Please note that we make an effort to keep the information in this document as accurate and up-to-date as possible. We do not guarantee that at any point in time, all information provided by the district is complete, accurate, and timely. New content is posted as soon as possible. If you have any questions regarding the accuracy of a document, please email kgoss@mtsba.org
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**R = required**

## 1000 SERIES

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Legal Status, Operation and Organization

The legal name of this District is Eureka School District No. 13, Lincoln County, State of Montana. The District is classified as a class two (2) district and is operated according to the laws and administrative rules pertaining to a class two (2) district.

The Board of Trustees of Eureka School District No. 13 is the governmental entity established by the state of Montana and constitutionally charged of the supervision and control of all aspects of the District’s operations.

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

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

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

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
Transfers for School Safety

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

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

The transfer of such funds can be for:

1. planning for improvements to and maintenance of school and student safety, including but not limited to the cost of services provided by architects, engineers, school resource officers, counselors, and other staff or consultants assisting with improvements to school and student safety and security;
2. programs to support school and student safety and security, including but not limited to active shooter training, threat assessments and restorative justice;
3. installing or updating locking mechanisms and ingress and egress systems at public school access points, including but not limited to systems for exterior egress doors and interior passageways and rooms, using contemporary technologies;
4. installing or updating bullet-resistant windows and barriers; and
5. installing or updating emergency response systems using contemporary technologies.

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

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

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

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

Flexible Instructor Licensing

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

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

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

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

- Retired Educators
School district must certify to OPI and TRS that the district has been unable to fill the position due to no qualified applications or no acceptance of offer by a non-retired teacher.

- Limited to employment in a second or third class elementary district or a second or third class high school district.
- Retired teacher must have 27 years of experience in TRS.
- There is a 3-year lifetime limit on the retired individual going to work under this provision.

- **Class 3 Administrative License**
  - Valid for a period of 5 years
  - Appropriate administrative areas include: elementary principal, secondary principal, K-12 principal, K-12 superintendent, and supervisor.
  - Must be eligible for an appropriately endorsed Class 1, 2 or 5 license to teach in the school(s) in which the applicant would be an administrator or would supervise, and qualify as set forth in ARM 10.57414 through 10.57.418
  - An applicant for a Class 3 administrative license who completed an educator preparation program which does not meet the definition in ARM 10.57.102(2), who is currently licensed in another state at the same level of licensure, may be considered for licensure with verification of five years of successful administrative experience as defined in ARM 10.57.102 as documented by a recommendation from a state accredited P-12 school employer on a form prescribed by the Superintendent of Public Instruction and approved by the Board of Public Education. The requirements of ARM 10.57.414(1)(c)(i-iii) must be met by an applicant seeking a superintendent endorsement.

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

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

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

The District will assist any quality educator who meets the qualifications for the state’s loan repayment program. Loan repayment assistance may be provided on behalf of a quality educator who: (1) is employed newly hired in an identified impacted school described in a critical quality educator shortage area as defined in 20-4-502; and (2) has an educational loan that is not in default and that has a minimum unpaid current balance of at least $1,000 at the time of application.

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

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

Legal References:

10.55.716, ARM Substitute Teachers
10.55.607, ARM Internships
10.57.107, ARM Emergency Authorization of Employment
10.57.215, ARM Renewal Requirements
10.57.420, ARM Class 4 Career and Technical Education License
10.57.424, ARM Class 5 Provisional License
19-20-732, MCA Reemployment of certain retired teachers, specialists and administrators – procedure – definitions
20-4-501-20-4-505 Loan Repayment Assistance for Quality Educator
Intent to Increase Non-Voted Levy

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

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

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

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

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

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


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Notice of Intent to Impose an Increase in Levies Form

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

<table>
<thead>
<tr>
<th>Fund Supported</th>
<th>Estimated Change in Revenues*</th>
<th>Estimated Change in Mills*</th>
<th>Estimated Impact, Home of $100,000*</th>
<th>Estimated Impact, Home of $200,000*</th>
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<tr>
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<tr>
<td>Total</td>
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<td>$____increase/decrease</td>
<td>$____increase/decrease</td>
<td>$____increase/decrease</td>
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</tbody>
</table>

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

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

1. ______________________________
2. ______________________________
3. ______________________________
4. ______________________________

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

The Board may establish independent investment accounts separate and apart from those funds maintained by the county treasurer. The Board may transfer cash into an independent investment account from any budgeted or non-budgeted funds. A separate account shall be established for each fund from which transfers are made. The principal and any interest earned must be reallocated to the fund from which the deposit was originally made. Unless otherwise provided by law, all other revenue may be sent directly to a participating district’s investment account.

The District may either:

1. Establish and use the account as a non-spending account, returning sufficient funds to the county treasurer in time to pay all claims against the applicable fund; or

2. Establish a subsidiary checking account and make expenditures from the investment account, provided all transactions are accounted for and reported, as required by applicable accounting principles. If the District desires to establish a subsidiary checking account for purposes of paying for expenditures directly from an investment account, the District must enter into a written agreement with the county treasurer, in accordance with § 20-9-235, MCA.

Legal Reference: § 20-9-235, MCA  Authorization for school district investment account
Philosophy and Objectives

The Trustees of Eureka School District believe that the hope of the future is in our young people. Therefore, the instructional mission of this District is three fold:

- To provide each student with the opportunity to develop the physical, intellectual, and emotional abilities needed to fulfill his or her chosen role in society;
- To provide students opportunity to improve skills and develop abilities in specific learning areas as detailed in the goals listed below, and;
- To help students develop the ability to question, reason, evaluate, and apply intellect.

Goals

The educational program at Eureka School District shall provide students with opportunity to:

- Raise academic achievement in all curricular areas.
- Hire and retain best qualified employees for all positions.
- Upgrade facilities and utilities while reducing General Fund support of each.
- “Raise the Bar” in extracurricular activities.
- Reduce distractions caused by behavioral issues.
- Enhance communication within the school and community.
- Incorporate technology into all content areas.

NOTE: Reference to “parents” in board policy shall mean parent, caretaker relative, legal guardian, or legal custodian.
Membership and Terms of Office

The District is governed by a Board of Trustees consisting of seven (7) 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.

There shall be one delegate appointed from the student body as the representative of the student body to the school board. The student representative may attend regular Board meetings. The student representative is not a voting member of the Board.

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 twenty-five (25) 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. Any person seeking to become a write-in candidate in a mail ballot election or for a trustee position in a school board election shall file a declaration of intent no later than 5:00 p.m. on the twenty-sixth (26th) day before the election. If the number of candidates filing for vacant positions or filing a declaration of intent to be a write-in candidate is equal to or less than the number of positions to be elected, the trustees may give notice no later than 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.
<table>
<thead>
<tr>
<th>Legal Reference</th>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>§ 13-10-211, MCA</td>
<td>Declaration of intent for write-in candidates</td>
<td></td>
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<tr>
<td>§ 20-3-305, MCA</td>
<td>Candidate qualification, nomination and withdrawal</td>
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</tr>
<tr>
<td>§ 20-3-313, MCA</td>
<td>Election by acclamation – notice</td>
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</tr>
<tr>
<td>§ 20-3-322, MCA</td>
<td>Meetings and quorum</td>
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<tr>
<td>§ 20-3-322(5), MCA</td>
<td>Meetings and quorum (unforeseen emergency definition)</td>
<td></td>
</tr>
<tr>
<td>§ 20-3-324(4), MCA</td>
<td>Powers and duties</td>
<td></td>
</tr>
<tr>
<td>§ 20-9-353, MCA</td>
<td>Additional financing for general fund – election for authorization to impose</td>
<td></td>
</tr>
<tr>
<td>§ 20-20-105, MCA</td>
<td>Regular school election day and special school elections – limitation – exception</td>
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</tr>
<tr>
<td>§ 20-20-204, MCA</td>
<td>Election Notice</td>
<td></td>
</tr>
<tr>
<td>§ 20-20-301, MCA</td>
<td>Qualifications of elector</td>
<td></td>
</tr>
</tbody>
</table>
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
8. 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 twenty-five (25) 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
8. Appointment of a Clerk

Legal References: § 20-3-321, MCA Organization and officers
§ 20-3-322(a), MCA Meetings and quorum
Title 1, Chapter 5, Part 6, MCA Notarial Acts
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.

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). 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;
- Close Board meetings as authorized by Montana law; and
- Act as spokesperson for the Board.

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

Vice Chairperson

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

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
Clerk

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.

The Clerk shall be evaluated by the Superintendent and the Board, jointly, at least once annually. Such evaluation shall be based on the job description and established evaluative criteria. The Clerk shall sign a copy of the evaluation document and shall be given a copy of the document for his or her records. The Clerk shall also have the right to attach a written statement to the evaluation within fifteen (15) business days following the conference.

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
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. All new or revised policies 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
Board Meetings

Meetings of the Board and/or committees 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 library. Regular meetings shall take place at 7:00 p.m. on the second (2nd) Monday 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 Tobacco Valley News and/or The Daily Interlake.
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.

An individual wishing public information that is in electronic format or other nonprint media must submit a detailed description, to the Superintendent, of the information requested. The District will provide the public information as required under § 2-6-110, MCA.

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, generally not to exceed ten (10) business days, following a request. If the District cannot respond to the request within ten (10) business days, the records custodian shall notify the requestor in writing and provide a timeline for response to the request. If an oral request is not responded to within ten (10) business days, the requestor must put the request in writing.

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.

Fees will be charged as follows:

a) Copy of Board minutes - $1.00 per page
b) Copy of other materials - $2.00 per page
c) Time spent researching a copy project will be charged at the employee’s hourly rate of pay.

Legal References:

§ 2-6-102, MCA Citizens entitled to inspect and copy public writings
§ 2-6-110, MCA Electronic Information and nonprint records
§ 20-3-323, MCA District policy and record of acts
§ 20-9-213, MCA Duties of trustees
School Board Use of Email and Mobile Messaging

Use of email and mobile messaging 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 and mobile messaging in the conduct of Board responsibilities:

1. The Board will not use e-mail or mobile messaging 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 mobile messages, 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 and mobile 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 authority to set the board agenda lies with the Board Chair in consultation with board members and the administration. The act of preparing the board meeting agendas can be delegated to the Superintendent.

The Board Chairperson must approve any items submitted by Board members or members of the public, to be placed on the agenda. Citizens wishing to make brief comments about school programs or procedures will follow the public comment procedures in district policy.

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

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

Consent Agenda

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

Minutes

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

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

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

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

**Quorum**

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

**Electronic Participation**

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

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

Any Board member wishing to participate in a meeting electronically will notify the Chairperson and 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
Notice Regarding Public Comment

Montana law requires school districts and other public agencies to include on the agenda for public meetings an item allowing public comment on any public matter not otherwise specifically listed on the agenda that is within the jurisdiction of the agency. The public comment portion of the agenda is not the time designated to hear items that are specifically listed/identified on the agenda.

For those individuals who desire to address the Board during the public comment portion of the meeting, if you haven’t already done so, please sign your name to the sheet and indicate the general topic on which you will be commenting. The Board Chairperson will call individuals to speak in the order listed on the sheet provided. Please state your name prior to beginning your comment. There will be an opportunity for citizens who have not signed in to comment at the conclusion of the comment period. The Board would like to remind everyone in attendance to avoid violations of individual rights of privacy when providing comment. The Board is not authorized to hear comments on contested cases or other adjudicative proceedings.

By law, the District cannot take any action on any matter discussed during the public comment portion of the meeting as those matters are not specifically noticed on the agenda. The Board may take a matter raised during the public comment period under consideration for inclusion on a future agenda.

In accordance with Montana law, citizens have the right to comment on an item that is specifically listed on the agenda. Citizens will be permitted to do so when the item comes up for discussion and action. The board chair will indicate when the public has the opportunity to comment prior to board action on a particular agenda item.

The Board Chair has the authority to manage all public comment periods and will do so in accordance with state law and district policy.
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:

3. When hiring a relative of a trustee;

4. 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;

5. 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;

6. 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;

7. 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 in the manner described in Policy 1420F.

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
Chapter 2, Part 1, MCA Notice and Opportunity to Be Heard
Code of Ethics for School Board Members

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

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

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

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

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

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

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

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

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

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

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

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

Remember always that my first and greatest concern must be the educational welfare of students attending public schools.
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. Perform an official act directly and substantially affecting a business or other undertaking to its economic detriment when the officer or employee has a substantial personal interest in a competing firm or undertaking.

7. Appoint or renew 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 tenured teacher or classified employee employed without a written contract for a
specific term 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

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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
Step Child

2
Nephew/Niece-in-law

2
Step Grandchild

3
Step Great Grandchild

Legal Reference:
Section 20-9-204, MCA – Conflicts of Interest
Section 20-1-201, MCA – School Officials not to Act as Agents
Section 2-3-302, MCA - Nepotism
Section 2-2-103, MCA – Public Trust
Section 2-2-104, MCA – Rules of Conduct
Section 2-2-105, MCA – Ethical Requirements
Section 2-2-121, MCA – Rules of Conduct
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 - In-District

A trustee shall not receive remuneration for service as a trustee. Trustees living more than three (3) miles from the meeting place shall be entitled to be reimbursed for mileage at the rate stipulated in § 2-18-503, MCA, for each mile of travel between their homes and the meeting place for each meeting of the Board or for any meeting called by the county superintendent. Reimbursement may be paid as the travel is assumed or may accumulate until the end of the fiscal year, at the discretion of the trustee.

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 Eureka;
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 travel reimbursement and compensation of secretary for joint board
Trustee Insurance

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

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 work-related injury, certain types of disease, or death incurred in an employee-related situation.

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

Legal References:

- § 2/9/211, MCA Political subdivision insurance
- § 20-3-331, MCA Purchase of insurance – self-insurance plan
- § 20-3-332, MCA Personal immunity and liability of trustees
- § 20-3-352(2), MCA Request and determination of number of high school district additional trustee positions – nonvoting trustee
- § 20-10-109, MCA Liability insurance for school bus
Annual Goals and Objectives

Each year 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
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 specific process in state or federal law that supersedes this process or collective bargaining agreement. Matters covered by a collective bargaining agreement will be reviewed in accordance with the terms of the applicable agreement.

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 state or federal law or Board policy. Complaints against a building administrator shall be filed with the Superintendent. Complaints against the Superintendent or District administrator shall be filed with the Board.

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 pursue other remedies and use of this complaint procedure does not extend any filing deadline related to pursuit of other remedies.

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

Level 1: Informal

An individual with a complaint is first encouraged to discuss it with the appropriate employee 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. The written complaint must be filed within thirty (30) calendar days of the event or incident or from the date an individual could reasonably become aware of such event or incident. The applicability of the deadline is subject to review by the Superintendent to ensure the intent of this uniform complaint procedure is honored.
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 the complainant has reason to believe the administrator’s decision was made in error, the complainant 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. If the complainant reason to believe the Superintendent’s decision was made in error, the complainant 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 the complainant 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 the complainant has reason to believe the Superintendent’s decision was made in error, the complainant 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 of a complaint alleging a violation the individual’s rights under state or federal law or Board policy upon which the Board of Trustees has authority to remedy, the Board may consider the Superintendent’s decision in Level 2 or 3. Upon receipt of written request for appeal, the Chair will either: (1) place the appeal on the agenda of a regular or special Board meeting, (2) appoint an appeals panel of not less than three trustees to hear the appeal and make a recommendation to the Board, or (3) respond to the complaint with an explanation of why the appeal will not be heard by the Board of Trustees in accordance with this policy. If the Chair
appoints a panel to consider the appeal, the panel will meet to consider the appeal and then make written recommendation to the full Board. The Board will report its decision on the appeal, in writing, to all parties, within thirty (30) calendar days of the Board meeting at which the Board considered the appeal or the recommendation of the panel. A decision of the Board is final, unless it is appealed pursuant to Montana law within the period provided by law.

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
Non-Lethal CS Gel

Scope
The Board of Trustees authorizes the storage and use of non-lethal CS gel on School District property in accordance with the terms of this policy and Section 45-8-361, MCA.

Storage
Non-lethal CS gel will be stored in locations on School District property selected by the administrative team in consultation with the school safety consultant or school resource officer. Non-lethal CS gel will be stored in a manner identified by the administrative team as being only accessible by staff members. Non-lethal CS gel units will be regularly checked by members of the administrative team or their designee to confirm inventory, proper storage, and compliance with stated effective date. The administrative team will provide an annual report to the Board of Trustees on the regular review of non-lethal CS gel units present on School District property. Only non-lethal CS gel units purchased by the School District are authorized to be present on School District property.

Training
Staff members may volunteer for training on use of non-lethal CS gel placed in School District buildings. The administrative team will select volunteers for training in consultation with the school safety consultant or school resource officer. Only those staff members who have been selected for and successfully completed training are authorized to use non-lethal CS gel on School District property. Staff members not trained in effective use of non-lethal CS gel are not authorized to use the gel units on School District property. Students are not authorized to use non-lethal CS gel on School District property. Staff members are not entitled to additional compensation for volunteering for training or use of non-lethal CS gel. Training on effective use will be renewed for authorized staff members every 12 months.

Use
Staff members are authorized under this policy to use non-lethal CS gel in a manner consistent with the School District-approved training on effective use of non-lethal CS gel. Effective use will include but is not limited to redirection or incapacitation of an individual or individuals intending to harm School District students or staff. Effective use expressly excludes use to redirect, discipline or otherwise harm students in violation of the School District’s corporal punishment policy and Montana law. Confirmed misuse or unauthorized use of non-lethal CS gel by a student, staff member or citizen on School District property may result in School District discipline, loss of use authorization, and, if applicable, referral to law enforcement. Unauthorized use of non-lethal CS gel on School District property by a staff member is expressly outside the scope of the staff member’s duties under Montana law.
Insurance
The administration will confirm that the storage and use of non-lethal CS gel is consistent with the School District’s workers’ compensation and general liability insurance policies on an annual basis.

Legal Reference
Section 45-8-361, MCA
Section 20-5-202, MCA
Section 20-4-302, MCA
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Goals

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

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

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

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

Legal Reference: 10.55.701, ARM Board of Trustees
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.

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

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

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

Legal Reference: § 20-6-501, MCA Definition of various schools
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
Program Evaluation and Diagnostic Tests

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

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

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

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

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

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

Youth suicide and prevention training may include:

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

Prevention and Response
The Board authorizes the Administration and appropriate District staff to develop procedures to address matters related to suicide prevention and response that:

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

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

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

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

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Interscholastic Activities

The District recognizes the value of a program of interscholastic activities as an integral part of the total school experience. The program of interscholastic activities will include all activities relating to competitive sport or intellectual contests, games or events, or exhibitions involving individual students or teams of students of this District, when such events occur between schools outside this District.

All facilities and equipment utilized in the interscholastic activity program, whether or not the property of the District, will be inspected on a regular basis. Participants will be issued equipment which has been properly maintained and fitted.

An activity coach must be properly trained and qualified for an assignment as described in the coach’s job description. A syllabus which outlines the skills, techniques, and safety measures associated with a coaching assignment will be distributed to each coach. All personnel coaching intramural or interscholastic activities will hold a current valid first aid certificate.

The Board recognizes that certain risks are associated with participation in interscholastic activities. While the District will strive to prevent injuries and accidents to students, each parent or guardian will be required to sign an “assumption of risk” statement indicating that the parents assume all risks for injuries resulting from such participation. Each participant will be required to furnish evidence of physical fitness (physical form) prior to becoming a member of an athletic team. A participant will be free of injury and will have fully recovered from illness before participating in any event.

