000.00 or more</td>
</tr>
<tr>
<td>Buildings - improvements</td>
<td>$5000.00 or more</td>
</tr>
<tr>
<td>Improvements other than to buildings</td>
<td>$5000.00 or more</td>
</tr>
<tr>
<td>Land</td>
<td>Any amount</td>
</tr>
</tbody>
</table>

Cross Reference: 7500 Property Records
Accounting Standards

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

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

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

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

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

The Board recognizes that good fiscal management comprises the foundational support of the entire District. To make that support as effective as possible, the Board intends to maintain a minimum fund balance of 8% of the District’s general fund operating expenditures. If a fund balance drops below 5%, the Superintendent shall promptly notify the Board of Trustees to take additional action.

The Board must annually review and approve this policy.

Legal References: Statement No. 54 of the Governmental Accounting Standards Board
Lease-Purchase Agreement

The trustees of a district can lease property with an option to purchase.

Personal property -- the lease cannot be more than seven (7) years.

Real property -- the lease cannot be more than fifteen (15) years.

The terms of the lease must comply with 20-6-625, MCA. If real property is acquired, the trustees shall comply with 20-6-603, MCA.

The trustees of any district may lease buildings or land suitable for school purposes when it is within the best interests of the district to lease the buildings or land from the county, municipality, another district, or any person. The term of the lease may not be for more than fifteen (15) years unless prior approval of the qualified electors of the district is obtained in the manner prescribed by law for school elections, in which case the lease may be for a term approved by the qualified electors, but not exceeding ninety-nine (99) years. Whenever the lease is for a period of time that is longer than the current school fiscal year, the lease requirements for the succeeding school fiscal years shall be an obligation of the final budgets for such years.

Cross Reference: Policy 7251 Disposal of school district property without a vote.

Legal Reference: § 20-6-603, MCA Trustees’ authority to acquire or dispose of sites and buildings – when election required.

§ 20-6-609, MCA Trustees’ authority to acquire property by lease-purchase agreement.

§ 20-6-625, MCA Authorization to lease buildings or land for school purposes.
Procurement of Supplies or Services

The Board adopts the following provisions of the Montana Procurement Act:

- § 18-4-303(8), MCA – Competitive sealed bidding. With the exception of construction contracts, allows the District to negotiate an adjustment of the bid price with the lowest responsible and responsive bid in order to bring the bid within the amount of available funds, if, and only if, all bids exceed available funds and the lowest responsible bid does not exceed available funds by more than five percent (5%).

- § 18-4-306, MCA – Sole source procurement. A contract may be awarded for a supply or service item without competition when, the District determines in writing that:
  (a) there is only one source for the supply or service item;
  (b) only one source is acceptable or suitable for the supply or service item; or
  (c) the supply or service item must be compatible with current supplies or services.

- § 18-4-307, MCA - Cancellation of invitations for bids or requests for proposals. An invitation for bids, a request for proposals, or other solicitation may be cancelled or any or all bids or proposals may be rejected in whole or in part, as may be specified in the solicitation, when it is in the best interests of the state. The reasons therefor must be made part of the contract file.

Legal Reference:

- § 18-4-121, et seq., MCA Montana Procurement Act
- § 18-4-303, MCA Competitive Sealed Bidding
- § 18-4-306, MCA Sole Source Procurement--records
- § 18-4-307, MCA Cancellation of invitations for bids or requests for proposals
- 2.5.604, ARM Sole Source Procurement
Electronic Signatures

“Electronic signature” means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

Electronic signatures or digital signatures can take many forms and can be created using many different types of technology. For the purpose of this policy an electronic signature means any electronic identifier intended by the person using it to have the same force and effect as a manual signature.

District Use of Electronic Signatures

When not practical or possible to have an approved individual physically sign a document, and not otherwise prohibited by applicable laws, electronic signatures may satisfy the requirement of a written signature when transacting business with and/or for the District and/or with parents/guardians when the authenticity and reliability of such electronic signature(s) meets the provisions of this policy. In such instances, the electronic signature shall have the full force and effect of a manual signature.

In order to qualify for acceptance of an electronic signature the following additional requirements are applicable:

1. The electronic signature identifies the individual signing the document by his/her name and title;
2. The identity of the individual signing the document with an electronic signature is capable of being validated through the use of an audit trail;
3. The electronic signature, as well as the documents to which it is affixed, cannot be altered once the electronic signature is affixed. If the document needs to be altered, a new electronic signature must be obtained; and
4. The electronic signature conforms to all other provisions of this policy.

The District shall maintain District electronically signed records in a manner consistent with the District’s document retention policies yet also capable of accurate and complete reproduction of the electronic records and signatures in their original form. Such retention should include a process whereby the District can verify the attribution of a signature to a specific individual, detect changes or errors in the information contained in the record submitted electronically and protect and prevent access and/or manipulation or use access/use by an unauthorized person.
The District shall maintain a hardcopy of the actual signature of any District employee authorized to provide an electronic signature in connection with school board business.

Abuse of the electronic signature protocols by any District employee serves as grounds for disciplinary action up to and including termination.

Parent/Student Use of Electronic Signatures

With regard to documentation received by the District with an electronic signature from a parent/legal guardian, so long as the following provisions are met, the District may receive and accept such electronic signature as an original document:

1. Such communication with signature, of its face, appears to be authentic and unique to the person using such signature;
2. The District is unaware of any specific individualized reason to believe that the signature has been forged;
3. The District is unaware of any specific reason to believe the document has been altered subsequent to the electronic signature; and
4. The signature is capable of verification.

The District’s Superintendent or designee may, at his or her discretion, request that an original of the electronic communication, signed manually by hand, be forwarded to the District in a timely manner.

District personnel may periodically audit the authenticity of such signature via a security procedure including such acts as making follow-up inquiry to the individual/entity who has submitted such electronic signature.

Should it be discovered that a student has falsified a parent’s electronic signature on an official District document, the student may be subjected to discipline and the Administrators of the District are authorized, at their discretion, to thereafter only accept manual signatures associated with any submitted school document.

Legal Reference: 30-18-102(9), MCA Definitions
30-18-106(4), MCA Legal recognition of electronic records, electronic signatures, and electronic contracts
42.8.106, ARM Electronic submission of documents and electronic signatures
# ALBERTON JOINT SCHOOL DISTRICT #2

## 8000 SERIES

### NONINSTRUCTIONAL OPERATIONS

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Transportation

The District may provide transportation to and from school for a student who:

1. Resides three (3) or more miles, over the shortest practical route, from the nearest operating
   public elementary or public high school;
2. Is a student with a disability, whose IEP identifies transportation as a related service; or
3. Has another compelling and legally sufficient reason to receive transportation services.

The District may elect to reimburse the parent or guardian of a student for individually transporting any
eligible student.

The District may provide transportation by school bus or other vehicle or through individual
transportation such as paying the parent or guardian for individually transporting the student. The Board
may pay board and room reimbursements, provide supervised correspondence study, or provide
supervised home study. The Board may authorize children attending an approved private school to ride a
school bus, provided that space is available and a fee to cover the per-seat cost for such transportation is
collected. The District may transport and charge for an ineligible public school student, provided the
parent or guardian pays a proportionate share of transportation services. Fees collected for transportation
of ineligible students shall be deposited in the transportation fund. Transportation issues that cannot be
resolved by the trustees may be appealed to the county transportation committee.

Homeless students shall be transported in accordance with the McKinney Homeless Assistance Act and
state law.

In-Town Busing

In-town busing is defined as the busing of students within three (3) miles of their school. In-town busing
is a privilege the District can discontinue at any time. The Superintendent will establish guidelines under
which a student may request in-town busing.

Children in Foster Care

The Superintendent will appoint a Point of Contact (POC) to coordinate activities relating to the District’s
provisions of services to children placed in foster care, including transportation services. The
Superintendent, or designee, will inform the Department of Health and Human Services who is the POC
for the District. The District will collaborate with the Department of Health and Human Services when
transportation is required to maintain children placed in foster care in a school of origin outside their
usual attendance area or District when in the best interest of the student. Under the supervision of the
Superintendent/designee, the POC will invite appropriate District officials, the Department of Health and
Human Services POC, and officials from other districts to consider how such transportation is to be
arranged and funded in a cost-effective manner.
If there are additional costs to be incurred in providing transportation to maintain a student in the school of origin, the District will provide transportation to such school if:

- The Department agrees to reimburse the District for the cost of such transportation;
- The District agrees to pay for the cost of such transportation; or
- The District and the Department agree to share the cost of such transportation.