Coaches and/or trainers may not issue medicine of any type to students. This provision does not preclude the coach and/or trainer from using approved first aid items.

Cross Reference: 3416 Administering Medicines to Students

Legal Reference: 10.55.707, ARM Teacher and Specialist Licensure
37.111.825, ARM Health Supervision and Maintenance
Family Engagement Policy

The Eureka 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
Eureka School District

Title I – Equivalency/Comparability

A. To assure that state and local services are provided in Title I schools at least equivalent to such services in non-Title I schools, these policies will be observed in the School District.

1. Salary Scales

The District-wide salary scales will be applicable to all staff whether assigned to Title I or non-Title I schools.

2. Assignment of Teachers, Administrators, and Support Personnel

Assignment of teachers, administrators, and support personnel will be made in such a way to assure that the numbers of students per staff person in Title I schools shall be equivalent to the average number of students per staff person in relevant comparison schools (i.e., non-Title I or other Title I schools).

3. Curriculum Materials and Instructional Supplies

Curriculum materials and instructional supplies will be provided to schools with the same grade spans on a per-pupil cost factor to assure that all children have access to the same level of state and local resources regardless of whether they attend a Title I or non-Title I school.

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.
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.

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

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

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

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

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

F. **Homeless Children**

G. **Dyslexia**

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

(A) a child in the first year that the child is admitted to a school of the district up to grade 2; and

(B) a child who has not been previously screened by the district and who fails to meet grade-level reading benchmarks in any grade;

The screening instrument shall be administered by an individual with an understanding of, and training to identify, signs of dyslexia designed to assess developmentally appropriate phonological and phonemic awareness skills.

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

Procedures for Evaluation and Determination of Eligibility

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

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

Procedural Safeguards and Parental Notification

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

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

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

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

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

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

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

Evaluation of Eligibility

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

Individualized Education Programs

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

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

D. **Safeguards**

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

E. **Destruction of Information**

The District will inform parents five (5) years after the termination of special education services that personally identifiable information is no longer needed for program purposes. 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.

Legal Reference:

34 CFR 300.1, et seq. Individuals with Disabilities Act (IDEA)
§ 20-1-213, MCA Transfer of school records
10.16.3122 ARM Local Educational Agency
Responsibility for Students with Disabilities
10.16.3220 ARM Program Narrative
10.16.3321 ARM Comprehensive Educational Evaluation Process
10.16.3340 ARM Individualized Education Program and Placement Decisions
10.16.3560 ARM Special Education Records
10.60.103 ARM Identification of Children with Disabilities
37.85.414 ARM Maintenance of Records and Auditing (Medicaid)
Chapter 227 (2019) Montana Dyslexia Screening and Intervention Act
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.

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

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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 potentials.

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;
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
Eureka School District

2171 - R

INSTRUCTION

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
School Closure

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

The trustees may order the emergency closure of schools for one (1) school day each year, without the need to reschedule the lost pupil instruction time when the closure is the result of an emergency.

Cross Reference: 8110 Bus Routes and Schedules

Legal Reference: §§ 20-9-801 - 802, MCA Emergency School Closure
§§ 20-9-806, MCA School closure by declaration of emergency
2250 - R

INSTRUCTION

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: § 20-7-703, 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 has libraries in every school, with the primary objective of implementing and supporting the educational program in the schools. It is the objective of these libraries to provide a wide range of materials on all appropriate levels of difficulty, with diversity of appeal and the presentation of different points of view.

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

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

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

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

(Note: By statute, the Superintendent, or a principal if there is no district superintendent, has authority and is responsible for selection of library materials, subject to Board approval. The Superintendent and Board may not want to delegate this responsibility.)

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
Eureka School District

2310P - R  INSTRUCTION

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:

“WITHDRAWAL FROM EUREKA PUBLIC SCHOOL LIBRARY”

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

Gifts

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

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 students under any circumstances.

Students will not be charged for normal wear. They will be charged replacement cost, however, as well as for excessive wear, unreasonable damage, or lost materials. The professional staff will maintain records necessary for the proper accounting of all instructional materials.

Cross Reference: 2314 Learning Materials Review

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

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• 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 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 technology director; 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 than 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 take students out of state or 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. Relative maturity of students;
2. District philosophy of education;
3. Community standards, morals, and values;
4. Necessity for a balanced presentation; and
5. Necessity to seek administrative counsel and guidance in such matters.

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

Baccalaureate Ceremonies

Students and their families may organize baccalaureate services, at which attendance must be entirely voluntary. Organizers of baccalaureate services may rent and have access to school

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facilities on the same basis as other private groups and may not receive preferential treatment. The District may not be identified as sponsoring or endorsing baccalaureate services. District funds, including paid staff time, may not be used directly or indirectly to support or subsidize any religious services.

Assemblies, Extracurricular and Athletic Events

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

Student Religious Expression and Assignments

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

Religion in the Curriculum

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

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

Student Religious 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 Lincoln County 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 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. 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
Health Enhancement

Health, family life, and sex education, including information about parts of the body, reproduction, and related topics, will be included in the instructional program as appropriate to grade level and course of study. An instructional approach will be developed after consultation with parents and other community representatives. Parents may ask to review materials to be used and may request that their child be excluded from sex education class sessions without prejudice.

The Board believes HIV/AIDS and other STD/STI instruction is most effective when integrated into a comprehensive health education program. Instruction must be appropriate to grade level and development of students and must occur in a systematic manner. The Board particularly desires that students receive proper education about HIV and other STD/STI’s, before they reach the age when they may adopt behaviors which put them at risk of contracting the disease.

In order for education about HIV and other STD/STI’s to be most effective, the Superintendent will require that faculty members who present this instruction receive continuing in-service training which includes appropriate teaching strategies and techniques. Other staff members not involved in direct instruction, but who have contact with students, will receive basic information about HIV/AIDS and other STD/STI’s and instruction in use of universal precautions when dealing with body fluids.

In accordance with Board policy, parents will have an opportunity to review the HIV/STD/STI education program, before it is presented to students.

Legal Reference: §§ 50-16-1001, et seq., MCA AIDS Education and Prevention (AIDS Prevention Act)
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 Lincoln County High School, a student must have satisfactorily completed the last quarter prior to graduation as a Lincoln County 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
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 23 units in order to complete graduation requirements. 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 Lincoln County 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
Lincoln County School District 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 honor roll. Specific information regarding honor roll requirements and 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**

In accordance with provisions of § 20-9-313, MCA, the ANB of a school may be increased when a high school district provides early graduation for a student who completes graduation requirements in less than eight semesters or the equivalent amount of secondary school enrollment. The increase must be established by the trustees as though the student had attended to the end of the school fiscal year and must be approved, disapproved, or adjusted by the superintendent of public instruction.

The Board hereby authorizes the high school principal to recommend to the Board for early graduation students who have completed the minimum requirements for graduation in less than eight semesters. Guidelines for graduating early can be found in the high school handbook. 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 building principal;
2. The teacher of the grade in which the student is being considered for enrollment; and
3. A 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; or
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 Board believes cooperation of school and home is a vital ingredient in the growth and education of students and recognizes its responsibility to keep parents informed of student welfare and progress in school.

The issuance of grades and progress reports on a regular basis serves as a basis for continuous evaluation of student performance and for determining changes that should be made to effect improvement. These reports will be designed to provide information helpful to the students, teachers, counselors, and parents.

The Board directs the Superintendent to establish a system of reporting student progress and will require all staff to comply with such a system as part of their teaching responsibility. Staff and parents will be involved.
Promotion and Retention

The decision to promote a student to the next grade level shall be based on successful completion of the curriculum, attendance, performance based on standardized testing, or other testing. A student shall not be promoted 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.

Staff Handbook

Students will normally progress annually from grade to grade. Exceptions may be made when, in the judgment of the professional staff, such exceptions are in the best educational interest of the students involved.

Exception will always be made after prior notification and explanation to the student’s parents, but the final decision will rest with the building principal.

The principal will make the final decision on retention/promotion.
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
Limited English Proficiency Program

In accordance with the Board’s philosophy to provide a quality educational program to all students, the District shall provide an appropriate planned instructional program for identified students whose dominant language is not English. The purpose of the program is to increase the English proficiency of eligible students, so they can attain academic success. Students who have limited English proficiency (LEP) will be identified, assessed, and provided appropriate services.

The Board shall adopt a program of educational services for each student whose dominant language is not English. The program shall include bilingual/bicultural or English as a second language instruction.

The Superintendent or his/her designee shall implement and supervise an LEP program which ensures appropriate LEP instruction and complies with applicable laws and regulations.

The Superintendent or his/her designee, in conjunction with appropriate stakeholders, shall develop and disseminate written procedures regarding the LEP program, including:

1. Program goals.
2. Student enrollment procedures.
3. Assessment procedures for program entrance, measurement of progress, and program exit.
4. Classroom accommodations.
5. Grading policies.
6. List of resources, including support agencies and interpreters.

The District shall establish procedures for identifying students whose language is not English. For students whose dominant language is not English, assessment of the student’s English proficiency level must be completed to determine the need for English as a Second Language instruction.

Students whose dominant language is not English should be enrolled in the District, upon proof of residency and other legal requirements. Students shall have access to and be encouraged to participate in all academic and extracurricular activities of the District.
Students participating in LEP programs shall be required, with accommodations, to meet established academic standards and graduation requirements adopted by the Board.

The LEP program shall be designed to provide instruction which meets each student’s individual needs based on the assessment of English proficiency in listening, speaking, reading, and writing. Adequate content-area support shall be provided while the student is learning English, to assure achievement of academic standards.

The LEP program shall be evaluated for effectiveness as required, based on the attainment of English proficiency, and shall be revised when necessary.

At the beginning of each school year, the District shall notify parents of students qualifying for LEP programs about the instructional program and parental options, as required by law. Parents will be regularly apprised of their student’s progress. Whenever possible, communications with parents shall be in the language understood by the parents.

The District shall maintain an effective means of outreach to encourage parental involvement in the education of their children.

Legal Reference:  
Title VI, Civil Rights Act of 1964  
Equal Education Opportunities Act as an amendment to the Education Amendments of 1974 Bilingual Education Act  
20 U.S.C. §§ 7401, et seq., as amended by the English Language Acquisition, Language Enhancement, and Academic Achievement Act  
Title III, §§ 3001-3304 of HRI, No Child Left Behind Act of 2001, P.L. 107-110
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), and;
- Includes training for teachers and other staff.

Food Marketing in Schools. The District shall monitor all food and beverages sold or served to students, including those available outside the federally regulated child nutrition programs (i.e., a la carte, vending, student stores, classroom rewards, fundraising efforts), by meeting the United States Department of Agriculture (USDA) Smart Snacks in Schools nutrition standards. Snacks provided to students during the school day without charge (e.g. class parties) will meet standards set by the district. 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.

Eureka 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 or in after-school care or enrichment programs will provide 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 present 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 encourage 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, the 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 menus.

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;

- Eureka Schools will, to the extent possible, operate the School Breakfast Program;
- Eureka 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, and;
- Eureka 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 students who are eligible for free and reduced-price school meals. Toward this end, schools will utilize electronic identification and payment systems to 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, Eureka Public 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 fitness activity as a personal behavior, students 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 the 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.

Student Health. The District highly values the health and well-being of every student. The District will take appropriate measures to address student health issues that arise in the school setting. The Superintendent will develop procedures for addressing student health issues that may arise.

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.

Physical Education (P.E.) K-12. All physical education will be taught by a certified physical education teacher. Student involvement in other activities involving physical activity (i.e., interscholastic or intramural sports) will not be substituted for meeting the physical education requirements. Students will spend at least 50 percent of physical education class time participating in moderate to vigorous physical activity.

Daily Recess. All elementary students will have at least 20 minutes a day of supervised recess, preferably outdoors, during which schools should encourage moderate to vigorous physical activity 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 students 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 members 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 form.

Legal References: P.L. 108-265 Child Nutrition and WIC Reauthorization Act of 2004
P.L. 111-296 The Healthy, Hunger-Free Kids Act of 2010
# EUREKA SCHOOL DISTRICT

## 3000 SERIES

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Entrance, Date, and Age

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

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

The trustees may at their discretion assign and admit a child to a school in the district who is under 5 years of age or an adult who is 19 years of age or older if there are exceptional circumstances that merit waiving the age provision.

School Entrance

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

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

3. The above requirements are not to serve as barriers to immediate enrollment of students designated as homeless or foster children as required by the Every Student Succeeds Act (ESSA) and the McKinney-Vento Act as amended by ESSA. The District shall work with the local child welfare agency, the school last attended, or other relevant agencies to obtain necessary enrollment documentation and ensure a student receives education services in the best interests of the child. The Superintendent or designee shall serve as point of contact with all applicable agencies to review records, facilitate services and resolve disputes.

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

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

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

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.

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
Enrollment and Attendance Records

Average Number Belonging

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

For a child to be counted for ANB purposes:

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

b) Attending 181 to 359 aggregate hours = One-quarter time enrollment

c) Attending 360 to 539 aggregate hours = One-half time enrollment

d) Attending 540 to 719 aggregate hours = Three-quarter time enrollment

e) Attending 720 aggregate hours or more = Full-time enrollment

Enrollment in a program for fewer than 180 aggregate hours of pupil instruction per school year may not be included for ANB purposes, unless the pupil has demonstrated proficiency in the content ordinarily covered by the instruction as determined by the school board using district assessments. The ANB must be converted to an hourly equivalent based on the hours of instruction ordinarily provided for the content over which the student has demonstrated proficiency. 20-9-311(4)(d).

Homebound Students

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

a) Is enrolled and is currently receiving organized and supervised pupil instruction;

b) Is in a home or facility which does not offer a regular educational program; and
c) Has instructional costs during the absence, which are financed by the District’s general fund.

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

**Attendance Accounting**

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

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

**Legal Reference:**
- 10.20.102, ARM Calculation of Average Number Belonging (ANB)
- § 20-1-101, MCA Definitions
- § 20-9-311, MCA Calculation of average number belonging (ANB) – three-year averaging
Attendance Policy

To reach the goal of maximum educational benefits for each child requires a regular continuity of instruction, classroom participation, learning experiences, and study. Regular interaction of students with one another in the classroom 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. The good things schools have to offer can only be presented to students in attendance.

A student’s regular school attendance also reflects dependability and is a significant component on a student’s permanent record. Future employers are as much concerned about punctuality and dependability as they are about academic record. School success, scholarship, and job opportunity are greatly affected by a good attendance record.

Specific rules and regulations regarding attendance and tardies can be found in the respective student handbook.
Eureka School District

3123 -R

STUDENTS

Attendance Policy - Truancy

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

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

The Eureka School district’s definition of non-attendance without excuse is stated in the respective student handbooks.

The district has appointed the Building Principal as the Attendance Officer.

The attendance officer(s) shall have the powers and duties as stated in 20-5-105, 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 the reports in the manner and to whomever the Board designates;
- Take a child who is not excused from and subject to compulsory attendance provisions into custody and return the student to the school in which he or she is or should be enrolled;
- 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.

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

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

Children of Military Families

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

Educational Records and Enrollment

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

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

Tuition

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

Placement

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

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

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

Graduation

The District may waive specific courses required for graduation of a child of a military family who has transferred into the District if similar coursework has been satisfactorily completed at the child’s previous schools. If the District refuses a request for a waiver from a child of a military family who has transferred into the District regarding courses required for graduation, it shall provide a reasonable justification for the denial and shall provide an alternative means of acquiring the required coursework so that the child may graduate on time.

In the event of a child of a military family who transfers at the beginning of or during the child’s senior year and is ineligible to graduate from the school despite alternative means being offered, the District shall coordinate with the school from which the child transferred for the child to receive a diploma from that school.

Children with Disabilities of Military Families

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

Legal References: § 20-1-320, MCA Interstate Compact on Educational Opportunity for Military Children

Cross References: 2161-2161P Special Education
2162-2162P Section 504 Procedural Safeguards
2410-2410P High School Graduation
2413 Credit Transfer/Assessment for Placement
3110 School Entrance and Placement
3340 Extra-and-Co-Curricular Participation
3606 Transfer of Student Records
Students of Legal Age

Every student eighteen (18) years of age or older, 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.

Forms

Adult students who reside with parents or guardians and/or are classified as dependents of parents or guardians for tax purposes must have applicable forms completed by parents or guardians.

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.

Absence/Lateness/Truancy

Absence notes will be signed by parents or guardians. 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.

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

The Board, recognizing that its resident students need an orderly educational process and environment, free from disruption, overcrowding, and any kind of violence or disruptive influences, hereby establishes criteria for the discretionary admission of nonresident students.

1. Except as required by § 20-5-321, MCA, the District will admit nonresident students at its discretion. As such, the District will screen all nonresident students and consider only those who meet the criteria set forth in this policy.

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. Nonresident students who do not qualify for mandatory attendance will not be admitted to District schools. Exceptions are foreign exchange students, under Policy 3145, and children in the immediate family of nonresident District employees. The District, at its discretion, also may consider for admission other nonresident students.

4. The Superintendent, with assistance of the Principal, will examine a student’s records from previous school districts before any Board approval for admission.

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

6. Every nonresident student who attends District schools must reapply for admission for the succeeding school year by September 15, and is subject to re-evaluation every year. Admission in one school year does not infer or guarantee admission in subsequent years.

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

8. All resident students who become nonresidents because their parents or guardians move out of the District may continue attendance for the semester, barring registration in another District. At the completion of the semester, a student must apply as a nonresident student.
9. The Board reserves the right to charge tuition for nonresident students. At its discretion, the Board may charge or waive tuition for all students whose tuition is required to be paid by one kind of entity, defined as either a parent or guardian or a school district. Any waiver of tuition will be applied equally to all students whose tuition is paid by the same kind of entity (i.e., if the District charges tuition in those circumstances where a resident district pays but waives tuition in those circumstances where a parent or guardian is responsible for tuition, the tuition waiver will be applicable to all students whose parents or guardians bear the responsibility for payment).

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

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

12. The Board will not admit any student who is serving a suspension or expulsion in another school district.

Legal Reference:

§ 20-5-314, MCA Reciprocal attendance agreement with adjoining state or province

§ 20-5-320, MCA Attendance with discretionary approval

§ 20-5-321, MCA Attendance with mandatory approval – tuition and transportation

§ 20-5-322, MCA Residency determination – notification – appeal for attendance agreement

§ 20-5-323, MCA Tuition and transportation rates

10.10.301B, ARM Out-of-District Attendance Agreements
Student Rights and Responsibilities

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

Cross Reference: 3231 Searches and Seizure  
3310 Student Discipline

Legal Reference: § 20-4-302, MCA Discipline and punishment of pupils – definition of corporal punishment – penalty – defense  
§ 20-5-201, MCA Duties and sanctions  
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, or, in accordance with binding guidance of the Federal Office of Civil Rights regarding the scope of Title IX’s sex discrimination prohibition, gender identity, sexual orientation, or failure to conform to stereotypical notions of masculinity or femininity.

No student, on the basis of sex or, in accordance with binding guidance of the Federal Office of Civil Rights regarding the scope of Title IX’s sex discrimination prohibition, gender identity, sexual orientation, or failure to conform to stereotypical notions of masculinity or femininity will be denied equal access to programs, activities, services, or benefits or be limited in the exercise of any right, privilege, or advantage, or denied equal access to educational and extracurricular programs and activities.