Definitions

“Foster Care” means 24-hour care for children placed away from their parents, guardians, or person exercising custodial control or supervision and for whom the Department has placement care and responsibility.

“School of origin” means the school in which a child is enrolled at the time of placement in foster care.

While “Best Interest” is not defined in ESSA, that determination shall take into account all relevant factors, including consideration of the appropriateness of the current educational setting, and the proximity to the school in which the child is enrolled at the time of foster care placement.

Legal Reference:

- § 20-10-101, MCA Definitions
- § 20-10-121, MCA Duty of trustees to provide transportation – types of transportation – bus riding time limitation
- § 20-10-122, MCA Discretionary provision of transportation and payment for this transportation
- § 20-10-123, MCA Provision of transportation for nonpublic school children
- 10.7.101, et seq., ARM Pupil Transportation
- 10.64.101-700, et seq., ARM Transportation
Bus Routes and Schedules

The Superintendent’s designee is responsible for scheduling bus transportation, including determination of routes and bus stops. Such routes are subject to approval of the county transportation committee. The purpose of bus scheduling and routing is to achieve maximum service with a minimum fleet of buses consistent with providing 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 turnaround points, capacity of bus, and related factors.

2. The District may extend a bus route across another transportation service area, if it is necessary in order to provide transportation to students in the District’s own transportation service area. A district may not transport students from outside its transportation service area.

3. No school child attending an elementary school shall be required to ride the school bus under average road conditions more than one (1) hour without consent of the child’s parent or guardian.

4. School bus drivers are encouraged to make recommendations in regard to establishing or changing routes.

5. Parents should be referred to the Superintendent for any request of change in routes, stops, or schedules.

The Board reserves the right to change, alter, add, or delete any route at any time 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. The principal of each building is responsible for the conduct of students waiting in loading zones.

**Delay in Schedule**

The driver is to notify the administration of a delay in schedule. The administration will notify parents on routes and radio stations, if necessary.

**Responsibilities - Students**

Students 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. Students 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 Superintendent will develop written rules establishing procedures for bus safety and emergency exit drills and for student conduct while riding buses.

If the bus and driver are present, 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 Superintendent. 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. In the interest of safety and operational efficiency, the Superintendent is empowered to make decisions as to emergency operation of buses, 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 Superintendent to assist the Superintendent 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
§ 20-10-121, MCA Duty of trustees to provide transportation – types of transportation – bus riding time limitation
§ 20-10-132, MCA Duties of county transportation committee
Transportation of Students With Disabilities

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

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

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

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

The Evaluation Team that develops the disabled student’s Individualized Education Program will determine, on an individual basis, when a student with a disability requires this related service. Such recommendations must be specified on the student’s IEP. Only those children with disabilities who qualify for transportation as a related service under the provisions of the IDEA shall be entitled to special transportation. All other children with disabilities in the District have access to the District’s regular transportation system under policies and procedures applicable to all District students. Utilizing the District’s regular transportation service shall be viewed as a “least restrictive environment.”

Mode of Transportation

One of the District’s buses will be the preferred mode of transportation. Exceptions may be made in situations where buses are prohibited from entering certain subdivisions due to inadequate turning space, or when distance from school may seriously impact bus scheduling. In such situations other arrangements, such as an individual transportation contract, may be arranged with parents. Such voluntary agreement will stipulate in writing the terms of reimbursement.

Legal Reference: 10.16.3820, ARM Transportation for Special Education Students with Disabilities
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 instruction in adult and pediatric CPR, be signed by a certified instructor, and be received after an initial in-person training of at least four hours. The certificate must be renewed every two years.

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 Qualification of Bus Drivers
10.64.201, ARM Drivers
National Highway Traffic Safety Administration
Food Services

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

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

Free and Reduced-Price Food Services

The District will provide free and reduced-price meals to students, according to the terms of the National School Lunch Program and the laws, rules, and regulations of the state. The District will inform parents of the eligibility standards for free or reduced-price meals. Identity of students receiving free or reduced-price meals will be confidential, in accordance with National School Lunch Program guidelines. A parent has the right to appeal to a designated hearing official any decision with respect to his or her application for free or reduced-price food services.

Legal Reference:

§ 20-10-204, MCA Duties of trustees
§ 20-10-205, MCA Allocation of federal funds to school food services fund for federally connected, indigent pupils
§ 20-10-207, MCA School food services fund
Meal Charge Policy

The goal of the Alberton Joint School District #2 is to allow children to receive the nutrition they need to stay focused during the school day. The purpose of this policy is to ensure compliance with federal reporting requirements for the USDA Child Nutrition Program and to provide oversight and accountability for the collection of outstanding student meal balances.

The District complies with Federal USDA policies on meal charging and debt collection.

The Alberton Joint School District #2 has eliminated the risk for unpaid meal charges by participating in the Community Eligibility Provisions (CEP) program, which is a meal service option for schools and school districts operating the school meal programs in high-poverty communities. CEP allows the school to provide breakfast and lunch at no cost to all enrolled children without the need to collect applications or establish individual eligibility for a four-year period, thereby increasing access to school meals and eliminating unpaid meal charges.

Legal Reference:

https://www.fns.usda.gov/school-meals/policy
Child Nutrition and WIC Reauthorization Act of 2004, PL 108-265
Child Nutrition Act 1966, 42 United States Code (USC) Section 1771 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.
Individuals with Disabilities Education Act (IDEA), 20 United States Code (USC) Sections 1400-1485
7 Code of Federal Regulations (CFR) Parts 15B, 210 and 220
Procurement Policy for School Food Purchases

The Alberton Joint School District #2 will adhere to the following requirements for any procurement related to food service:

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

Standards of Conduct for District Employees:

- The Alberton Joint School District #2 maintains the following code of conduct for any employees engaged in award and administration of contracts supported by Federal Funds:

- No District employee will engage in any procurement when there is a conflict of interest, real or perceived, and District employees cannot solicit or accept any gratuities, favors or anything of monetary value from prospective vendors. This shall not preclude district personnel from serving on boards or participating in organizations that support the district’s need to obtain quality services and supplies.

- No District employee shall participate in the selection, award or administration of a contract when any of the following persons have a financial interest in the firm selected for award:
  - The employee
  - Any member of his/her immediate family
  - People with whom there is an intimate personal relationship
  - An organization which employs or is about to employ any of the above

- The District would like all employees to behave with the utmost integrity and never be self-serving, be fair in all aspects of the procurement process, be alert to conflicts of interest, and avoid any compromising situations.

- Employees found to be in violation of this policy are subject to disciplinary action, up to and including termination.
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

District Safety

For purposes of this policy, “disaster means the occurrence or imminent threat of damage, injury, or loss of life or property”.

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 will be reported to the District office.

The board of trustees has identified the following local hazards that exist within the boundaries of its school district: Fire, Civil Defense, Chemical spills, and Earthquake warning, protection and evacuation.

The building principal will design and incorporate drills in its school safety or emergency operations plan to address the above stated hazards. The trustees shall certify to the office of public instruction that a school safety or emergency operations plan has been adopted. This plan and procedures will be discussed and distributed to each teacher at the beginning of each school year. There will be at least eight (8) disaster drills a year in a school. All teachers will discuss safety drill procedures with their class at the beginning of each year and will have them posted in a conspicuous place next to the exit door. Drills must be held at different hours of the day or evening to avoid distinction between drills and actual disasters. A record will be kept of all fire drills.

The trustees shall review the school safety or emergency operations plan periodically and update the plan as determined necessary by the trustees based on changing circumstances pertaining to school safety. Once the trustees have made the certification to the office of public instruction, the trustees may transfer funds pursuant to Section 2, 20-1-401, MCA to make improvements to school safety and security.

The Superintendent will develop safety and health standards which comply with the Montana Safety Culture Act.