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

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

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

Procedural Review:

The inclusion of “gender identity, sexual orientation, or failure to conform to stereotypical notions of masculinity or femininity” as protected classes under this discrimination policy is optional for each school district. The option is included based on guidance provided by the Office of Civil Rights of the U.S. Department of Education (OCR), and represents OCR’s position with regard to what Title IX requires regarding discrimination against transgender students. The OCR’s assertion of authority for transgender issues is based on the prohibition in Title IX from discrimination on the basis of gender. There is nothing in the text of Title IX or the rules implementing Title IX, however, that specifically prohibits discrimination under Title IX on the basis of transgender status.

Worth considering, however, is the process that occurs when a complaint is made to OCR. If a complaint is made alleging that a district has discriminated on the basis of gender, OCR will conduct an investigation. If the investigator concludes that a violation of federal law has occurred or is ongoing, OCR is required to attempt to resolve the matter informally. OCR accomplishes informal resolution by generating a list of requirements that the school district must meet in order to achieve compliance with federal law – basically a corrective action plan. Compliance is purely voluntary, but
failure to comply results in the case being set for hearing. The hearing is conducted in Washington, DC, at the OCR offices, and the point of the hearing is to determine whether the district has violated or is in violation of a federal law. If the hearing officer determines that a violation has occurred or is occurring, the hearing officer has the authority to suspend all federal financial assistance to the school district until the school district complies with the requirements set forth in the hearing officer’s order.

Upon receipt of an adverse OCR decision, a school district can request a review by the US Secretary of Education, or can request judicial review by a federal district court. A stay of the suspension of federal funding pending judicial review is not automatic. Rather, it is within the discretion of OCR to postpone suspension of funding, or not. The federal judge is authorized to stay suspension of funding only when necessary to prevent “irreparable injury” (5 USC § 705). Thus, it is possible that the impacted school could be left entirely without federal funding pending court review of the adverse OCR decision. The federal district court would have the authority to either uphold or reverse the order of the OCR, but that decision does not necessarily bring the matter to a conclusion, as the court’s decision could then be appealed by either party to the appropriate appellate circuit, and then to the US Supreme Court.

Because of the onerous OCR complaint process, the related expense of possibly protracted litigation, and the potential for loss of all federal funding (at least temporarily) as a result, it is advisable to consult with the district’s legal counsel when making the policy decision of whether or not to include transgender status as a protected class under district policy. It is also advisable to inquire with the district’s insurance carrier as to whether or not the district has coverage for the above-described legal proceedings. Many standard school district policies include exclusions from coverage for injunctive proceedings with no money damages, which could likely include the OCR complaint process and subsequent judicial review litigation.

Cross Reference: 1700 Uniform Complaint Procedure

Legal Reference:

Art. X, Sec. 7, Montana Constitution- Nondiscrimination in education
§ 49-2-307, MCA Discrimination in education
24.9.1001, et seq., ARM Sex Discrimination in Education
34 CFR Part 106 Nondiscrimination on the basis of sex in education programs or activities receiving Federal financial assistance

OCR’s Questions and Answers on Title IX and Sexual Violence:
http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf
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Reviewed on: 10/13/15

Publications and Distribution or Posting of Materials

School Sponsored Publications

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

Non-School Sponsored Publications

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

Distribution and Posting of Materials

Except as provided above, the District allows distribution of materials of parent and student organizations sponsored by the District or other governmental agencies. The District also may allow distribution of materials that provide information valued or needed by the District. The Superintendent must approve all materials before they may be distributed by any organization. To facilitate the distribution of materials with information about student activities, each school may maintain a centrally located bulletin board for the posting of materials, and/or maintain a table available to students for placing approved materials.

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

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

Building administrators shall establish procedures for the monitoring of student dress and grooming in school or while engaging in extracurricular activities. Specific regulations shall be published annually in student and extra-curricular activities handbooks.
Eureka School District

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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 applicable laws and regulations.
with the District’s discipline policy. Any person who knowingly makes a false accusation regarding sexual harassment likewise will be subject to disciplinary action up to and including discharge with regard to employees or suspension and expulsion with regard to students.

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

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

Any individual seeking further information should consult the 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
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
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Revised on: 10/13/15

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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
Eureka School District

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Searches and Seizure

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

1. 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.

2. 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 under Policy 3510 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 recognized by the school administration may do so in accordance with policy 3510.

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.

Cross Reference: Policy 3510

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.

Video recordings will be totally without sound.

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.

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.

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.

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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.

At hearing the student may be represented by counsel, present witnesses and other evidence, and cross-examine witnesses. 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. 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 –
§ 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

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Student Discipline

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

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

- Using, possessing, distributing, purchasing, or selling tobacco products, 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.
- Causing or attempting to cause damage to, or stealing or attempting to steal, school property or another person’s property.
- Engaging in any activity that constitutes an interference with school purposes or an educational function or any other disruptive activity.
- Unexcused absenteeism. Truancy statutes and Board policy will be utilized for chronic and habitual truants.
- Hazing or bullying.
- Forging any signature or making any false entry or attempting to authorize any document used or intended to be used in connection with the operation of a school.

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

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

Disciplinary Measures

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

Delegation of Authority

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

Cross Reference: 3300 Suspension and Expulsion 3226 Bullying, Harassment 5015 Bullying, Harassment

Eureka School District

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

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

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.

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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  
§ 45-5-624, MCA  Unlawful attempt to purchase or possession of intoxicating substance – interference with sentence or court order
Extra- and Co-Curricular Alcohol, Drug, and Tobacco Use

The District views participation in extracurricular activities as an opportunity extended to students willing to make a commitment to adhere to the rules which govern them. The District believes that participation in organized activities can contribute to all-around development of young men and women and that implementation of these rules will serve these purposes:

- Emphasize concern for the health and well-being of students while participating in activities;
- Provide a chemical-free environment which will encourage healthy development;
- Diminish chemical use by providing an education assistance program;
- Promote a sense of self-discipline among students;
- Confirm and support existing state laws which prohibit use of mood-altering chemicals;
- Emphasize standards of conduct for those students who, through their participation, are leaders and role models for their peers and younger students; and
- Assist students who desire to resist peer pressure that often directs them toward the use of chemicals.

Violations of established rules and regulations governing chemical use by participants in extra- and co-curricular activities will result in discipline as stated in student and athletic handbooks.

Legal Reference: § 20-5-201, MCA Duties and sanctions
Extracurricular Activities Drug Testing Policy

The District has a strong commitment to the health, safety, and welfare of its students. Results of studies throughout the United States indicate that education alone, as a preventative measure, is not effective in combating substance abuse. Our commitment to maintaining the extracurricular activities in the District as a safe and secure educational environment requires a clear policy and supportive programs relating to detection, treatment, and prevention of substance abuse by students involved in extracurricular activities.

Definitions

Drug: Any substance considered illegal under federal, state or local statute controlled by the Food and Drug Administration, and illegal use of prescription drugs.

Extracurricular Participant: Any student participating in extracurricular activities under the control and jurisdiction of Eureka Public Schools (Sports, Clubs, Pep Band, Speech and Debate, etc.).

Activity Season: Fall, Winter, and Spring seasons begin on the first day of practice allowed by the MHSA and end the day prior to the beginning date of practice for the next season.

Purpose

The drug-testing program is not intended to be disciplinary or punitive in nature. Students involved in extracurricular activities need to be exemplary in the eyes of the community and other students. It is the purpose of this program to prevent students from participating in extracurricular activities while they have drug residues in their bodies, and it is the purpose of the program to educate, help, and direct students away from drug and alcohol abuse and toward a healthy and drug-free participation. No student shall be expelled or suspended from school as a result of any verified positive test, other than as stated herein.

Scope

Participation in extracurricular activities is a privilege. This policy applies to all District students who wish to participate in extracurricular activities.
Consent Form

It is MANDATORY that each student who participates in extracurricular activities must sign and return the Consent Form prior to participation in any extracurricular activity. Failure to comply will result in non-participation.

Each extracurricular participant shall be provided with the Consent Form, which shall be dated and signed by the participant and by the parent/guardian. In doing so, the student is agreeing to participate in the random drug-testing program at Eureka Public Schools. The method of testing will be determined by Eureka Public Schools Administration or Designee.

Testing Procedures for Urinalysis

1. The selection of participants to be tested will be done randomly by the principal/administrative designee, and selections will be made from time to time throughout the school year. Names will be drawn from one (1) large pool of participants from the activities that are in season. There is not a set number of drawings. The administration will determine when and how many drawings will take place.

2. If the student shows signs of reasonable suspicion, or information is provided to the principal/administrative designee which they feel warrants a test. The principal/administrative designee may call the student’s parent/guardian and ask that the student be tested. Reasonable suspicion and information that warrants a test will be determined by Eureka Public School Staff. Also, a parent/guardian may request testing of his/her student. If the student refuses a test this will be treated as a positive test and the training rules will be followed.

3. No student will be given advance notice or early warning of the testing. In addition, a strict chain of custody will be enforced to eliminate invalid tests or outside influences.

4. Upon being selected for a urinalysis under this policy, either by random draw, reasonable suspicion, request of a parent/guardian, or a follow-up test, a student will be required to provide a sample of fresh urine.

5. All students will remain under school supervision until they have produced an adequate urine specimen. If unable to produce a specimen, the student will be given up to twenty-four (24) ounces of fluid. If still unable to produce a specimen within two (2) hours, the student will be taken to the principal’s office and told that he/she is no longer eligible for any of the extracurricular activities. A refusal to provide a sample will be treated as a positive test and the training rules will apply.

6. There is a temperature strip on each of the specimen bottles, indicating the validity of the urine specimen. All specimens registering below 90.5 degrees Fahrenheit will be invalid. If this occurs, another specimen must be given by the student.
7. If it is proven that tampering or cheating has occurred during the collection, the student will become ineligible for all extracurricular activities for one calendar year. This will be reported to the parent.

8. Immediately after the specimen is taken, the student may return to class with an admit slip or pass with the time he/she left the collection site. The principal/administrative designee must time, date, and sign the pass.

9. The specimens will then be tested by the principal/administrative designee. The specimen may be tested for alcohol, nicotine, and street drugs (which may include all drugs listed as controlled substances under the laws of the State of Montana).

10. In order to maintain confidentiality, the student’s name will only be given to his/her coach, administration, and parent/guardian.

Test Results

1. This program seeks to provide needed help for students who have a verified positive test. The student’s health, welfare, and safety will be the reason for preventing students from participation in extracurricular activities.

2. The principal/administrative designee will notify the student and his/her parent/guardian the results of the test. The student or his/her parent/guardian may submit any documented prescription, explanation, or information, which will be considered in determining whether a positive test has been satisfactorily explained.

3. If the test is verified positive, the principal/administrative designee will meet with the student and his/her parent/guardian at the school. The student and parent/guardian will be given the names of counseling and assistance agencies that the family may want to contact. Possession of illegal drugs will be reported to law enforcement, being under the influence will be left to the parent/ legal guardian to report if they so choose.

4. In the case that an 18 year old student was using tobacco before the season and tests positive for this, an exception will be made for a 30 day period. After the 30 day period the student will be tested again to ensure they are not using during the season of their activity. If they test positive for using tobacco during the season the training policy will be followed.

Self-Referral

In accordance with this policy, a student may initiate a self-referral under the following conditions:
1. A self-referral may not occur on the day of random drug testing.

2. A student may self-refer one time during his/her high school career.

3. A student must have never received a confirmed positive result from a drug test under this policy, or any prior suspension for substance abuse.

Financial Responsibility

1. Under this policy, the District will pay for all initial random drug tests, all initial reasonable suspicion drug tests, and all initial follow-up drug tests. An initial request from a parent/guardian may or may not be paid for by the District. Financial responsibility will be determined by administration.

2. A request, on appeal, for another test of a positive specimen is the financial responsibility of the student or his/her parent/guardian.

3. Counseling and subsequent treatment by non-school agencies are the financial responsibility of the student or his/her parent/guardian.

Confidentiality

Under this drug-testing program, any staff, coach, or sponsor of the District who may have knowledge of the results of a drug test will not divulge, to anyone, the results of the test or the disposition of the student involved, other than in the case of a legal subpoena being made upon that person in the course of a legal investigation. Once again, this will underscore the District’s commitment to confidentiality with regard to the program.

Other Rules

Apart from this drug-testing program, the Montana High School Association (MHSA) and the coaching staff/sponsor of each sport/activity have their own training rules and requirements. If a member of a team or activity, any student who violates a rule or requirement, will be subject to the consequences as defined in those rules and requirements.
LINCOLN COUNTY HIGH SCHOOL DRUG-TESTING PROGRAM

Acknowledgment Form

My child and I have received a copy of the Lincoln County High School Drug-Testing Program. I understand the failure to comply with the policies and procedures of the Lincoln County High School Drug-Testing Program may lead to dismissal from my extracurricular activity.

PRINTED NAME OF STUDENT

Signature of Student

Signature of Parent/Guardian

Date

Extracurricular Activity
Eureka School District

Adopted on: 10/13/15
Reviewed on:
Revised on:

3413 STUDENTS

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 varicella, polio, measles (rubella), mumps, rubella, diphtheria, pertussis, and tetanus vaccine, except that Haemophilus influenza type “b” vaccine is required only for children under 5 years of age.

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

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
Management of Sports Related Concussions

The Board 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
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.

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 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
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 Lincoln County 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 Lincoln County Schools 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 the Lincoln County Schools, 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, parental designee, or person listed on the medical emergency contact list so that the individual 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, parental designee, or person listed on the medical emergency contact list 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 the nearest medical facility. Once located, a parent, parental designee, or person listed on the medical emergency contact list is responsible for continuing treatment or for making other arrangements.

Legal Reference: ARM 37.111.825 Health Supervision and Maintenance
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. The administrator will establish procedures for removal of a student during a school day.

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

Within the concept of free public education, the District will provide an educational program for students as free of costs as possible.

Fees

The Board may require fees for actual cost of breakage and for excessive supplies used in commercial, industrial arts, music, domestic science, science, or agriculture courses. The Board may also charge a student a reasonable fee for any course or activity not reasonably related to a recognized academic and educational goal of the District or for any course or activity taking place outside normal school functions. The Board may waive fees in cases of financial hardship.

The Board delegates authority to the 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.

Fines

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.

Withholding and Transferring Records for Unpaid Fines or Fees

The District may not refuse to transfer files to another district because a student owes fines or fees. The District may not withhold the school schedule of a student because the student owes fines or fees. The district may withhold the grades, diploma, or transcripts of a current or former student who is responsible for the cost of school materials or the loss or damage of school property until the student or the student’s parent or guardian pays the owed fines or fees.

In the event a student who owes fines or fees transfers to another school district in the state and the District has decided to withhold the student’s grades, diploma, or transcripts from the student and the student’s parent or guardian, the District shall:

1. upon receiving notice that the student has transferred to another school district in the state, notify the ’s student’s parent or guardian in writing that the school district to which the has transferred will be requested to withhold the student’s grades, diploma, or transcripts until any obligation has been satisfied;
2. forward appropriate grades or transcripts to the school district to which the student has transferred;
3. at the same time, notify the school district to which the student has transferred of any financial obligation of the student and request the withholding of the student’s grades, diploma, or transcripts until any obligations are met;
4. when the student or the student’s parent or guardian satisfies the obligation, inform the school district to which the student has transferred.
A student or parent may appeal the imposition of a charge for damages to the 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 Clubs

The Board recognizes that student clubs are a helpful resource for schools and supports their formation.

Recognized Student Clubs and Organizations

The Board of Trustees authorize the administration to approve and recognize student clubs or organizations in a manner consistent with this policy and administrative procedure. Student clubs that are recognized by the District and permitted to use District facilities, use the District’s name, a District school’s name, or a District school’s team name or any logo attributable to the District, and raise and deposit funds with the District.

In order for the administration to approve and recognize a student club the group must submit an application to the building administrator containing the following:

1. The organization’s name and purpose.
2. The staff employee designated to serve as the group’s advisor.
3. The rules and procedures under which it operates.
4. A statement that the membership will adhere to applicable Board policies and administrative procedures.
5. 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.

The administration will report to the Board when new student clubs have been approved and recognized.

Upon approval of a new student club, the administration will notify the District clerk so the group may have any funds raised for its operations so designated in accordance with the District’s financial practices.

Approved student clubs will appear in the student handbook and other appropriate district publications. Advisors of new student groups may be eligible for a stipend in accordance with applicable collective bargaining agreement provisions and available district resources.

Informal or Unrecognized Student Groups

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Student-led and initiated groups of similar interests may meet on school property during non-instructional time in accordance with applicable District policies. Unrecognized groups may have informal staff advisors who are not eligible for district stipend. Unrecognized student groups may not deposit funds in district accounts. Notices posted by unrecognized groups must be in accordance with applicable policy governing non-District events or groups and administrator approval.

**Fundraising**

All funds raised by recognized student clubs are subject to applicable School District policies regarding financial management. All funds raised by recognized student clubs 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. Deposits must be reviewed to ensure compliance with equity rules, amateur rules and appropriateness under district policy.

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.

The administration is authorized to develop procedures to implement this policy.

Cross Reference: 2332 – Religion and Religious Activities
3210 - Equal Education and Nondiscrimination
3222 – Distribution and Posting Materials
3233- Student Use of Buildings - Equal Access
4331 – Use of School Property for Posting Notices
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.

Legal Reference:
- § 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
Eureka School District

3600P

Student Records

Maintenance of School Student Records

The District maintains two (2) sets of school records for each student – a permanent record and a cumulative record.

The permanent record will include:
- Basic identifying information
- Academic work completed (transcripts)
- Level of achievement (grades, standardized achievement tests)
- Immunization records (per § 20-5-406, 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

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The District will grant access to student records as follows:

1. The District or any District employee will not release, disclose, or grant access to information found in any student record except under the conditions set forth in this document.

2. The parents of a student under eighteen (18) years of age will be entitled to inspect and copy information in the child’s school records. Such requests will be made in writing and directed to the records custodian. Access to the records will be granted within fifteen (15) days of the District’s receipt of such request. Parents are not entitled to records of other students. If a record contains information about two students, information related to the student of the non-requesting parent will be redacted from the record.

In situations involving a record containing video footage, a parent of a student whose record contains the footage is allowed to view the footage contained in the record but is not permitted to receive a copy unless the parents of the other involved students provide consent. The footage is not a record of students in the background of the image or otherwise involved in the underlying matter.

Where the parents are divorced or separated, both will be permitted to inspect and copy the student’s school records, unless a court order indicates otherwise. The District will send copies of the following to both parents at either one’s request, unless a court order indicates otherwise:

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

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

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

3. The District may grant access to or release information from student records without prior written consent to school officials with a legitimate educational interest in the information.

A school official is a person employed by the District in an administrative, supervisory, academic, or support staff position (including, but not limited to administrators, teachers, counselors, paraprofessionals, coaches, and bus drivers), and the board of trustees. A school official may also include a volunteer or contractor not employed by the District but who performs an educational service or function for which the District would otherwise use its own employees and who is under the direct control of the District with respect to the use
and maintenance of personally identifying information from education records, or such other third parties under contract with the District to provide professional services related to the District’s educational mission, including, but not limited to, attorneys and auditors. A school official has a legitimate educational interest in student education information when the official needs the information in order to fulfill his or her professional responsibilities for the District. Access by school officials to student education information will be restricted to that portion of a student’s records necessary for the school official to perform or accomplish their official or professional duties.

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

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

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

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

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

12. The District may disclose, without parental consent, student records or information to the
youth court and law enforcement authorities, pertaining to violations of the Montana Youth
Court Act or criminal laws by the student.