Legal Reference:

§ 20-1-401, MCA
Disaster drills to be conducted regularly – districts to identify disaster risks and adopt school safety plan

§ 20-1-402, MCA
Number of disaster drills required – time of drills to vary

§§ 39-71-1501, et seq., MCA
Montana Safety Culture Act
Property Damage

The District will maintain a comprehensive insurance program which will provide adequate coverage, as determined by the Board, in the event of loss or damage to school buildings and/or equipment, including motor vehicles. The comprehensive insurance program will maximize the District’s protection and coverage while minimizing costs for insurance. This program may include alternatives for sharing the risk between the District and an insurance carrier and through self-insurance plans.

Privately Owned Property

The District will not assume responsibility for maintenance, repair, or replacement of any privately owned property brought to a school or to a District function, unless the use or presence of such property has been specifically requested in writing by the administration.

Legal Reference: § 20-6-608, MCA Authority and duty of trustees to insure district property
Operation and Maintenance of District Facilities

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

In addition, the Board believes the District must identify and measure risks of loss that may result from damage to or destruction of District property or claims against the District by persons claiming to have been harmed by action or inaction of the District, its officers or staff. The District will implement a risk management program to reduce or eliminate risks where possible and to determine which risks the District can afford to assume.

Legal Reference: 10.55.908, ARM School Facilities
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
Alberton Joint School District #2

Lead Renovation

In accordance with the requirements of the Environmental Protection Agency (EPA), the Alberton Joint School District #2 has this Lead Renovation Policy that is designed to recognize, control and mitigate lead hazards at all District owned facilities and grounds.

The Lead-based paint renovation, repair and painting program (RRP) is a federal regulatory program affecting contractors, property managers, and others who disturb painted surfaces. It applies to child-occupied facilities such as schools and day-care centers built prior to 1978.

“Renovation” is broadly defined as any activity that disturbs painted surfaces and includes most repair, remodeling, and maintenance activities, including window replacement.

The District has implemented this policy to identify, inspect, control, maintain and improve the handling of lead related issues across the district facilities and grounds. In an effort to reduce potential hazards, the District through training has put together maintenance programs that will not only better protect the environment, but the students and employees of the District as well.

The District’s Lead Renovation Policy shall apply too not only employees of the maintenance department but to outside contractors as well. No outside painting contractor will be permitted to work for the District after April 22, 2010 unless they can show proof of training relative to lead renovation or maintenance from an accredited training institution.

Information Distribution Requirements

No more than 60 days before beginning renovation activities in any school facility of the District, the company performing the renovation must:

1. Provide the Superintendent with EPA pamphlet titled Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools.
2. Obtain, from the District, a written acknowledgement that the District has received the pamphlet.
3. Provide the parents and guardians of children using the facility with the pamphlet and information describing the general nature and locations of the renovation and the anticipated completion date by complying with one of the following:
   (i) Mail or hand-deliver the pamphlet and the renovation information to each parent or guardian of a child using the child-occupied facility.
   (ii) While the renovation is ongoing, post informational signs describing the general nature and locations of the renovation and the anticipated completion date. These signs must be posted in areas where they can be seen by the parents or...
guardians of the children frequenting the child-occupied facility. The signs must be accompanied by a posted copy of the pamphlet or information on how interested parents or guardians can review a copy of the pamphlet or obtain a copy from the renovation firm at no cost to the parents or guardians.

4. The renovation company must prepare, sign, and date a statement describing the steps performed to notify all parents and guardians of the intended renovation activities and to provide the pamphlet.

Recordkeeping Requirements *

All documents must be retained for three (3) years following the completion of a renovation.

- Records that must be retained include:
- Reports certifying that lead-based paint is not present.
- Records relating to the distribution of the lead pamphlet.
- Documentation of compliance with the requirements of the Lead-Based Paint Renovation, Repair, and Painting Program.

*Note: The MTSBA recommends that districts follow the same record retention schedule as they do for Asbestos abatement (forever).

Legal Reference: 40 CFR Part 745, Subpart E Lead-based paint poisoning in certain residential structures

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.

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 Alberton Joint School District #2 will permit the use of service animals by an individual with a disability according to state and 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;
- 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 Definitions
49-4-203(2), MCA Definitions
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.
The District supports the use of therapy dogs and other therapy animals by teachers or other qualified school personnel (“Owner”) for the benefit of its students, subject to the conditions of this policy.

Therapy Animals

Therapy dogs and other therapy animals are family pets that are trained and registered or certified through therapy organizations. They are only half of the therapy team. The handler is the other half. Therapy teams enter the school by invitation or prior approval.

A therapy animal is not a service animal, and unlike a service animal, a therapy animal does not assist a person with a disability with activities of daily living, nor does it accompany a person with a disability at all times. Therapy animals do not have legal rights.

Requirements of Therapy Animals and User/Owners

Individuals with disabilities using therapy or companion animals are responsible for their animals at all times and must comply with the following requirements:

Request: An Owner must submit a written request to the Superintendent. The request must be renewed each school year or whenever a different therapy animal will be used.

Registration, Training and Certification: The Owner must register the therapy animal and provide documentation of the registration, certification, and training to the Superintendent. The registration and certification must remain current at all times.

Health and Vaccination: The therapy animal must be clean, well groomed, in good health, house broken, and immunized against diseases common to dogs. The Owner must submit proof of current licensure from the local licensing authority and proof of the therapy animal’s current vaccinations and immunizations from a licensed veterinarian.

Control: A therapy animal must be under the control of the “Owner”, at all times, through the use of a leash or other tether unless the use of a leash or other tether would interfere with the therapy animals’ safe, effective performance of its work or tasks.

Identification: The therapy animals must wear appropriate visible identification that identifies in writing that the animal is a therapy animal.

Behavior: The Owner must take responsibility for the behavior of the animal in private and public places, and for due care and diligence in the use of the animal on school district property.

Health and Safety: The therapy animal must not pose a health and safety risk to any student, employee, or other person at the school.
Supervision and Care of Therapy Animals: The Owner is solely responsible for the supervision and care of the therapy dog, including any feeding, exercising, and clean-up while the animal is in the school building or on school property. The school district is not responsible for providing any care, supervision, or assistance for a therapy animal.

Authorized Areas: The Owner shall only allow the therapy animal to be in areas in school buildings or on school property that are authorized by the school administrators.

Insurance: The Owner must submit a copy of an insurance policy that provides liability coverage for the therapy animal while on school property.

Exclusion or Removal from School. A therapy animal may be excluded from school property and buildings if a school administrator determines that:

1. A handler does not have control of the therapy animal;
2. The therapy animal is not house broken;
3. The therapy animal presents a direct and immediate threat to others in the school; or
4. The animal’s presence otherwise interferes with the educational process.

The Owner shall be required to remove the therapy animal from school premises immediately upon such a determination.

Allergic Reactions. If any student or school employee assigned to a classroom in which a therapy animal is permitted, and suffers an allergic reaction to the therapy animal, the Owner of the animal will be required to remove the animal to a different location designated by an administrator.

Damages to School Property and Injuries: The Owner of a therapy animal is solely responsible and liable for any damage to school property or injury to personnel, students, or others caused by the therapy animal.

Therapy Animals in Training; This policy shall also be applicable to therapy animals in training that are accompanied by a bona fide trainer.
Alberton Joint School District #2
Request to use Therapy Animal in School

Board Policy 8426 governs the use of therapy animals in school. The request shall be submitted to the Superintendent for approval each school year and/or whenever the Owner wishes to use a different therapy animal.

Name of Owner: _______________________________________________________________
Name of Handler (if different from Owner): _______________________________________
Owner address: _______________________________________________________________
Handler address (if different from Owner): _______________________________________
Owner email: _______________________________________________________________
Handler email (if different from Owner): _______________________________________

Building(s) where animal will be used: __________________________________________

Please describe, in detail, what the animal will do at the school. _______________________
..............................................................................................................................
..............................................................................................................................

Date: ____________________________ Owner Phone Number: ______________________
Handler Phone Number: _____________________

Name of Therapy Animal: ___________________________________

Please attach the following to this form:
Proof of registration as a therapy animal handler with the individual animal to be used (Note: Such registration shall be from an organization that requires an evaluation of the therapy animal and handler prior to registration and at least every two years)

Proof from a licensed veterinarian that the therapy animal is in good health and has been immunized against diseases common to the particular animal. Such vaccinations shall be kept current and up to date at all times.