13. The District will comply with an *ex parte* order requiring it to permit the U.S. Attorney
General or designee to have access to a student’s school records without notice to or
consent of the student’s parent(s)/guardian(s).

14. The District charges a nominal fee for copying information in the student’s records. No
parent or student will be precluded from copying information because of financial hardship.

15. A record of all releases of information from student records (including all instances of
access granted, whether or not records were copied) will be kept and maintained as part of
such records. This record will be maintained for the life of the student record and will be
accessible only to the parent or eligible student, records custodian, or other person. The
record of release will include:

   a. Information released or made accessible.
   b. Name and signature of the records custodian.
   c. Name and position of the person obtaining the release or access.
   d. Date of release or grant of access.
   e. Copy of any consent to such release.

**Directory Information**

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

- Student’s name
- Address
- Telephone listing
- Electronic mail address
- Photograph (including electronic version)
- Date and place of birth
- Major field of study
- Dates of attendance
- Grade level
- Enrollment status (e.g., undergraduate or graduate; full-time or part-time)
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Degrees
- Honors and awards received
- Most recent educational agency or institution attended
The notification to parents and students concerning school records will inform them of their right to object to the release of directory information. The School District will specifically include information about the missing children electronic directory photograph repository permitting parents or guardians to chose to choose to have the student's photograph included in the repository for that school year; information about the use of the directory photographs if a student is identified as a missing child; and information about how to request the student's directory photograph be removed from the repository.

Military Recruiters/Institutions of Higher Education/Government Agencies

Pursuant to federal law, the District is required to release the names, addresses, and telephone numbers of all high school students to military recruiters and institutions of higher education upon request.

The Montana Superintendent of Public Instruction may release student information to the Montana Commissioner of Higher Education and Montana Department of Labor and Industry for research purposes after entering into agreement with Commissioner and Department. If the Superintendent of Public Instruction offers a statewide assessment that serves as a college entrance exam, the student’s personally identifiable information may be released to colleges, state-contracted testing agencies, and scholarship organizations with student consent.

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

Student Record Challenges

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

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

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

The parent or eligible student has:

- The right to present evidence and to call witnesses;
- The right to cross-examine witnesses;
- The right to counsel;
- The right to a written statement of any decision and the reasons therefor;
The parents may insert a written statement of reasonable length describing their position on disputed information. The school will maintain the statement with the contested part of the record for as long as the record is maintained and will disclose the statement whenever it discloses the portion of the record to which the statement relates.


10.55.909, ARM Student records 10.55.910, ARM Student Discipline Records Chapter 250 (2019) Electronic Director Photograph Repository
Eureka School District

3600F1 STUDENTS

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Student Records

Notification to Parents and Students of Rights Concerning a Student’s School Records

This notification may be distributed by any means likely to reach the parent(s)/guardian(s).

The District will maintain two (2) sets of school records for each student: a permanent record and a cumulative record. The permanent record will include:

- Basic identifying information
- Academic work completed (transcripts)
- Level of achievement (grades, standardized achievement tests)
- Immunization records (per § 20-5-506, MCA)
- Attendance record
- Statewide student identifier assigned by the Office of Public Instruction
- Record of any disciplinary action taken against the student, which is educationally related

The cumulative record may include:

- Intelligence and aptitude scores
- Psychological reports
- Participation in extracurricular activities
- Honors and awards
- Teacher anecdotal records
- Verified reports or information from non-educational persons
- Verified information of clear relevance to the student’s education
- Information pertaining to release of this record
- Disciplinary information

The Family Educational Rights and Privacy Act (FERPA) affords parents/guardians and students over eighteen (18) years of age (“eligible students”) certain rights with respect to the student’s education records. They are:

1. The right to inspect and copy the student’s education records, within a reasonable time from the day the District receives a request for access.

   “Eligible” students, who are eighteen (18) years of age or older, have the right to inspect and copy their permanent record. Parents/guardians or “eligible” students should submit to the school principal (or appropriate school official) a written request identifying the
record(s) they wish to inspect. The principal will make, within forty-five (45) days, arrangements for access and notify the parent(s)/ guardian(s) or eligible student of the time and place the records may be inspected. The District charges a nominal fee for copying, but no one will be denied their right to copies of their records for inability to pay this cost.

The rights contained in this section are denied to any person against whom an order of protection has been entered concerning a student.

2. The right to request amendment of the student’s education records which the parent(s)/guardian(s) or eligible student believes are inaccurate, misleading, irrelevant, or improper.

Parents/guardians or eligible students may ask the District to amend a record they believe is inaccurate, misleading, irrelevant, or improper. They should write the school principal or records custodian, clearly identifying the part of the record they want changed, and specify the reason.

If the District decides not to amend the record as requested by the parent(s)/guardian(s) or eligible student, the District will notify the parent(s)/guardian(s) or eligible student of the decision and advise him or her of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent(s)/guardian(s) or eligible student when notified of the right to a hearing.

3. The right to permit disclosure of personally identifiable information contained in the student’s education records, except to the extent that FERPA or state law authorizes disclosure without consent.

Disclosure is permitted without consent to school officials with legitimate educational or administrative interests. A school official is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board; a person or company with whom the District has contracted to perform a special task (such as contractors, attorneys, auditors, consultants, or therapists); volunteers; other outside parties to whom an educational agency or institution has outsourced institutional services or functions that it would otherwise use employees to perform; or a parent(s)/guardian(s) or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest, if the official needs to review an education record in order to fulfill his or her professional responsibility.
Upon request, the District discloses education records, without consent, to officials of another school district in which a student has enrolled or intends to enroll, as well as to any person as specifically required by state or federal law. Before information is released to individuals described in this paragraph, the parent(s)/guardian(s) will receive written notice of the nature and substance of the information and an opportunity to inspect, copy, and challenge such records. The right to challenge school student records does not apply to: (1) academic grades of their child, and (2) references to expulsions or out-of-school suspensions, if the challenge is made at the time the student’s school student records are forwarded to another school to which the student is transferring.

Disclosure is also permitted without consent to: any person for research, statistical reporting, or planning, provided that no student or parent(s)/guardian(s) can be identified; any person named in a court order; and appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons.

4. **The right to a copy of any school student record proposed to be destroyed or deleted.**

5. **The right to prohibit the release of directory information concerning the parent’s/ guardian’s child.**

Throughout the school year, the District may release directory information regarding students, limited to:

- Student’s name
- Address
- Telephone listing
- Electronic mail address
- Photograph (including electronic version)
- Date and place of birth
- Major field of study
- Dates of attendance
- Grade level
- Enrollment status (e.g., undergraduate or graduate; full-time or part-time)
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Degrees
- Honors and awards received
- Most recent educational agency or institution attended
Any parent(s)/guardian(s) or eligible student may prohibit the release of all of the above information by delivering written objection to the building principal within ten (10) days of the date of this notice. No directory information will be released within this time period, unless the parent(s)/guardian(s) or eligible student are specifically informed otherwise. When a student transfers, leaves the District, or graduates, the school must continue to honor a decision to opt-out, unless the parent or student rescinds the decision.

A parent or student 18 years of age or an emancipated student, may not opt out of directory information to prevent the district from disclosing or requiring a student to disclose their name [identifier, institutional email address in a class in which the student is enrolled] or from requiring a student to disclose a student ID card or badge that exhibits information that has been properly designated directory information by the district in this policy.

6. **The right to request that information not be released to military recruiters and/or institutions of higher education.**

Pursuant to federal law, the District is required to release the names, addresses, and telephone numbers of all high school students to military recruiters and institutions of higher education upon request.

Parent(s)/guardian(s) or eligible students may request that the District not release this information, and the District will comply with the request.

7. **The right to file a complaint with the U.S. Department of Education, concerning alleged failures by the District to comply with the requirements of FERPA.**

The name and address of the office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4605
Student Directory Information Notification

Please sign and return this form to the school within ten (10) days of the receipt of this form ONLY if you do not want directory information about your child disclosed to third parties in accordance with the Family Educational Rights and Privacy Act (FERPA). If we receive no response by that date, we will disclose all student directory information at our discretion and/or in compliance with law.

________________________
Date

Dear Parent/Eligible Student:

This document informs you of your right to direct the District to withhold the release of student directory information for _______________________________.

Student’s Name

Following is a list of items this District considers student directory information.

Please review School District Policy 3600P for complete information.

-Student’s name
-Enrollment status (e.g., undergraduate or graduate; full-time or part-time)
-Address
-Participation in officially recognized activities
-Telephone listing
-Electronic mail address
-PHOTOGRAPH (INCLUDING ELECTRONIC VERSION)
-Weight and height of members of athletic teams

If you do NOT want directory information provided to the following, please check the appropriate box.

☐ Institutions of Higher Education, ☐ Potential Employers, ☐ Armed Forces Recruiters,
☐ Other:

NOTE: If information such as a student’s name, grade level, or photograph, and other listed information is to be withheld, the student will not be included in the school’s yearbook, program events, and similar School District publications or other statewide programs related to student safety, research, and scholarship. Please review School District Policy 3600P for complete information.

________________________
Parent/Eligible Student’s Signature

________________________
Date

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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:

- Principal
- Superintendent
- 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
Gangs and Gang Activity

The Board is committed to ensuring a safe and orderly environment, where learning and teaching may occur void of physical or psychological disruptions, unlawful acts, or violations of school regulations. Gang activities create an atmosphere of intimidation in the entire school community. Both the immediate consequences of gang activity and the secondary effects are disruptive and obstructive to the process of education and school activities. Groups of individuals which meet the definition of gangs, defined below, shall be restricted from school grounds or school activities.

A gang is defined as any group of two (2) or more persons, whether formal or informal, who associate together to advocate, conspire, or commit:

A. One or more criminal acts; or

B. Acts which threaten the safety or well-being of property or persons, including but not limited to harassment and intimidation.

Students on school property or at any school-sponsored activity shall not:

1. Wear, possess, use, distribute, or sell any clothing, jewelry, emblem, badge, symbol, sign, or other items which are evidence of membership in or affiliation with any gang and/or representative of any gang;

2. Engage in any act, whether verbal or nonverbal, including gestures or handshakes, showing membership in or affiliation with any gang and/or that is representative of any gang; or

3. Engage in any act furthering the interest of any gang or gang activity, including but not limited to:
   
   d. Soliciting membership in or affiliation with any gang;
   
   e. Soliciting any person to pay for protection or threatening another person, explicitly or implicitly, with violence or with any other illegal or prohibited act;
   
   f. Painting, writing, or otherwise inscribing gang-related graffiti, messages, symbols, or signs on school property;
g. Engaging in violence, extortion, or any other illegal act or other violation of school property.

Violations of this policy shall result in disciplinary action, up to and including suspension, expulsion, and/or notification of police.

Legal Reference: § 45-8-405, MCA Pattern of criminal street gang activity
§ 45-8-406, MCA Supplying of firearms to criminal street gang
District-Provided Access to Electronic Information, Services, and Networks

Access to Electronic Networks

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

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

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

Curriculum

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

Acceptable Use

All use of the District's electronic network must be (1) in support of education and/or research, and be in furtherance of the Board's stated goal, or (2) for a legitimate school business purpose. Use is a privilege, not a right. Students and staff members have no expectation of privacy in any material that is stored, transmitted, or received via the District's electronic network or District computers. General rules for behavior and communications apply when using electronic networks. The District's Authorization for Electronic Network Access contains the appropriate uses, ethics, and protocol. Electronic communications and downloaded material, including files deleted from a user's account but not erased, may be monitored or read by school officials.
Internet Safety

Each District computer with Internet access shall have a filtering device that blocks entry to visual depictions that are (1) obscene, (2) pornographic, or (3) harmful or inappropriate for students, as defined by the Children’s Internet Protection Act and as determined by the Superintendent. The Superintendent, with the assistance of the system administrator, shall enforce the use of such filtering devices. An administrator, supervisor, or other authorized person may disable the filtering device for bona fide research or other lawful purpose, provided the person receives prior permission from the Superintendent.

The district 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.

Authorization for Internet Access

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

Legal 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)
20 U.S.C. § 6801, et seq. Language instruction for limited English proficient and immigrant students
47 U.S.C. § 254(h) and (l) Universal service
Use of Electronic Services and Networks

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

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

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

Compliance
The School District will comply with the Montana Pupil Online Personal Information Protection Act. The School District shall execute written agreements with operators who provide online applications for students and employees in the school district. The School District will execute written agreements with third parties who provide digital educational software or services, including cloud-based services, for the digital storage, management, and retrieval of pupil records. The written agreements will require operators and third parties to the School District for K-12 purposes or the delivery of student or educational services to comply with Montana and federal law regarding protected student information. All pupil records accessed by the operator or third party during the term of the agreement or delivery of service to the application will continue to be the property of and under the control of the school district.

Operators of Online Applications
Operators providing online applications to the School District shall not target advertising to students, sell student information, or otherwise misuse student information. Operators shall not use information to amass a profile about a pupil, except in furtherance of K-12 school purposes. Operators shall not sell a pupil's information, including protected information unless authorized by law. Operators shall not disclose protected information unless the disclosure is made in accordance with School District policy, state or federal law, or with parent consent. Operators shall implement and maintain reasonable security procedures and practices appropriate to the nature of the protected information and safeguard that information from unauthorized access, destruction, use, modification, or disclosure. Operators shall delete a pupil's protected information if the school or district requests the deletion of data under the control of the school or district.

Third Parties Providing Software and Services
Third parties providing digital education software and services to the School District shall certify that pupil records will not be retained or available to the third party upon completion of the terms of the agreement. Furthermore, third parties shall not use any information in pupil records for any purpose other than those required or specifically permitted by the agreement with the operator. Third parties shall not use personally identifiable information in pupil records to engage in targeted advertising.

Third parties providing digital education software and services to the School District shall provide a description of the means by which pupils may retain possession and control of their own pupil-generated content. Third parties shall provide a description of the procedures by which a parent, legal guardian, or eligible pupil may review personally identifiable information in the pupil's records and correct erroneous information. Third parties shall provide a description of the actions the third party will take, including the designation and training of responsible
individuals, to ensure the security and confidentiality of pupil records. Third parties shall provide
a description of the procedures for notifying the affected parent, legal guardian, or pupil if 18
years of age or older in the event of an unauthorized disclosure of the pupil's records;

Failure to Comply and Legal Review
An operator’s or third party’s failure to honor the law, agreement or School District policy will
result in termination of services. The School District will report any operator who fails to honor
the law to the appropriate authorities for criminal prosecution.

All contracts and agreements executed under this agreement will be reviewed by the School
District’s legal counsel.

Cross Reference: Policy 3600 – Student Records
Policy 3650F- Model Agreement

99
Montana Pupil Online Personal Information Protection Act, Title 20,
chapter 7, part 13, MCA
# EUREKA SCHOOL DISTRICT

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

The Board recognizes that parent, teacher, and student organizations are an invaluable resource to District 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.

Parent organizations and booster clubs 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 Superintendent’s or designee’s express written consent. Consent to use one of the above-mentioned names or logos will generally be granted, if the organization or club has bylaws containing the following:

1. The organization’s or club’s name and purpose, such as to enhance students’ educational experiences, to help meet educational needs of students, to provide extra athletic benefits to students, to assist specific sports teams or academic clubs through financial support, or to enrich extracurricular activities.

2. The rules and procedures under which it operates.

3. An agreement to adhere to all Board policies and administrative procedures.

4. A statement that membership is open and unrestricted, meaning that membership is open to parents/guardians of students enrolled in the school, District staff, and community members.

5. A statement that the District is not, and will not be, responsible for the organization’s or club’s business or the conduct of its members.

6. An agreement to maintain and protect its own finances.

7. A recognition that money given to a school cannot be earmarked for any particular expense. Booster clubs may make recommendations, but cash or other valuable consideration must be given to the District to use at its discretion. The Board’s legal

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1 An alternative follows:
An agreement not to engage in discrimination based on someone’s innate characteristics or membership in a suspect classification.
obligation to comply with Title IX by providing equal athletic opportunity for members of both genders will supersede an organization or club’s recommendation.  

Permission to use one of the above-mentioned names or logos may be rescinded at any time and 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 organization or booster club, 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 organizations or booster clubs. The liaison will serve as a resource person and provide information about school programs, resources, policies, problems, concerns, and emerging issues. Building staff will be encouraged to participate in the organizations.

Fundraising by School Support Groups

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

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2 Booster clubs are understandably selective in their support. However, by accepting booster club assistance that creates vast gender differences, 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).

3 Booster clubs 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 club 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 club: (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 clubs.
Eureka School District

4301 - R  COMMUNITY RELATION

Visitors to Schools

The District encourages visits by Board members, parents, and citizens to all District buildings. All visitors shall report to the Building Principal’s office on entering any District building. If a parent wishes to confer with a teacher, an appointment must be made. Conferences with teachers should be held outside school hours or during the teacher’s conference or preparation time.

Cross Reference: 4313 Disruption of School Operations

Legal Reference: § 20-1-206, MCA Disturbance of School

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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
Disruption of School Operations

The staff member in charge will immediately notify local law enforcement authorities, if any person disrupts or obstructs any school program, activity, or meeting or threatens to do so, or commits, threatens to imminently commit, or incites another to commit any act that will disturb or interfere with or obstruct any lawful task, function, process, or procedure of any student, official, employee, or invitee of the District.

The staff member in charge will make a written report detailing the incident no later than twenty-four (24) hours after the incident occurs. A copy of the report will be given to the staff member’s immediate supervisor.

Cross Reference: 4301 Visitors to Schools

Legal Reference: § 20-1-206, MCA Disturbance of school - penalty
§ 20-5-201, MCA Duties and sanctions
§ 45-8-101, MCA Disorderly conduct
Visitor and Spectator Conduct

Any person, including an adult, who behaves in an unsportsmanlike or inappropriate manner during a visit to the school or a school event may be ejected from the event and/or denied permission to access school buildings or property or school events as determined by the Board of Trustees. Examples of unsportsmanlike or inappropriate 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.
- Other violations of District Policy.

The Superintendent is authorized to temporarily restrict access to school buildings or property and recommend to the Board of Trustees denial of 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 buildings or property or school events will be denied.

Cross Reference: 4301 Visitors to School

Legal Reference: § 20-1-206, MCA Disturbance of school – penalty
§ 20-4-303, MCA Abuse of teachers
§ 45-8-101, MCA Disorderly conduct
§ 45-8-351, MCA Restriction on Local Government Regulation of Firearms
Article X, section 8 Montana Constitution
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

Contact With Students

Students are entrusted to the schools for educational purposes. Although educational purposes encompass a broad range of experiences, school officials must not assume license to allow unapproved contact with students by persons not employed by the District for educational purposes.

Teachers may arrange for guest speakers on appropriate topics relative to the curriculum. Principals may approve school assemblies on specific educational topics of interest and relevance to the school program. The District normally does not permit other types of contact by non-school personnel.

Unless authorized by the building administrator or otherwise required by District policy or state and federal law, the District will not allow access to the schools by outside individuals, entities, businesses, service providers, or organizations desiring to use the captive audience in a school for information, sales material, special interest purposes or delivery of services to students or groups of students that are unrelated to District operations.
Community Use of School Facilities

School facilities are available to the community for educational, civic, cultural, and other noncommercial uses consistent with the public interest, when such use will not interfere with the school program or school-sponsored activities. Use of school facilities for school purposes has precedence over all other uses. Persons on school premises must abide by District conduct rules at all times.