Proof of licensure from the local licensing authority.

Copy of an insurance policy that provides liability coverage for the work of the handler and therapy animal while the two are on school district property.

Owner’s Signature: ________________________________ Date: __________
Handler’s Signature (if different from Owner): __________________________ Date: __________
Superintendent’s Signature: ________________________________ Date: __________
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 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.

All personnel records made or kept by an employer, including, but not necessarily limited to, application forms and other records related to hiring, promotion, demotion, transfer, layoff or termination, rates of pay or other terms of compensation and selection for training or apprenticeship, shall be preserved for 2 years from the date the record is made or from the date of the personnel action involved, whichever occurs later.

Student records must be permanently kept, and employment records must be kept for 10 years after termination.

Litigation Holds for Electronic Stored Information (ESI)

The School District will have an ESI Team. The ESI Team is a designated group of individuals who implement and monitor litigation holds, a directive not to destroy ESI that might be relevant to a pending or imminent legal proceeding. The ESI Team will include a designated school administrator, an attorney, and a member from the Technology Department. In the case of a litigation hold, the ESI Team shall direct employees and the Technology Department, as necessary, to suspend the normal retention procedure for all related records.
Inspections of ESI

Any requests for ESI records should be made in writing and will be reviewed by the 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.

Information Security Breach

Information security breaches shall be handled in accordance with 30-14-1704, MCA, Computer Security Breach, including, but not limited to, investigations and notifications.

Cross Reference: 1402 School Board Use of Electronic Mail 3600, 3600P Student Records 5231, 5231P Personnel Records 5450 Employee Electronic Mail and On-Line Services Usage

The Board of Trustees of the Alberton Joint School District #2 recognizes that from time to time emergencies may arise that justify the use of an Automated External Defibrillator (AED). The Board has purchased one or more of these units for use by qualified personnel. The Board of Trustees approves the use of AED units, subject to the following conditions:

1. Establish a program for the use of an AED that includes a written plan that must specify:
   - Where the AED will be placed;
   - The individuals who are authorized to operate the AED;
   - How AED use will be coordinated with an emergency medical service providing services in the area where the AED is located;
   - The medical supervision that will be provided;
   - The maintenance that will be performed on the AED;
   - Records that will be kept by the program;
   - Reports that will be made of AED use;
   - The name, location, and telephone number of a Medical Supervisor designated to provide medical supervision of the AED program; and
   - Other matters as specified by the Department of Public Health and Human Services;

2. Adhere to the written plan required by subsection (1);

3. Ensure that before using the AED, an individual authorized to operate the AED receives appropriate training approved by the DPHHS in cardiopulmonary resuscitation and the proper use of an AED;

4. Maintain, test, and operate the AED according to the manufacturer’s guidelines and maintain written records of all maintenance and testing performed on the AED;

5. Each time an AED is used for an individual in cardiac arrest, require that an emergency medical service is summoned to provide assistance as soon as possible and that the AED use is reported to the supervising physician or the person designated by the physician and to the District as required by the written plan;

6. Before allowing any use of an AED, provide the following to all licensed emergency services and any public safety answering point or emergency dispatch center providing services to the area where the AED is located:
   - A copy of the plan prepared pursuant to this section; and
   - Written notice, in a format prescribed by the DPHHS rules, stating:
     i. That an AED program has been established by the District;
     ii. Where the AED is located; and
     iii. How the use of the AED is to be coordinated with the local emergency medical service system.
Liability Limitations

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

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

The following individuals or entities are immune from civil liability for any personal injury that results from an act or omission that does not amount to willful or wanton misconduct or gross negligence, if applicable provisions of this part have been met by the individual or entity:

a. A person providing medical oversight of the AED program, as designated in the plan;
b. The entity responsible for the AED program, as designated in the plan;
c. An individual providing training to others on the use of an AED.

Legal Reference:
Title 37, Chapter 104, subchapter 6, ARM – Automated External Defibrillators (AED)
§50-6-501, MCA Definitions
§50-6-502, MCA AED program – requirements for AED use
§50-6-503, MCA Rulemaking
§50-6-505, MCA Liability limitations