Student and school-related organizations shall be granted the use of school facilities at no cost. Other organizations granted the use of school facilities shall pay fees and costs. The 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.

Administration will approve and schedule various uses of school facilities. A master calendar will be kept in the office for scheduling dates to avoid conflicts during the school year. Should a conflict arise, the District reserves the right to cancel an approved request when it is determined that the facilities are needed for school purposes. Requests for use of school facilities must be submitted to the Superintendent’s office in advance of the event.

Legal Reference: § 20-7-805, MCA Recreational use of school facilities secondary Lamb’s Chapel v. Center Moriches Union Free School Dist., 113 S.Ct. 2141
Use of School Property for Posting Notices

Non-school-related organizations may request permission of the building principal to display posters in the area reserved for community posters or to have flyers distributed to students. Posters and/or flyers must be student oriented and have the sponsoring organization’s name prominently displayed. The District will not permit the posting or distribution of any material that would:

- Disrupt the educational process;
- Violate the rights of others;
- Invade the privacy of others;
- Infringe on a copyright;
- Be obscene, vulgar, or indecent; or
- F. Promote the use of drugs, alcohol, tobacco, or certain products that create community concerns.

No commercial publication shall be posted or distributed unless the purpose is to further a school activity, such as graduation, class pictures, or class rings.

If permission is granted to distribute materials, the organization must arrange to have copies delivered to the school. Distribution of the materials will be arranged by administration.
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, and alternative nicotine and vapor products as defined in 16-11-302, MCA, or other similar products;

• Consume, possess, or distribute alcoholic beverages, illegal drugs, 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. District administrators will take appropriate action, as circumstances warrant.

Cross Reference: 3310 Student Discipline
3311 Firearms and Weapons

Smoke Free School Act of 1994
16-11-302, MCA Definitions
§ 20-1-220, MCA Use of tobacco product in public school building or on public school property prohibited
§ 20-5-410, MCA Civil penalty
§ 45-8-351, MCA Restriction on Local Government Regulation of Firearms
Article X, section 8 Montana Constitution
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
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.

County or Regional Interdisciplinary Child Information and School Safety Team

The District will participate in the Lincoln County or Regional interdisciplinary child information and school safety team established by Section 52-2-211, MCA. This team consists of county-level representatives of the youth court, the county attorney, the department of public health and human services, the county superintendent of schools, the sheriff, the chief of any police force, the superintendents of public school districts in the County, and the department of corrections.

The purpose of the team is “to facilitate the exchange and sharing of information that one or more team members may be able to use in serving a child in the course of their professions and occupations, including but not limited to abused or neglected children, delinquent youth, and youth in need of intervention, and of information relating to issues of school safety.”

The Superintendent is authorized to participate in the formation of and request information from the interdisciplinary child information and school safety team regarding students in the School District. The Superintendent shall utilize this authority on a regular basis to ensure the safety and security of the District.

Cross Reference: 4313 Disruption of School Operations

Legal Reference: § 20-1-206, MCA Disturbance of school – penalty
§ 52-2-211, MCA County Interdisciplinary Child Information and School Safety Team
Investigations and Arrests by Police

All contact between the school and the police department on matters involving students shall be made through the administrative office. The District encourages police to talk to a student away from the school and before or after school hours. Law enforcement authorities should only be allowed to conduct an interview in the school, if they can show special circumstances exist or if the interview is at the request of the school. The Superintendent or principal should make this determination.

A. If the police have a warrant for the student’s arrest, they must be permitted to arrest the student; however, whenever possible, the arrest should be conducted in the principal’s office out of view of other students. Before removing a student from school, the police shall sign a release form in which they assume full responsibility for the student.

B. Law enforcement personnel should not be allowed to roam about the school until the student is found. They should remain in the administration office while school personnel seek out the student.

C. If possible, the educational program of the student should not be disrupted to allow for police questioning.

D. Any questioning by police should be conducted in a private room or area where confidentiality can be maintained.

E. If law enforcement officials are to be allowed to question a student under the age of eighteen (18), a reasonable attempt shall be made to notify the parents, except in cases of suspected child abuse or child neglect involving the parent. The parents should be given the opportunity to come to the school prior to the questioning.

F. If the parents are notified and able to attend, they should be allowed to be present at the interview. The administrator should be present at the interview but should not take part in any questioning. The administrator should at all times remain a neutral observer.
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
§§ 20-7-451 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 Eureka School District declares that, except in limited circumstances, Eureka School District should be off limits to registered sex offenders.

Employment

Notwithstanding any other Board policy, individuals listed by the State of Montana as registered sex offenders are ineligible for employment in any position within the Eureka School District. 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 whose victim was a minor may come on, about, or within one thousand (1,000) feet of any District-owned buildings or property except as otherwise provided in this policy. If an administrator becomes aware that such a sex offender is on, about, or within one thousand (1,000) feet of 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 one thousand (1,000) feet of 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 one thousand (1,000) feet of school property shall not apply in the event that a sex offender’s name should be expunged from the Registry.
Rights of Parents on the Sex Offender Registry

In the event that a registered sex offender whose victim was a minor has a child attending the District, the 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
Notice to Parents Required by No Child Left Behind Act of 2001 (“NCLB”) *

Improving Basic Programs Operated by Local Educational Agencies

- As required by NCLB § 1111(h)(6)(A): At the beginning of each school year, a district receiving Title I funds shall notify the parents of each student attending any school that receives Title I funds that the parents may request, and the district will provide the parents on request, information regarding the professional qualifications of the student’s classroom teachers, including, at a minimum, the following:
  5. Whether the teacher has met the state qualifications and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.
  6. Whether the teacher is teaching under emergency or other provisional status.
  7. The teacher’s baccalaureate degree major and any other graduate certifications or degrees.
  8. Whether paraprofessionals provide services to the student and, if so, their qualifications.

- As required by NCLB § 1111(h)(6)(B)(i): Districts must provide parents information on the level of achievement of the parent’s child in each of the state academic assessments.

- As required by NCLB § 1111(h)(6)(B)(ii): Districts must provide parents timely notice that the parent’s child has been assigned, or has been taught for four (4) or more consecutive weeks by, a teacher who is not highly qualified.

Limited English Proficient Students

1. As required by NCLB § 1112(g)(1)(A) and (g)(2) and § 3302(a): Districts must inform a parent of a limited English proficient child identified for participation or participating in such a program, of the reasons for their child being identified, their child’s level of English proficiency, instructional method, how their child’s program will meet the child’s needs, how the program will help the child learn English, exit requirements for the program to meet the objectives of any limited English proficiency, and information regarding parental rights.

2. As required by NCLB § 1112(g)(1)(B) and § 3302(b): Each district using Title I funds to provide a language instruction educational program, that has failed to make progress on the annual measurable achievement objectives described in § 3122 for any fiscal year for which part A is in effect, shall separately inform the parents of a child identified for
participation or participating in such a program, of such failure not later than thirty (30) days after such failure occurs.

3. As required by NCLB § 1112(g)(4) and § 3302(e): Each district shall implement an effective means of outreach to parents of limited English proficient students to inform the parents regarding how they can be involved in their child’s education and be active participants in assisting their child to attain English proficiency, achieve at high levels in core academic subjects, and meet challenging state academic achievement standards and state academic content standards expected of all students. In addition, the outreach shall include holding and sending notice of opportunities for regular meetings for formulating and responding to parent recommendations.

Academic Assessment and Local Education Agency and School Improvement

1. As required by NCLB § 1116(b)(6): Districts shall promptly provide to parents of each student enrolled in an elementary school or a secondary school identified for school improvement under § 1116(b)(1)(E)(I), for corrective action under § 1116(b)(7)(C)(I), or for restructuring under § 1116(b)(8)(A)(I):
   a. An explanation of what the identification means and how the school compares in terms of academic achievement to other district schools and the state educational agency;
   b. The reasons for the identification;
   c. An explanation of what the school identified for school improvement is doing to address the problem;
   d. An explanation of what the district or state educational agency is doing to help the school address the achievement problem;

9. An explanation of how the parents can become involved in addressing the academic issues that caused the school to be identified for school improvement; and

10. An explanation of the parents’ option to transfer their child to another public school under paragraphs (1)(E), (5)(A), (7)(C)(i), (8)(A)(i), and subsection (c)(10)(C)(vii) (with transportation provided by the agency when required by paragraph (9)) or to obtain supplemental educational services for the child in accordance with subsection (e).

2. As required by NCLB § 1116(b)(8)(c): Whenever the school fails to make adequate yearly progress and/or is restructured, the district shall provide the teachers and parents with an adequate opportunity to comment and participate in developing any plan.

3. As required by NCLB § 1116(e)(2)(A): The district shall provide annual notice to parents of:
   a. The availability of supplemental education services;
   b. The identity of approved providers of those services within the district or whose
services are reasonably available in neighboring districts; and

c. A brief description of those services, qualifications, and the demonstrated
effectiveness of each such provider.

Parental Involvement

1. As required by NCLB § 1118(b): Parents shall be notified of the parental involvement
   policy, in an understandable and uniform format and, to the extent practicable, in a
   language the parents can understand. Such policy shall be made available to the local
   community and updated periodically to meet the changing needs of parents and the
   school.

   2. As required by NCLB § 1118(c): Each school shall:
      a. Convene an annual meeting at a convenient time, to which all parents of
         participating children shall be invited and encouraged to attend, to inform parents
         of their school’s participation and to explain the requirements of the NCLB and
         the right of the parents to be involved;
      b. Offer a flexible number of meetings;
      c. Involve parents, in an organized, ongoing, and timely way, in the planning,
         review, and improvement of programs, including the planning, review, and
         improvement of the school parental involvement policy and the joint development
         of the school-wide program plan under § 1114(b)(2);
      d. Provide parents of participating children:
         • Timely information about programs under this part;
         • A description and explanation of the curriculum in use at the school, the
           forms of academic assessment used to measure student progress, and the
           proficiency levels students are expected to meet; and
         • If requested by parents, opportunities for regular meetings to formulate
           suggestions and to participate, as appropriate, in decisions relating to the
           education of their children, and respond to any such suggestions as soon as
           practicably possible.

Education of Homeless Children and Youths

1. As required by NCLB § 722(e)(3)(C): The district shall provide written notice, at the
time any homeless child or youth seeks enrollment in the school and at least twice
annually while the child or youth is enrolled in the school, to the parent or guardian of the
child or youth (or, in the case of an unaccompanied youth, the youth) that:
   a. Shall be signed by the parent or guardian;
   b. Sets forth the general rights provided under this subtitle;
   c. Specifically states:
      • The choice of schools homeless children and youths are eligible to attend;
      • That no homeless child or youth is required to attend a separate school for
homeless children or youths;

- That homeless children and youths shall be provided comparable services, including transportation services, educational services, and meals through school meals programs;
- That homeless children and youths should not be stigmatized by school personnel;

d. Includes contact information for the local liaison for homeless children and youths.

2. As required by NCLB § 722(g)(2)(B)(iii): In the case of an unaccompanied homeless youth, the district shall ensure that the homeless liaison assists in placement or enrollment decisions, considers the views of such unaccompanied youth, and provides notice to such youth of the right to appeal.

3. As required by NCLB § 722(g)(6)(A)(iv): Each district shall ensure that public notice of the educational rights of homeless children is disseminated where such children and youths receive services under this Act, such as schools, family shelters, and soup kitchens.

Persistently Dangerous Schools

If the district is identified as a persistently dangerous school, the district must, in a timely manner:

1. Notify parents of each student attending the school that the state has identified the school as persistently dangerous.

2. Offer all students the opportunity to transfer to a safe public school within the district. If there is not another school in the district, the district is encouraged, but not required, to explore other options such as an agreement with a neighboring district to accept transfer students.


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4 “Persistently dangerous public elementary school or secondary school,” in the context of the No Child Left Behind Act of 2001 (ESEA), a Montana public elementary or secondary school is considered to be persistently dangerous if each of the following two conditions exist:

(1) In each of three consecutive years, the school has a federal or state gun-free schools violation or a violent criminal offense has been committed on school property, and

(2) In any two years within a three-year period, the school has experienced expulsions for drug, alcohol, weapons or violence that exceed one of the following rates –
   (a) more than five expulsions for a school of less than 250 students,
   (b) more than 10 expulsions for a school of more than 250 students but less than 1000 students, or
   (c) more than 15 expulsions for a school of more than 1,000 students.
3. For those students who accept the offer, complete the transfer.

In addition a district must also:

1. Develop a corrective action plan; and

2. Implement the plan in a timely manner.

Parental notification regarding the status of the school and the offer to transfer students may be made simultaneously.

**Student Privacy**

1. As required by NCLB § 1061(c)(2)(A): The student privacy policies developed by the district shall provide for reasonable notice of the adoption or continued use of such policies directly to the parents of students enrolled in schools served by the district. At a minimum, the district shall:
   a. Provide such notice at least annually at the beginning of the school year and within a reasonable period of time after any substantive change in such policies; and
   b. Offer an opportunity for the parent to opt the student out of the activity.

2. As required by NCLB § 1061(c)(2): All districts shall provide reasonable notice of such existing policies to parents and guardians of students, e.g., “The Board has adopted and continues to use policies regarding student privacy, parental access to information, and administration of certain physical examinations to minors. Copies of those policies are available on request.”

[* This list of parental notice requirements may not be exhaustive. The only notices applying to districts that do not receive Title I funds are those regarding student privacy. The notices described in this administrative procedure are paraphrased; please see the specific NCLB section cited for the exact requirements.]
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Accommodating Individuals with Disabilities

Individuals with disabilities shall be provided opportunity to participate in all school-sponsored services, programs, or activities on an basis equal to those without disabilities and will not be subject to illegal discrimination.

The District may provide auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity.

Each service, program, or activity operated in existing facilities shall be readily accessible to, and usable by, individuals with disabilities. New construction and alterations to facilities existing before January 26, 1992, will be accessible when viewed in their entirety.

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

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

2. Institute plans to make information regarding Title II protection available to any interested party.

An individual with a disability should notify the 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.

Cross Reference: 1700 Uniform Complaint Procedure

Equal Employment Opportunity and Non-Discrimination

The District will provide equal employment opportunities to all persons, regardless of their race, color, religion, creed, national origin, sex, age, ancestry, marital status, military status, citizenship status, use of lawful products while not at work physical or mental disability, if otherwise able to perform essential functions of a other legally protected categories.

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

A person with an inquiry regarding discrimination should direct their questions to the Title IX Coordinator. A person with a specific written complaint should follow the Uniform Complaint Procedure.

Retaliation against an employee who has filed a discrimination complaint, testified, or participated in any manner in a discrimination investigation or proceeding is prohibited.

Cross Reference: 1700 Uniform Complaint Procedure

Americans with Disabilities Act, Title I, 42 U.S.C. §§ 12111, et seq.
Equal Pay Act, 29 U.S.C. § 206(d)
Immigration Reform and Control Act, 8 U.S.C. §§ 1324(a), et seq.
Title VII of the Civil Rights Act, 42 U.S.C. §§ 2000(e), et seq.; 29 C.F.R., Part 1601
Montana Constitution, Art. X, § 1 - Educational goals and duties § 49-2-101, et seq, MCA Human Rights Act
§ 49-3-102, MCA What local governmental units affected
Eureka School District

5012 - R PERSONNEL

Adopted on: 09/08
Reviewed on: 10/13/15

Sexual Harassment/Sexual Intimidation in the Workplace

The District will strive to provide employees a work environment free of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communications constituting sexual harassment, as defined and otherwise prohibited by state and federal law.

The District prohibits its employees from making sexual advances or requesting sexual favors or engaging in any conduct of a sexual nature when:

- 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 verbal or physical conduct. The terms “intimidating,” “hostile,” or “offensive” include but are not limited to conduct that has the effect of humiliation, embarrassment, or discomfort. The District will evaluate sexual harassment in light of all circumstances.

A violation of this policy may result in disciplinary action, up to and including termination of employment. Any person who knowingly makes false accusation regarding sexual harassment will likewise be subject to disciplinary action, up to and including termination of employment.

An aggrieved person who feels comfortable doing so should directly inform the person engaging in sexually harassing conduct or communication that such conduct or communication is offensive and must stop.

Employees who believe they may have been sexually harassed or intimidated should contact the Title IX Coordinator or an administrator, 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
Bullying/Harassment/Intimidation

The Board will strive to provide a positive and productive working environment. Bullying, harassment, or intimidation between employees or by third parties, are strictly prohibited and shall not be tolerated. This includes bullying, harassment, or intimidation via electronic communication devices ("cyberbullying").

Definitions

- “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.

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

Reporting

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

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

Responsibilities

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

Consequences

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

Retaliation and Reprisal

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

Legal Reference: Admin. R. Mont. 10.55.701(3)(g) Board of Trustees
Admin. R. Mont. 10.55.801(1)(d) School Climate

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Hiring Process and Criteria

The Board and Superintendent/administrator will determine the screening and hiring process upon the existence of each vacancy. The District will hire personnel appropriately licensed and endorsed in accordance with state statutes and Board of Public Education rules, consistent with budget and staffing requirements and will comply with Board policy and state law on equal employment opportunities and veterans’ preference. All applicants must complete a District application form to be considered for employment.

Every applicant must provide the District with written authorization for a fingerprint/criminal background investigation. The 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 will update permanent records as necessary. The custodian of records also will retain a copy of each valid certificate of a contracted certified employee in that employee’s personnel file.

Reference Checks

The Board authorizes the Superintendent or the Superintendent’s designee to inquire of past employers about an applicant’s employment on topics including but not limited to: title, role, reason for leaving, work ethic, punctuality, demeanor, collegiality, putting the interests of students first, and suitability for the position in the District. Responses to these inquiries should be documented and considered as part of the screening and hiring process.

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
Fingerprints and Criminal Background Investigations

It is the policy of the Board that any finalist recommended for hire to a paid or volunteer position with the District involving regular unsupervised access to students in schools, as determined by the Superintendent, shall submit to a name-based and fingerprint criminal background investigation 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. Arrests resolved without conviction shall not be considered in the hiring process unless the charges are pending.

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 teacher seeking full- or part-time employment with the District;
- An educational support personnel 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.*

*The requirement to fingerprint non-licensed substitutes may be waived in whole or in part by the trustees, if the substitute has previous teaching or substitute teaching experience in an accredited public school in Montana prior to November 28, 2002 and who has continued to substitute yearly thereafter.
### 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
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)
Eureka School District

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

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

Confidentiality

In all instances, District personnel will respect an individual’s right to privacy and treat any medical diagnosis as confidential information. Any information obtained regarding the medical condition or history of any employee will be collected and maintained on separate forms and in separate medical files and will be treated as confidential information. Only those individuals with a legitimate need to know (i.e., those persons with a direct responsibility for the care of or for determining workplace accommodation for the staff person) will be provided necessary medical information.

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

Legal Reference:

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<th>Reference</th>
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<td>29 U.S.C. § 794, et seq.</td>
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<td>§ 20-10-103(4), MCA</td>
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<td>Admin. R. Mont. 37.114.1010</td>
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<td>Facility Care Provider</td>
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Evaluation of Non-Administrative Staff

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

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

Classified staff will be evaluated according to the terms of the current collective bargaining agreement.

Legal Reference: ARM 10.55.701(4)(a)(b) Board of Trustees
Personal Conduct

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

All employees are expected to maintain high standards of honesty, integrity, professionalism, decorum, and impartiality in the conduct of District business. All employees shall maintain appropriate employee-student relationship boundaries in all respects, including personal, speech, print, and digital communications.

While on school property, employees shall not injure or threaten to injure another person; damage another’s property or that of the District; or use, control, possess or transfer any weapon or any item that could be reasonably considered to be a weapon as defined in Policies 3310 and 3311. “School property” means within school buildings, in vehicles used for school purposes, or on grounds leased or owned by the school district.

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.

Cross Reference: Professional Educators of Montana Code of Ethics
Policy 3310 – Student Discipline
Policy 3311 – Firearms and Weapons
Legal Reference: § 20-1-201, MCA

School officers not to act as agents

Title 2, Chapter 2, Part 1

School officers not to act as agents

§ 39-2-102, MCA

What belongs to employer

§ 45-8-361, MCA

Possession or allowing possession of

a weapon in a school building
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
Conflicts of Interest

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

The following conduct is specifically prohibited:

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

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

Legal Reference: § 2-2-121, MCA Rules of conduct for public officers and Public Employees
Eureka School District

5226 PERSONNEL

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.

50-46-320, MCA Limitations of Medical Marijuana Act
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.


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)
Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers

School bus and commercial vehicle drivers shall be subject to a drug and alcohol testing program that fulfills the requirements of the Code of Federal Regulations, Title 49, Part 382.

Other persons who drive vehicles designed to transport sixteen (16) or more passengers, including the driver, are likewise subject to the drug and alcohol testing program.

Testing procedures and facilities used for the tests shall conform with the requirements of the Code of Federal Regulations, Title 49, §§ 40, et seq.

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

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

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

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

Post-Accident Tests
Alcohol and controlled substance tests shall be conducted as soon 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.

No such driver shall use alcohol for eight (8) hours after the accident, or until after he/she undergoes a post-accident alcohol test, whichever occurs first.

If an alcohol test is not administered within two (2) hours or if a drug test is not administered within thirty-two (32) hours, the District shall prepare and maintain records explaining why the test was not conducted. Tests will not be given if not administered within eight (8) hours after the accident for alcohol or within thirty-two (32) hours for drugs.

Tests conducted by authorized federal, state, or local officials will fulfill post-accident testing requirements, provided they conform to applicable legal requirements and are obtained by the District. Breath tests will validate only the alcohol test and cannot be used to fulfill controlled substance testing obligations.

Random Tests

Tests shall be conducted on a random basis at unannounced times throughout the year. Tests for alcohol shall be conducted just before, during, or just after the performance of safety-sensitive functions. The number of random alcohol tests annually must equal twenty-five percent (25%) of the average number of driver positions. The number of random drug tests annually must equal fifty percent (50%) of the average number of driver positions. Drivers shall be selected by a scientifically valid random process, and each driver shall have an equal chance of being tested each time selections are made.

Reasonable Suspicion Tests

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

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

**Enforcement**

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

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

Legal Reference: 49 C.F.R. Part 40 Procedures for Transportation Workplace Drug and Alcohol Testing

49. C.F.R. Part 382 Controlled Substances and Alcohol Use and Testing

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Eureka School District

5231 PERSONNEL

Personnel Records

The District maintains a complete personnel record for every current and former employee. The employees’ personnel records will be maintained in the District’s administrative office, under the Superintendent’s direct supervision. Employees and their designees will be given access to their personnel records, in accordance with guidelines developed by the Superintendent.

In addition to the Superintendent or other designees, the Board may grant a committee or a member of the Board access to cumulative personnel files. When specifically authorized by the Board, counsel retained by the Board or by the employee will also have access to a cumulative personnel file.

In accordance with federal law, the District shall release information regarding the professional qualifications and degrees of teachers and the qualifications of paraprofessionals to parents upon request, for any teacher or paraprofessional who is employed by a school receiving Title I funds, and who provides instruction to their child at that school. Access to other information contained in the personnel records of District employees is governed by Policy 4340.

Personnel records must be kept for 10 years after termination.

Cross Reference: 4340 Public Access to District Records

Legal Reference: Admin. R. Mont. 10.55.701(5) 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.
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.

Disposition of Personnel Files

An employee, upon termination, may request transcripts of college and university work. Any confidential college or university placement papers shall be returned to the sender or destroyed at the time of employment. All other documents shall be retained and safeguarded by the District for such periods as prescribed by law.

Record-Keeping Requirements Under the Fair Labor Standards Act

1. Records required for ALL employees:
   A. Name in full (same name as used for Social Security);
   B. Employee’s home address, including zip code;
C. Date of birth if under the age of nineteen (19);
D. Sex (may be indicated with Male/Female, M/F, Mr./Mrs./Miss/Ms.);
E. Time of day and day of week on which the employee’s workweek begins;
F. Basis on which wages are paid (such as $5/hour, $200/week, etc.);
G. Any payment made which is not counted as part of the “regular rate”;
H. Total wages paid each pay period.
I. Occupation

2. Additional records required for non-exempt employees:
A. Regular hourly rate of pay during any week when overtime is worked;
B. Hours worked in any workday (consecutive twenty-four-(24)-hour period);
C. Hours worked in any workweek (or work period in case of 207(k));
D. Total daily or weekly straight-time earnings (including payment for hours in excess of forty (40) per week but excluding premium pay for overtime);
E. Total overtime premium pay for a workweek;
F. Date of payment and the pay period covered;
G. Total deductions from or additions to wages each pay period;
H. Itemization of dates, amounts, and reason for the deduction or addition, maintained on an individual basis for each employee;
I. Number of hours of compensatory time earned each pay period;
J. Number of hours of compensatory time used each pay period;
K. Number of hours of compensatory time compensated in cash, the total amount paid, and the dates of such payments;
L. The collective bargaining agreements which discuss compensatory time, or written understandings with individual non-union employees.

All records obtained in the application and hiring process shall be maintained for at least two (2) years.

Legal Reference: 29 USC §§ 201, et seq. Fair Labor Standards Act
§§ 2-6-101, et seq., MCA Public Records Generally
Admin. R. Mont. 24.9.805 Employment Records
29 C.F.R. Part 516 Records to be kept by employers
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, shall report the matter promptly to the Department of Public Health and Human Services. Child abuse or neglect means actual physical or psychological harm to a child, substantial risk of physical or psychological harm to a child, and abandonment. This definition includes sexual abuse and sexual contact by or with a student. The obligation to report suspected child abuse or neglect also applies to actual or attempted sexual or romantic contact between a student and a staff member.

A District employee who makes a report of child abuse or neglect is encouraged to notify the building administrator of the report. 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 permitted by law. Individuals in the District who receive information related to a report of child abuse or neglect shall maintain the confidentiality of the information.

Cross Reference: Policy 5223 – Personal Conduct
Policy 3225- Sexual Harassment of Students

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
§ 45-5-501, MCA Definitions
§ 45-5-502, MCA Sexual Assault
Resolution of Staff Complaints/Problem-Solving

As circumstances allow, the District will attempt to provide the best working conditions for its employees. Part of this commitment is encouraging an open and frank atmosphere in which any problem, complaint, suggestion, or question is answered quickly and accurately by District supervisors or administration.

The District will endeavor to promote fair and honest treatment of all employees. Administrators and employees are all expected to treat each other with mutual respect. Each employee has the right to express his or her views concerning policies or practices to the administration in a businesslike manner, without fear of retaliation. Employees are encouraged to offer positive and constructive criticism.

Each employee is expected to follow established rules of conduct, policies, and practices. Should an employee disagree with a policy or practice, the employee can express his or her disagreement through the District’s grievance procedure. No employee shall be penalized, formally or informally, for voicing a disagreement with the District in a reasonable, businesslike manner or for using the grievance procedure. An employee filing a grievance under a collective bargaining agreement is required to follow the grievance procedure for that particular agreement.

Cross Reference: 1700 Uniform Complaint Procedure
Non-Renewal of Employment/Dismissal From Employment

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.

Cross Reference: 5140 Classified Employment and Assignment

Legal Reference: § 20-3-324(2), MCA Trustee Powers and Duties
§ 20-4-204, MCA Termination of tenure teacher services
§ 20-4-206, MCA Notification of nontenure teacher reelection – acceptance – termination.
§ 20-4-207, MCA Dismissal of teacher under contract
§ 39-2-912, MCA Exemptions to Wrongful Discharge from Employment Act
Resignations

Certified and classified personnel will generally be expected to fulfill the terms of their contracts, unless clearly compelling, mitigating circumstances prevent the individual from doing so. A certified teacher who resigns after signing a contract with the District may face disciplinary action related to the teacher’s certificate.

The Board authorizes the Superintendent to accept on its behalf resignations from any District employee. The Superintendent shall provide written acceptance of the resignation, including the date of acceptance, to the employee, setting forth the effective date of the resignation.

Once the 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.

Legal Reference:  
Disciplinary Action

District employees who fail to fulfill their job responsibilities or to follow reasonable directions of their supervisors, or who conduct themselves on or off the job in ways that affect their effectiveness on the job, may be subject to 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. The Superintendent or the Board may order an investigation into the employee’s conduct when warranted by the circumstances.

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

The Superintendent is authorized to immediately suspend a staff member.

Cross Reference Policy 3310 Student Discipline Policy 3311 Firearms and Weapons Policy 4332 Conduct on School Property

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

Johnson v. Columbia Falls Aluminum Company LLC, 2009 MT 108N.
Reduction in Force

The Board has exclusive authority to determine the appropriate number of employees. A reduction in certified 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. The reduction in certified employees, other than administrators, will generally be accomplished through normal attrition when possible. The Board may terminate certified employees, if normal attrition does not meet the required reduction in force.

The Board will follow the procedure stated in the current classified collective bargaining agreement when considering a reduction in force.

Cross Reference: 5250 Non-Renewal of Employment/Dismissal From Employment

Legal Reference: § 20-4-206, MCA Notification of nontenure teacher reelection – acceptance – termination

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Substitutes

The Board authorizes the use of substitute teachers as necessary to replace teachers who are temporarily absent. The principal shall arrange for the substitute to work for the absent teacher. Under no condition is a teacher to select or arrange for a private substitute. 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 substitute may be placed under contract if licensed or the board of trustees shall place a licensed teacher under contract. If the board of trustees makes a written declaration to the Superintendent of Public Instruction that no licensed teacher is available, the district shall pursue the employment of a teacher authorized under the provisions of Admin. R. Mont. 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.

Legal Reference: Admin. R. Mont. 10.55.716 Substitute teachers
Eureka School District

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Leaves of Absence

Certified and classified staff will be granted leaves according to their respective current collective bargaining agreements.

Administrators shall be granted sick leave pursuant to the terms of their individual contracts.

Administrators will be granted personal and emergency leave pursuant to the terms of their individual contracts, or at the discretion of the Board.

Civic Duty Leave

Leaves for service on either a jury or in the Legislature will be granted in accordance with state and federal law. A certified staff member hired to replace one serving in the Legislature does not acquire tenure.

An employee who is summoned to jury duty or subpoenaed to serve as a witness may elect to receive regular salary or to take annual leave during jury time. An employee who elects not to take annual leave, however, must remit to the District all juror and witness fees and allowances (except for expenses and mileage). The District may request the court to excuse an employee from jury duty, when an employee is needed for proper operation of the school.

Legal Reference:

42 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

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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 Workplace

The District recognizes that breast milk 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 breast milk 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 Eureka School District. Any incident of harassment of a breastfeeding employee will be addressed in accordance with the District’s Uniform Grievance Procedure.

Time to Express Milk or Breastfeed (Lactation Time)

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

Space and Equipment for Expressing Milk or Breastfeeding

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

The Lactation Area will:

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

Legal 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 mothers
§ 50-19-501, MCA  Nursing mother and infant protection
Family Medical Leave

In accordance with provisions of the Family Medical Leave Act of 1993 (FMLA), a leave of absence of up to twelve (12) weeks during a twelve-(12)-month period may be granted to an eligible employee for the following reasons: 1) birth of a child; 2) placement of a child for adoption or foster care; 3) a serious health condition which makes the employee unable to perform functions of the job; 4) to care for the employee’s spouse, child, or parent with a serious health condition; 5) because of a qualifying exigency (as the Secretary shall, by regulation, determine) arising out of the fact that the spouse or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.

Servicemember Family Leave

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

Eligibility

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

The Board has determined that the twelve-(12)-month period during which an employee may take FMLA leave is July 1 to June 30.

Coordination of Paid Leave

Employees will be required to use appropriate paid leave while on FMLA leave. Workers’ compensation absences will be designated FMLA leave.
Medical Certification

The Superintendent has discretion to require medical certification to determine initial or continued eligibility under FMLA as well as fitness for duty.

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”.

Legal Reference: 29 U.S.C §2601, et seq. - Family and Medical Leave Act of 1993  
29 C.F.R. Part 825, Family and Medical Leave Regulations  
§§2-18-601, et seq., MCA Leave Time  
§§49-2-301, et seq., MCA Prohibited Discriminatory Practices  
Family Medical Leave

Who Is Eligible

Employees are eligible if they have worked for the District for at least one (1) year, and for one thousand two hundred fifty (1,250) hours over the previous twelve (12) months, and if there have been at least fifty (50) District employees within seventy-five (75) miles for each working day during twenty (20) or more workweeks in the current or preceding calendar year.

Benefit

Under certain conditions, eligible employees, if qualified, may be entitled to up to twelve (12) weeks or twenty-six (26) weeks leave with continuing participation in the District’s group insurance plan.

Reasons for Taking Leave

Unpaid leave will be granted to eligible employees for any of the following reasons:

a. To care for the employee’s child after birth, or placement for adoption or foster care;

b. To care for the employee’s spouse, child, or parent (does not include parents-in-law) who has a serious health condition;

c. For a serious health condition that makes the employee unable to perform the employee’s job;

Military Family Leave

a. Military Caregiver Leave

An eligible employee who is a relative of a servicemember can take up to 26 weeks in a 12 month period in order to care for a covered servicemember who is seriously ill or injured in the line of duty.

b. Qualified Exigency leave

An eligible employee can take up to the normal 12 weeks of leave if a family member is on covered active duty. Covered active duty includes duty of a member of a regular component of the Armed Forces during deployment to a foreign country, and duty of a member of a reserve component of the Armed Forces during deployment to a foreign country under a call or order to active duty in support of specified contingency operations.
Qualifying Exigencies include:
   a. Short-notice deployment
   b. Military events and related activities
   c. Childcare and school activities
   d. Financial and legal arrangements
   e. Counseling
   f. Rest and recuperation
   g. Post-deployment activities; and
   h. Additional activities agreed to by the employer and the employee.

Substitution of Paid Leave

Paid leave will be substituted for unpaid leave under the following circumstances:

   a. Accumulated sick/personal leave will be utilized concurrently with any FMLA leave that is taken for a serious health reason as described in (b) or (c) above.
   b. Accumulated vacation/personal leave will be utilized concurrently with any FMLA leave that is taken for a family reason as described in (a) above.
   c. Accumulated sick leave will be utilized concurrently with FMLA leave, whenever the FMLA leave is taken for reasons which qualify for sick leave benefits pursuant to District policy or an applicable collective bargaining agreement.
   d. Whenever appropriate workers’ compensation absences shall be designated FMLA leave.
   e. Servicemember FMLA runs concurrent with other leave entitlements provided under federal, state, and local law.

When Both Parents Are District Employees

If both parents of a child are employed by the District, they each are entitled to a total of twelve (12) weeks of leave per year. However, leave may be granted to only one (1) parent at a time, and only if leave is taken: (1) for the birth of a child or to care for the child after birth; (2) for placement of a child for adoption or foster care, or to care for the child after placement; or (3) to care for a parent (but not a parent-in-law) with a serious health condition.

If spouses are employed by the same employer, the aggregate number of weeks of leave that can be taken is twenty-six (26) weeks in a single twelve (12) month period for serviceperson leave or a combination of exigency and serviceperson leave. The aggregate number of weeks of leave that can be taken by a husband and wife who work for the same employer is twelve (12) weeks if for exigency leave only.
Employee Notice Requirement

The employee must follow the employer’s standard notice and procedural policies for taking FMLA.

Employer Notice Requirement (29 C.F.R. §825.300)

Employers are required to provide employees with notice explaining the FMLA through a poster and either a handbook or information upon hire. If an employee requests FMLA leave, an employer must provide notice to the employee within five (5) business days of whether the employee meets the FMLA eligibility requirements. If an employee is not eligible to take FMLA, the employer must provide a reason. The employer must also provide a rights and responsibilities notice outlining expectations and obligations relating to FMLA leave. If FMLA leave is approved by the employer, it must provide the employee with a designation notice stating the amount of leave that will be counted against an employee’s FMLA entitlement.

Notice for Leave Due to Active Duty of Family Member

In any case in which the necessity for leave is foreseeable, whether because the spouse or a son, daughter, or parent of the employee is on active duty or because of notification of an impending call or order to active duty in support of a contingency operation, the employee shall provide such notice to the employer as soon as is reasonable and practicable.

Requests

A sick leave request form is to be completed whenever an employee is absent from work for more than three (3) days or when an employee has need to be absent from work for continuing treatment by (or under the supervision of) a health care provider.

An employer may require that a request for leave be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe. If the Secretary issues a regulation requiring such certification, the employee shall provide, in a timely manner, a copy of such certification to the employer.

Medical Certification

The District will require medical certification to support a request for leave or any other absence because of a serious health condition (at employee expense) and may require second (2nd) or third (3rd) opinions (at the employer’s expense) and a fitness-for-duty report or return-to-work statement.
Intermittent/Reduced Leave

FMLA leave may be taken “intermittently or on a reduced leave schedule” under certain circumstances. Where leave is taken because of birth or placement of a child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule only with District approval. Where FMLA leave is taken to care for a sick family member or for an employee’s own serious health condition, leave may be taken intermittently or on a reduced leave schedule when medically necessary. An employee may be reassigned to accommodate intermittent or reduced leave. When an employee takes intermittent leave or leave on a reduced leave schedule, increments will be limited to the shortest period of time that the District’s payroll system uses to account for absences or use of leave.

Insurance

An employee out on FMLA leave is entitled to continued participation in the appropriate group health plan, but it is incumbent upon the employee to continue paying the usual premiums throughout the leave period. An employee’s eligibility to maintain health insurance coverage will lapse if the premium payment is more than thirty (30) days late. The District will mail notice of delinquency at least fifteen (15) days before coverage will cease.

Return

Upon return from FMLA leave, reasonable effort shall be made to place the employee in the original or equivalent position with equivalent pay, benefits, and other employment terms.

Recordkeeping

Employees, supervisors, and building administrators will forward requests, forms, and other material to payroll to facilitate proper recordkeeping.

Summer Vacation

The period during the summer vacation or other scheduled breaks (i.e., Christmas) an employee would not have been required to work will not count against that employee’s FMLA leave entitlement.
SPECIAL RULES FOR INSTRUCTIONAL EMPLOYEES

Leave More Than Five (5) Weeks Before End of Term

If an instructional employee begins FMLA leave more than five (5) weeks before the end of term, the District may require the employee to continue taking leave until the end of a semester term, if:

a. The leave is at least three (3) weeks; and
b. The employee’s return would take place during the last three-(3)-week period of the semester term.

Leave Less Than Five (5) Weeks Before End of Term

If an instructional employee begins FMLA leave for a purpose other than that employee’s own serious health condition less than five (5) weeks before the end of term, the District may require the employee to continue taking leave until the end of a semester term, if:

a. The leave is longer than two (2) weeks; and
b. The employee’s return would take place during the last two-(2)-week period of the semester term.

Leave Less Than Three (3) Weeks Before End of Term

If an instructional employee begins FMLA leave for a purpose other than that employee’s own serious health condition less than three (3) weeks before the end of term, the District may require the employee to continue taking leave until the end of the academic term if the leave is longer than five (5) days.

Intermittent or Reduced Leave

Under certain conditions, an instructional employee needing intermittent or reduced leave for more than twenty percent (20%) of the total working days over the leave period may be required by the District to:

a. Take leave for a period(s) of particular duration not to exceed the duration of treatment; or
b. Transfer to an alternate but equivalent position.
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.
Long-Term Illness/Temporary Disability

The following procedures will be used when an employee has a long-term illness or temporary disability:

1. When any illness or temporarily disabling condition is “prolonged,” an employee will be asked by the 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 extended illness, procedures for assessing the probable duration of the temporary disability will vary. The number of days of leave will vary according to different conditions, individual needs, and the assessment of individual physicians. Normally, however, the employee should expect to return on the date indicated by the physician, unless complications develop which are further certified by a physician.

3. An employee who has signified her intent to return at the end of extended leave of absence shall be reinstated to his/her original job or an equivalent position with equivalent pay and accumulated seniority, retirement, fringe benefits, and other service credits.
Eureka School District

5330 PERSONNEL

Maternity and Paternity Leave

The School District’s maternity leave policy covers employees who are not eligible for FMLA leave at Policy 5328. Maternity leave includes only continuous absence immediately prior to adoption, delivery, absence for delivery, and absence for post-delivery recovery, or continuous absence immediately prior to and in the aftermath of miscarriage or other pregnancy-related complications.

The School District shall not refuse to grant an employee a reasonable leave of absence for pregnancy or require that an employee take a mandatory maternity leave for an unreasonable length of time. The School District has determined that maternity leave shall not exceed 6 weeks unless mandated otherwise by the employee’s physician.

The School District shall not deny to the employee who is disabled as a result of pregnancy any compensation to which the employee is entitled as a result of the accumulation of disability or leave benefits accrued pursuant to plans maintained by the employer, provided that the employer may require disability as a result of pregnancy to be verified by medical certification that the employee is not able to perform employment duties.

An employee who has signified her intent to return at the end of her maternity leave of absence shall be reinstated to her original job or an equivalent position with equivalent pay and accumulated seniority, retirement, fringe benefits, and other service credits.

The School District will review requests for Paternity Leave in accordance with any applicable policy or collective bargaining agreement provision governing use of leave for family purposes.

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 for the particular bargaining unit to which an employee belongs.

Classified employees who are regularly scheduled to work more than 20 hours per week are eligible for group health insurance benefits contribution on the same basis as the certified staff.

Classified employees who are not regularly scheduled to work more than 20 hours per week are not eligible for group health insurance benefits.

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
Eureka School District

5334 PERSONNEL

Adopted on: 09/08
Reviewed on:
Revised on: 10/13/15

Vacations

Classified and twelve-(12)-month administrative employees 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.

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
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.

Blended Time

Classified Employees working two or more jobs for the District at different rates of pay shall be paid overtime at a weighted average of the differing wages. This shall be determined by dividing the total regular remuneration for all hours worked by the number of hours worked in that week to arrive at the weighted average. One half that rate is then multiplied times the number of hours worked over 40 to arrive at the overtime compensation due.

Example: Employee works one job at 30 hrs./week at 10.00/hr. The same employee works a different job at 20 hrs./week at $12.00/hr. (Same district). The employee would get $300.00 per week for the 30 hr/week job ($10.00X30) and $240.00 per week for the 20 hr./week job ($12.00X20). A total of $540.00 (regular remuneration). Divide $540.00 by 50 (total hours worked) = $10.8/hr (weighted average). One-half that rate ($10.80/2 = $5.40) is multiplied by 10 (number of hours over 40). $54.00 is the amount of overtime compensation due the employee based on the “blended time”.

NOTE: Please be advised that comp time is not required. If a district adopts a comp time policy, there are basically two (2) types of employees: 1) Those who are covered before the policy was adopted need to be treated on a case-by-case basis, and the agreement to allow comp time must be entered into before the work is performed. 2) Those hired after the policy is in place – the Department of Labor has determined that the employee agreed to the policy. Some experts have said comp time is a credit card, not a savings account. The employee has broad latitude to decide when the time will be taken.

Legal Reference:
29 U.S.C § 201, et seq. Fair Labor Standards Act
Title 39, Chapter 3, Part 4 Minimum Wage and Overtime Compensation
Admin. R. Mont. 24.16.2501—2581 Overtime Compensation
Workers’ Compensation Benefits

All employees of the District are covered by workers’ compensation benefits. In the event of an industrial accident, an employee should:

1. Attend to first aid and/or medical treatment during an emergency;

2. Correct or report as needing correction a hazardous situation as soon as possible after an emergency situation is stabilized;

3. Report the injury or disabling condition, whether actual or possible, to the immediate supervisor, within forty-eight (48) hours, on the Employer’s First Report of Occupational Injury or Disease; and

4. Call or visit the administrative office after medical treatment, if needed, to complete the necessary report of accident and injury on an Occupational Injury or Disease form.

The administrator will notify the immediate supervisor of the report and will include the immediate supervisor as necessary in completing the required report.

An employee who is injured in an industrial accident may be eligible for workers’ compensation benefits. By law, employee use of sick leave must be coordinated with receipt of workers’ compensation benefits, on a case-by-case basis, in consultation with the Workers’ Compensation Division, Department of Labor and Industry.

The District will not automatically and simply defer to a report of industrial accident but will investigate as it deems appropriate to determine: (1) whether continuing hazardous conditions exist which need to be eliminated; and (2) whether in fact an accident attributable to the District working environment occurred as reported. The District may require the employee to authorize the employee’s physician to release pertinent medical information to the District or to a physician of the District’s choice, should an actual claim be filed against the Workers’ Compensation Division, which could result in additional fees being levied against the District.

Legal Reference: §§ 39-71-101, et seq., MCA  Workers’ Compensation Act
Employee use of Electronic Mail, Internet, and District Equipment

Electronic mail ("e-mail") is an electronic message that is transmitted between two (2) or more computers or electronic terminals, whether or not the message is converted to hard-copy format after receipt, and whether or not the message is viewed upon transmission or stored for later retrieval. E-mail includes all electronic messages that are transmitted through a local, regional, or global computer network.

Because of the unique nature of e-mail/Internet, and because the District desires to protect its interest with regard to its electronic records, the following rules have been established to address e-mail/Internet usage by all employees:

The District e-mail and Internet systems are intended to be used for educational purposes only, and employees should have no expectation of privacy when using the e-mail or Internet systems for any purpose. Employees have no expectation of privacy in district owned technology equipment, including but not limited to district-owned desktops, laptops, memory storage devices, and cell phones.

Incidental personal use of school system computers is permitted as long as such use does not interfere with the employee’s job duties and performance, with system operations, or other system users. “Incidental personal use…” is defined by use by an individual employee for occasional personal communications. Employees are reminded that such personal use must comply with this policy and all other applicable policies, procedures, and rules.

Users of District e-mail and Internet systems are responsible for their appropriate use. All illegal and improper uses of the e-mail and Internet system, including but not limited to extreme network etiquette violations including mail that degrades or demeans other individuals, pornography, obscenity, harassment, solicitation, gambling, and violating copyright or intellectual property rights, are prohibited. Abuse of the e-mail or Internet systems through excessive personal use, or use in violation of the law or District policies, will result in disciplinary action, up to and including termination of employment.

All e-mail/Internet records are considered District records and should be transmitted only to individuals who have a need to receive them. If the sender of an e-mail or Internet message does not intend for the e-mail or Internet message to be forwarded, the sender should clearly mark the message “Do Not Forward.”

In order to keep District e-mail and Internet systems secure, users may not leave the terminal “signed on” when unattended and may not leave their password available in an obvious place.

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near the terminal or share their password with anyone except the system administrator. The
District reserves the right to bypass individual passwords at any time and to monitor the use of
such systems by employees.

Additionally, District records and e-mail/Internet records are subject to disclosure to law
enforcement or government officials or to other third parties through subpoena or other process.

Consequently, the District retains the right to access stored records in cases where there is
reasonable cause to expect wrongdoing or misuse of the system and to review, store, and disclose
all information sent over the District e-mail systems for any legally permissible reason, including
but not limited to determining whether the information is a public record, whether it contains
information discoverable in litigation, and to access District information in the employee’s
absence. Employee e-mail/Internet messages may not necessarily reflect the views of the
District.

Except as provided herein, District employees are prohibited from accessing another employee’s
e-mail without the expressed consent of the employee. All District employees should be aware
that e-mail messages can be retrieved, even if they have been deleted, and that statements made
in e-mail communications can form the basis of various legal claims against the individual author
or the District.

E-mail sent or received by the District or the District’s employees may be considered a public
record subject to public disclosure or inspection. All District e-mail and Internet communications
may be monitored.
Payment of Wages Upon Termination

When a District employee quits, is laid off, or is discharged, wages owed will be paid on the next regular pay day for the pay period in which the employee left employment or within fifteen (15) days from the date of separation of employment, 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
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
Eureka School District
PO Box 2000
Eureka, Montana 59917

Legal Reference: 45 C.F.R. Parts 160, 162, 164

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Eureka Public Schools

6000 ADMINISTRATION

Goals

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, Section 8 § 20-3-324, MCA Powers and duties
- § 20-4-402, MCA Duties of district superintendent
- 10.55.701, ARM Board of Trustees
Superintendent

Duties and Authorities

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/regulations 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. When the office of the Superintendent becomes vacant, the Board shall determine the appropriate process for filling that vacancy, and shall appoint the individual chosen by the majority of the Board.

Evaluation

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

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 10.55.702 Licensure and Duties of District Administrator – District Superintendent
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<th>The Board will:</th>
<th>The Superintendent will:</th>
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<td>Select the Superintendent and delegate to him/her all necessary administrative powers.</td>
<td>Serve as chief executive officer of the District.</td>
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<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>
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<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>
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<td>Approve courses of study.</td>
<td>Recommend courses of study.</td>
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<td>Approve textbooks.</td>
<td>Recommend textbooks.</td>
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<td>Approve the annual budget.</td>
<td>Prepare and submit the annual budget.</td>
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<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>
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<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>
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<td>Approve contracts for major construction, remodeling, or maintenance.</td>
<td>Recommend contracts for major construction, remodeling, or maintenance.</td>
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<td>Approve payment of vouchers and payroll.</td>
<td>Recommend payment of vouchers and payroll.</td>
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<td>The Superintendent will:</td>
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<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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<td>Assure that appropriate criteria and processes for evaluating staff are in place.</td>
<td>Establish criteria and processes for evaluating staff.</td>
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<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>
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<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>
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<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>
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<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>
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<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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<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, building principal, or other administrator 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
Duties and Qualifications of Administrative Staff Other Than Superintendent

Duty and Authority

As authorized by the Superintendent, administrative staff will have full responsibility for day-to-day administration of the area to which they are assigned. Administrative staff are governed by Board policies and are responsible for implementing administrative procedures relating to their assigned responsibilities.

Each administrator’s duties and responsibilities will be set forth in a job description for that particular position.

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.

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
- 10.55.701, ARM Board of Trustees
- ARM 10.55.602 Definition of Internship
- ARM 10.55.607 Internships
Principals

Principals are the chief administrators of their assigned schools and are 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. Principals are responsible for management of their 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 reporting criminal offenses. 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
Evaluation of Administrative Staff

Each administrator will be evaluated annually by the Superintendent, in order to provide guidance and direction to the administrator in the performance of his/her assignment. Such evaluation will be based on job descriptions, accomplishment of annual goals and performance objectives, and established evaluative criteria.

The Superintendent shall establish procedures for the conduct of these evaluations. Near the beginning of the school year, the Superintendent shall inform the administrator of the criteria to be used for evaluation purposes, including the adopted goals for the District. Such criteria shall include performance statements dealing with leadership; administration and management; school financing; professional preparation; effort toward improvement; interest in students, staff, citizens, and programs; and staff evaluation.

Both the evaluator and the administrator involved in the evaluation will sign the written evaluation report and retain a copy for their records. A person being evaluated has the right to submit and attach a written statement to the evaluation within fifteen (15) business days following the evaluation conference.

Cross Reference: 6140 Duties and Qualifications of Administrative Staff Other Than Superintendent

Legal Reference: 10.55.701, ARM Board of Trustees
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 and 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.
Budget Adjustments

When any budgeted fund line item is in excess of the amount required, the Board may transfer any of the excess appropriation to another line item(s) within the same fund.

The Board authorizes the administration to transfer line items within the same budgeted fund to adjust line item overdrafts or to meet special line item needs. Line item budget transfers to adjust line item overdrafts are at the discretion of the administrators.

Total budget expenditures for each fund as adopted in the final budget shall constitute the appropriations of the District for the ensuing fiscal year. The Board will be limited in the incurring of expenditures to the total of such appropriations.

With timely notice of a public meeting, trustees, by majority vote of those present, may declare by resolution that a budget amendment (in addition to the final budget) is necessary. Budget amendments are authorized for specified reasons by § 20-9-161, MCA. The resolution must state the facts constituting the need for the budget amendment, the funds affected by the budget amendment, the anticipated source of financing, the estimated amount of money required to finance the budget amendment, and the time and place the trustees will meet for the purpose of considering and adopting the budget amendment for the current school fiscal year.

The meeting to adopt a budget amendment will be open and will provide opportunity for any taxpayer to appear and be heard. Budget procedures will be consistent with statutory requirements. When applicable, the District will apply for state financial aid to supplement the amount to be collected from local taxes.

Legal Reference:

§ 20-9-133, MCA Adoption and expenditure limitations of final budget
§ 20-9-161, MCA Definition of budget amendment for budgeting purposes
§ 20-9-162, MCA Authorization for budget amendment adoption
§ 20-9-163, MCA Resolution for budget amendment – petition to superintendent of public instruction
§ 20-9-164, MCA Notice of budget amendment resolution
§ 20-9-165, MCA Budget amendment limitation, preparation, and adoption procedures
§ 20-9-166, MCA State financial aid for budget amendments
§ 20-9-208, MCA Transfers among appropriation items of fund – transfers from fund to fund
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
Obligations and Loans

The District may, without a vote of the electors of the District, secure loans from or issue and sell to the board of investments or a bank, building and loan association, savings and loan association, or credit union that is a regulated lender under Montana law, obligations for the purpose of financing all or a portion of:

A. the costs of vehicles and equipment and construction of buildings used primarily for the storage and maintenance of vehicles and equipment;
B. the costs associated with renovating, rehabilitating, and remodeling facilities, including but not limited to roof repairs, heating, plumbing, electrical systems, and cost-saving measures as defined in Montana law;
C. the costs of nonpermanent modular classrooms necessary for student instruction when existing buildings of the district are determined to be inadequate by the trustees;
D. any other expenditure that the district is otherwise authorized to make including the payment of settlements of legal claims and judgments; and
E. the costs associated with the issuance and sale of the obligations.

Before seeking to secure a loan or issue and sell obligations to a regulated lender, the District shall first offer the board of investments a written notice of the board's right of first refusal. If the board of investments accepts the offer to issue a loan or purchase obligations, the board shall provide a written response to the trustees by the later of:

A. 120 days following delivery of the trustees' offer to the board; or
B. the day after the next meeting of the board of investments.

If the trustees have not received a written acceptance by the deadline the District may seek to secure a loan or issue and sell an obligation to a regulated lender as outlined in this policy and Montana law.

The District may access its major maintenance aid account for school facility projects, including the payment of principal and interest on obligations issued in accordance with this policy and Montana law for school facility projects,

Legal Reference: Section 20-9-471, MCA - Issuance of obligations
Section 20-9-525, MCA - School major maintenance aid account
Disposal 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.

Legal Reference: § 20-6-604, MCA  Sale of property when resolution passed after hearing – appeal procedure
Donations, Endowments, Gifts, and Investments

The Board may accept gifts, endowments, legacies, and devises subject to the lawful conditions imposed by the donor or without any conditions imposed. Unless otherwise specified by the donor, when a district receives a donation the trustees may deposit the donation in any budgeted or non-budgeted fund at the discretion of the trustees and may thereafter transfer any portion of the donation to any other fund at the discretion of the trustees. If the trustees accept a donation and the donor specifies the donation for an endowment, the trustees shall deposit the donation in the endowment fund. Neither the Board nor the Superintendent will approve any gifts that are inappropriate.

If the District deposited donated funds in an endowment fund without specific instruction by the donor, the Board may move the donated funds and any accumulated interest to any other budgeted or non-budgeted fund of the District and may spend donated funds and any accumulated interest unless restricted by condition imposed by the donor.

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
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 $50,000 except the Superintendent shall have the authority to make capital outlay purchases without advance approval when necessary to protect the interests of the District or the health and safety of staff or students. The Superintendent will establish requisition and purchase order procedures to control and maintain proper accounting of expenditure of funds. Staff who obligate the District without proper authorization may be held personally responsible for payment of such obligations.

Bids and Contracts

Whenever any building furnishing, repairing, or other work for the benefit of the District or purchasing of supplies for the District is necessary, the work done or the purchase made must be by contract if the sum exceeds 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. 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:

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In making a determination as to which vendor is the lowest responsible bidder, if any, the District will take into consideration not only the pecuniary ability of a vendor to perform the contract, but will also consider the skill, ability, and integrity of a vendor to do faithful, conscientious work and promptly fulfill the contract according to its letter and spirit. References must be provided and will be contacted. The District further reserves the right to contact others with whom a vendor has conducted business, in addition to those listed as references, in determining whether a vendor is the lowest responsible bidder. Additional information and/or inquiries into a vendor’s skill, ability, and integrity are set forth in the bid specifications.

Cooperative Purchasing

The District may enter into cooperative purchasing contracts with one or more districts for procurement of supplies or services. A district participating in a cooperative purchasing group may purchase supplies and services through the group without complying with the provisions of 20-9-204(3), MCA if the cooperative purchasing group has a publicly available master list of items available with pricing included and provides an opportunity at least twice yearly for any vendor, including a Montana vendor, to compete, based on a lowest responsible bidder standard, for inclusion of the vendor's supplies and services on the cooperative purchasing group's master list.

Legal Reference: §§ 18-1-101, et seq., MCA Preferences and General Matters
§§ 18-1-201, et seq., MCA Bid Security
§ 20-9-204, MCA Conflicts of interests, letting contracts, and calling for bids - exceptions
§ 20-10-110, MCA School Bus Purchases – contracts- bids
Debcon v. City of Glasgow, 305 Mont. 391 (2001)
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, etc., is a Board-approved venture. The Board may approve such opportunities subject to certain restrictions in keeping with the contemporary 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
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.
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 pre-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.

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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.

Specific procedures are available in the Clerk’s office.

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 two (2) years and cover the immediately preceding two (2) fiscal years, or it may be conducted annually.

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
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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Cross Reference: 7500 Property Records
Independent Investment Accounts

The Board may establish independent investment accounts separate and apart from those funds maintained by the county treasurer. The Board may transfer cash into an independent investment account from any budgeted or non-budgeted funds. A separate account shall be established for each fund from which transfers are made. The principal and any interest earned must be reallocated to the fund from which the deposit was originally made. Unless otherwise provided by law, all other revenue may be sent directly to a participating district’s investment account.

The District may either:

- Establish and use the account as a non-spending account, returning sufficient funds to the county treasurer in time to pay all claims against the applicable fund; or

- Establish a subsidiary checking account and make expenditures from the investment account, provided all transactions are accounted for and reported, as required by applicable accounting principles. If the District desires to establish a subsidiary checking account for purposes of paying for expenditures directly from an investment account, the District must enter into a written agreement with the county treasurer, in accordance with § 20-9-235, MCA.

Legal Reference: § 20-9-235, MCA  Authorization for school district investment account
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 lease 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.
# EUREKA SCHOOL DISTRICT

**8000 SERIES**  
NONINSTRUCTIONAL OPERATIONS

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Goals

In order for students to obtain the maximum benefits from their educational program, a complex set of support services must be provided by the District. These services are essential to the success of the District, and the staff that provides them is an integral part of the educational enterprise. Because resources are always scarce, all assets of District operations, including noninstructional support services, shall be carefully managed in order to obtain maximum efficiency and economy. To that end, the goal of the District is to seek new ways of supporting the instructional program, which shall maximize the resources directly available for students’ learning programs.
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.

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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 special education 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.

Cross Reference: 3300P Corrective Actions and Punishment

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 certification in CPR, be signed by a certified instructor, and be received after an initial in-person training of at least four hours with annual renewals.

A school bus driver is prohibited from operating a school bus while using a cellular phone, including hands free cellular phone devices, except:

1. During an emergency situation;
2. To call for assistance if there is a mechanical breakdown or other mechanical problem;
3. When the school bus is parked.

A 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
School Bus Emergencies

In the event of an accident or other emergency, the bus driver shall follow the emergency procedures developed by the Superintendent. A copy of the emergency procedures will be located in every bus. To ensure the success of such emergency procedures, every bus driver will conduct an emergency evacuation drill as early as possible within the first six (6) weeks of each school semester. The District will conduct such other drills and procedures as may be necessary.
Activity Trips

The use of school buses is strictly limited to school activities. Buses may not be loaned or leased to non-school groups, unless permission is specifically granted by the Board. Buses will be operated by a qualified bus driver on all activity runs, and only authorized activity participants, professional staff, and chaperones assigned by the administration may ride the bus.

A duplicate copy of the passenger list will be made for all activity trips. One (1) copy will remain with the professional staff member in charge on the bus, and one (1) copy will be given to the Secretary before the bus departs.
Eureka School District

8200 - R  NONINSTRUCTIONAL OPERATIONS

Food Services

The District supports the philosophy of the National School Lunch Program and will provide wholesome, appetizing, and nutritious meals for children in District schools. 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 students.

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.

Commodities

The District will use food commodities made available under the Federal Food Commodity Program for 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.

The Board may establish programs whereby meals may be provided in the District in accordance with National School Lunch Program guidelines.

The amount charged for such meals shall be sufficient to cover all costs of the meals, including preparation labor and food, handling, utility, and equipment depreciation costs.

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
P.L. 108-265  Child Nutrition and WIC Reauthorization Act of 2004
Tobacco Free Policy

The District maintains tobacco-free buildings and grounds. Tobacco includes but is not limited to cigarettes, cigars, snuff, pipe smoking tobacco, smokeless tobacco, vapor product, alternative nicotine product or any other tobacco or nicotine delivery innovation.

Use of tobacco or nicotine products in a public school building or on public school property is prohibited, unless used in a classroom or on other school property as part of a lecture, demonstration, or educational forum sanctioned by a 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.

Use of FDA-approved cessation devices may be permitted at school buildings and on school grounds with the approval of the building administrator.

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

The Board believes that the District must identify and measure risks of loss which may result from damage to or destruction of District property or claims against the District by persons claiming to have been harmed by action or inaction of the District, its officers or staff. The District will implement a risk management program to reduce or eliminate risks where possible and to determine which risks the District can afford to assume. Such program will consider the benefits, if any, of joining with other units of local government for joint purchasing of insurance, joint self-insuring, or joint employment of a risk manager. The Board will assign primary responsibility for administration and supervision of the risk management program to a single person and will review the status of the risk management program each year.

The District will purchase surety bonds for the Clerk, and such other staff and in such amounts as the Board shall from time to time determine to be necessary for honest performance of the staff in the conduct of the District’s financial operations.

Legal Reference: § 20-6-608, MCA Authority and duty of trustees to insure district property
§ 20-3-331, MCA Purchase of insurance – self-insurance plan
§§ 2-9-101, et seq., MCA Liability Exposure
§ 2-9-211, MCA Political subdivision insurance
§ 2-9-501, MCA Application – bonds excepted
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: weather, fire, flooding, wildlife, earthquake, armed intruder, dangerous person in area.

The Building Principal/District Safety Coordinator shall 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
Sale of Real Property

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
Operation and Maintenance of District Facilities

The District seeks to maintain and operate facilities in a safe and healthful condition. The facilities manager, in cooperation with principals, fire chief, and county sanitarian, will periodically inspect plant and facilities. The Superintendent will provide for a program to maintain the District physical plant by way of a continuous program of repair, maintenance, and reconditioning. Budget recommendations will be made each year to meet these needs and any such needs arising from an emergency.

The facilities manager will formulate and implement energy conservation measures. Principals and staff are encouraged to exercise other cost-saving procedures in order to conserve District resources in their buildings.

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
Lead Renovation

In accordance with the requirements of the Environmental Protection Agency (EPA), the Eureka School District has this Lead Renovation Policy that is designed to recognize, control and mitigate lead hazards at all District owned facilities and grounds.

The Lead-based paint renovation, repair and painting program (RRP) is a federal regulatory program affecting contractors, property managers, and others who disturb painted surfaces. It applies to child-occupied facilities such as schools and day-care centers 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 Eureka School District 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;
- or
- The animal is not housebroken

The District is not responsible for the care or supervision of the service animal.

Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of the District’s facilities where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go.

Cross Reference:
- Policy 8425P Procedure for allowance of service animals
- Policy 8425F Service Animals in District Facilities Form
- Policy 2161 Special Education
- Policy 2162 Section 504 of the Rehabilitation Act of 1973

Legal Reference:
- 28 CFR 35.136 Service Animals
- 28 CFR 35.104 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 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.

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

Legal Reference: Montana Secretary of State (Rules for Disposition of Local Government Records)
Federal Rules of Civil Procedure (FRCP)
§ 20-1-212, MCA Destruction of records by school officer
§ 20-9-215, MCA Destruction of certain financial records
24.9.805 (4), ARM Employment Records
Automated External Defibrillators (AED)

The Board of Trustees of the Eureka School District 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. A copy of the plan prepared pursuant to this section; and
   b. 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
Cyber Incident Response

A cyber incident is a violation or imminent threat of violation of computer security policies, acceptable use policies, or standard computer security practices. An incident response capability is necessary for rapidly detecting incidents, minimizing loss and destruction, mitigating the weaknesses that were exploited, and restoring computing services.

The School District is prepared to respond to cyber security incidents, to protect District systems and data, and prevent disruption of educational and related services by providing the required controls for incident handling, reporting, and monitoring, as well as incident response training, testing, and assistance.

Responsibilities of Specific Staff Members

Individual Information Technology User:
All users of District computing resources shall honor District policy and be aware of what constitutes a cyber security incident and shall understand incident reporting procedures.

District Information Technology Director
Provide incident response support resources that offer advice and assistance with handling and reporting of security incidents for users of School District information systems. Incident response support resources may include, but is not limited to: School District information technology staff, a response team outlined in this policy, and access to forensics services.

Establish a Cyber Security Incident Response Team (CSIRT) to ensure appropriate response to cyber security incidents. CSIRT responsibilities shall be defined in the School District position descriptions.

District Superintendent:
Develop organization and system-level cyber security incident response procedures to ensure management and key personnel are notified of cyber security incidents as required.

Procedures

Designated officials within the District shall review and approve incident response plans and procedures at least annually. The incident response plans and/or procedures shall:

• Provide the District with a roadmap for implementing its incident response capability
• Describe the structure and organization of the incident response capability
• Provide a high-level approach for how the incident response capability fits into the overall organization
• Meet the unique requirements of the District, which relate to mission, size, structure, and functions
• Define reportable incidents
• Provide metrics for measuring the incident response capability within the organization
• Define the resources and management support needed to effectively maintain and mature an incident response capability

Upon completion of the latest incident response plan, designated officials shall:
• Distribute copies of the incident response plan/procedures to incident response personnel.
• Communicate incident response plan/procedure changes to incident response personnel and other organizational elements as needed.
• Provide incident response training to information system users consistent with assigned roles and responsibilities before authorizing access to the information system or performing assigned duties, when required by information system changes; and annually thereafter.
• Test the incident response capability for the information systems they support at least annually to determine effectiveness.
• Track and document information system security incidents.
• Promptly report cyber security incident information to appropriate authorities in accordance with reporting procedures.
STUDENTS

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: ____ AM ____ PM Supervising Employee _______________

Claimant’s Name ____________________________________ _________________________ __________
Last Name  First Name  Middle Initial
Claimant’s Address  __________________________________________ __________________ ________________
City  State  ZIP Code
Claimant’s SS # _____________________________ Home Phone Number (_____) ___________________
Claimant’s Age _______ Date of Birth ______________________ Sex __________ Grade ________________
Parent’s Name (if student) _____________________________ 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_________________________
SCHOOL DISTRICT

AUTOMATIC EXTERNAL DEFIBRILLATOR
INCIDENT REPORT

Name of person completing report: ________________________________________________________

Date report is being completed: ______________________  Date of Incident: ____________________

Name of patient on which AED was applied: ________________________________  Age ________

Known status of patient

☐ Student
☐ Parent of Student
☐ Other, explain ________________________________

Describe incident: _____________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________

List series of events from the start of the emergency until its conclusion: ________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________

Your Signature: ____________________________________

Please forward to the Superintendent of Schools no later than forty-eight (48) hours after the incident.
Operational Services

Exhibit - School Staff AED Notification Letter

On District letterhead

Date:
To: Staff members
Re: Notification to School Staff of the Physical Fitness Facility Medical Emergency Response Instructions and AED Availability

We would like to notify you about our plan for responding to medical emergencies that might occur in our gymnasium or other indoor physical fitness facility. This plan includes access to an Automatic External Defibrillator (AED) in the following locations in these buildings:

<table>
<thead>
<tr>
<th>Building</th>
<th>Location</th>
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The AEDs are strategically placed and readily accessible to predetermined AED users to maximize rapid use. The AED is available during school hours and after school during on-site school activities. The predetermined AED users are school nurses and any other person who has received AED training (American Heart Association, American Red Cross, or equivalent training) and has a completion card on file with the Superintendent.

The following information is posted with each AED:

1. Instructions to immediately call 9-1-1 and instructions for emergency care.
2. A statement that the AED is to be used only by trained users.
3. Instructions for using an AED.

Please contact me if you would like information on becoming a trained AED user. We appreciate your support.

Sincerely,

Superintendent
Once per month or more often the designee will inspect the AED. If the AED is out-of-service or does not have the appropriate equipment, the designee will contact the Superintendent of Schools or designee immediately.

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CHAPERONE LETTER OF UNDERSTANDING

I understand that as a chaperone for the __________ School District I must adhere to the following rules:

1. I shall not use tobacco products in the presence of students;

2. I shall not consume any alcoholic beverages nor use any illicit drugs during the duration of my assignment as a chaperone, including during the hours following the end of the day’s activities for students;

3. I will not encourage or allow students to participate in any activity that is in violation of District policy during the field trip or excursion, including during the hours following the end of the day’s activities.

I understand that should I have been found to have violated these rules, I will not be used again as a chaperone for any District-sponsored field trips or excursions and may be excluded from using District-sponsored transportation for the remainder of the field trip or excursion and that I will be responsible for my own transportation back home.

I also understand that, if found to have violated these rules, I may be subject to disciplinary action.

________________________________________   ______________________
Signature of Chaperone                        Date
Dissemination Log
For national criminal history fingerprint-based background checks under

<table>
<thead>
<tr>
<th>Date</th>
<th>Person Making Dissemination</th>
<th>Name and Date of Birth on Disseminated Information</th>
<th>Receiving Entity (Name, Phone Number, Person)</th>
<th>Disseminated by Telephone, Fax, Mail or E-mail?</th>
<th>Date Qualified Entity Status Verified by ID</th>
</tr>
</thead>
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**Instructions:** A log entry must be made every time you share with another qualified entity any information you obtained from a criminal history records check through the Montana Department of Justice (MDOJ) or the FBI. This includes the sharing of “No Record” information. The Dissemination Log must be retained for four (4) years from the date of the entry, and it must be made available to MDOJ and FBI auditors.

**Reminder:** Criminal history record information received from MDOJ or the FBI under NCPA/VCA and/or Public Law 92-544, shall be used or shared only for the screening of current or prospective Montana employees, volunteers, contractors, and/or vendors of QUALIFIED ENTITIES, pursuant to these laws.
DESIGNATION AND ACCEPTANCE TO ADMINISTER GLUCAGON

As a parent, an individual who has executed a caretaker relative educational authorization affidavit, an individual who has executed a caretaker relative medical authorization affidavit, or a guardian of a diabetic student, I have designated __________________ to administer glucagon to __________________ only in emergency situations. I understand the designee must be an adult.

___________________________  ______________________
Signature                        Date

As the parent-designated adult, I agree to administer glucagon only in emergency situations to __________________. I understand the glucagon must be provided by the parent, an individual who has executed a caretaker relative educational authorization affidavit, an individual who has executed a caretaker relative medical authorization affidavit, or the guardian of the student. I confirm that I have been trained in recognizing hypoglycemia and the proper method of administering glucagon. I have been trained by ______________________ on the _____ day of _____________, 20__.

_____________________________  ______________________
Signature of parent-designated adult  Date
EDUCATIONAL AUTHORIZATION AFFIDAVIT

__________ School District

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

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

Name of child: _____________________________________
Child’s date of birth: _____________________________
My name (caretaker relative): ________________________
My date and year of birth: __________________________
My home address: __________________________________
My relationship to the child: _________________________

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

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

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

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

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

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

☐ No adequate provision, such as appointment of a legal custodian or guardian or execution of a notarized power of attorney, has been made for enrollment of the child in school, other educational services, or educationally related medical services.

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

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I declare under penalty of false swearing under the laws of Montana that the foregoing is true and correct.
Signed this ____ day of ________________, 20__.

______________________________
(Signature of caretaker relative)

STATE OF MONTANA

County of _______________

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

______________________________
(NAME)
(SEAL)
NOTARY PUBLIC for the state of Montana
Residing at ____________________, Montana
My commission expires: ____________________

NOTES:

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

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

3. The completed affidavit is effective for the earlier of:

   a. The end of the first school year after delivery of the affidavit to a school district;
   b. Until it has been revoked by the caretaker relative;
   c. Until the child no longer resides with the caretaker relative.

4. If the child stops living with you, you shall notify anyone to whom you have given this affidavit.
Eureka School District

Harassment Reporting Form for Students

School ______________________________________________ Date __________________

Student’s name _________________________________________________________________

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

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

______________________________________________________________________________

• Describe the incident(s). ______________________________________________________

______________________________________________________________________________

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

______________________________________________________________________________

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

______________________________________________________________________________

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

______________________________________________________________________________

• Did you take any action in response to the incident? □ yes □ no
If yes, what action did you take? ______________________________

______________________________________________________________________________

• Were there any prior incidents? □ yes □ no
If so, describe any prior incidents. ______________________________________________

______________________________________________________________________________

Signature of complainant _______________________________________________________

Signatures of parents/legal guardians ______________________________________________

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

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

Student’s Name: ___________________________  Sex: (Please circle) Female/Male  Birth Date: ___/___/______
School: ___________________________________  City/Town: ___________________________  School Year: ________ (Must be renewed annually)

Physician’s Authorization:
The above named student has my authorization to carry and self administer the following medication:
Medication: (1) ___________________________  Dosage: (1) ___________________________
(2) ___________________________  (2) ___________________________
Reason for prescription(s): ___________________________________________________________
Medication(s) to be used under the following conditions (times or special circumstances): ________________________________________________________________
I confirm that this student has been instructed in the proper use of this medication and is able to self-administer this medication without school personnel supervision. I have formulated and provided to the parent/guardian or caretaker relative a written treatment plan for managing asthma, severe allergies, or anaphylaxis episodes and for medication use by this student during school hours and school activities.

Signature of Physician/PA/APRN  Phone Number  Date

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

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

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

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

I understand that in the event the medication dosage is altered, a new “self-administration form” must be completed, or the health care provider may rewrite the order on his/her prescription pad, and I, the parent/caretaker relative/guardian, will sign the new form and assure the new order is attached.
I understand it is my responsibility to pick up any unused medication at the end of the school year, and the medication that is not picked up will be disposed of.
I authorize the school administration to release this information to appropriate school personnel and classroom teachers.

Parent/Guardian, Caretaker Relative Signature: ___________________________  Date: ___________________________

(Original signed authorization to the school; a copy of the signed authorization to the parent/guardian and health care provider) See, generally, Mont. Code Ann. § 20-5-420.

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CONFIDENTIAL

NOTICE OF FEDERAL BACKGROUND CHECK DETERMINATION

TO: ___________________________________ DATE: ____________
(EMPLOYING AGENCY)

BASED ON THE RESULTS OF THE FEDERAL CRIMINAL HISTORY RECORD
INFORMATION (CHRI)

TYPE OF NOTICE  Original Notice  Amended Notice

NAME OF SUBJECT ___________________________________ DOB __________

DETERMINATION:

No disqualifiers present on the CHRI

Authorized Designee Printed Name and Phone Number _________________________

Authorized Designee Signature _____________________________________________

Disqualifiers are present on the CHRI
Re-dissemination of Criminal History to the Individual

If your fingerprint result is on file with the Office of Public Instruction, a Montana public school or public school district, or a unit of the Montana university system, those results can be distributed from the requesting Agency to the individual.

I authorize ________________________________

The Office of Public Instruction; or

A Unit of the Montana Public University System; or

Montana Public School or Public School District

To share the results of my fingerprint based background check with myself for challenge or disputing incorrect information with Montana Criminal Records.

Authorized Agency ________________________________

Signature of Applicant ________________________________

Date of Birth _____________________________

Printed or typed name of applicant ________________________________

Date _____________________________

Recipient Phone ______________________
Eureka School District

PERSONNEL

Eureka School District
Report of Suspected Child Abuse or Neglect

Hot Line Number – 866-820-5437

Original to: Department of Public Health and Human Services
Copy to: Building Principal

From: ______________________________  Title: ______________________________

School: ______________________________  Phone: ______________________________

Persons contacted: □ Principal  □ Teacher  □ School Nurse  □ Other __________________

Name of Minor: ______________________________  Date of Birth: ______________________________

Address: ______________________________  Phone: ______________________________

Date of Report: ________  Attendance Pattern: ______________________________

Father: __________________  Address: ______________________________  Phone: __________________

Mother: __________________  Address: ______________________________  Phone: __________________

Guardian or Stepparent: __________________  Address: ______________________________  Phone: __________________

Any suspicion of injury/neglect to other family members: ______________________________

Nature and extent of the child’s injuries, including any evidence of previous injuries, and any other information which may be helpful in showing abuse or neglect, including all acts which lead you to believe the child has been abused or neglected: ______________________________

____________________________________________________________________________

____________________________________________________________________________

Previous action taken, if any: ______________________________

____________________________________________________________________________

Follow-up by Department of Public Health and Human Services (DPHHS to complete and return copy to the Building Principal):

Date Received: ______________  Date of Investigation: ______________

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