



# FORTINE SCHOOL DISTRICT

## MASTER INDEX

[1000 Series—Board of Trustees](#)

[2000 Series—Instruction](#)

[3000 Series—Students](#)

[4000 Series—Community Relations](#)

[5000 Series—Personnel](#)

[6000 Series—Administration](#)

[7000 Series—Financial Management](#)

[8000 Series— Non-instructional Operations](#)

**R = REQUIRED**

**REC = RECOMMENDED**

**OP = OPTIONAL**

<b>OP</b>	3015	<u><a href="#">Absence [Student]</a></u>
<b>REC</b>	1425	<u><a href="#">Abstentions from Voting</a></u>
<b>REC</b>	5232	<u><a href="#">Abused and Neglected Child Reporting</a></u>
<b>R</b>	3612F	<u><a href="#">Acceptable Use of Electronic Networks</a></u>
<b>REC</b>	3431F	<u><a href="#">Accident Report</a></u>
<b>R</b>	4316	<u><a href="#">Accommodating Individuals with Disabilities [Community Relations]</a></u>
<b>R</b>	5002	<u><a href="#">Accommodating Individuals with Disabilities [Personnel]</a></u>
<b>OP</b>	7325	<u><a href="#">Accounting System Design</a></u>
<b>OP</b>	2110	<u><a href="#">Accreditation Standards</a></u>
<b>REC</b>	3416	<u><a href="#">Administering Medicines to Students</a></u>
<b>REC</b>	3315	<u><a href="#">Administrative Discipline</a></u>
<b>OP</b>	1312	<u><a href="#">Administrative Procedures</a></u>
<b>OP</b>	1310	<u><a href="#">Adoption and Amendment of Board Policy</a></u>
<b>REC</b>	3012	<u><a href="#">Analysis of Needs of New Admissions</a></u>
<b>REC</b>	3012F	<u><a href="#">Analysis of Needs of New Admissions Form</a></u>
<b>R</b>	1610	<u><a href="#">Annual Goals and Objectives</a></u>
<b>REC</b>	1120	<u><a href="#">Annual Organization Meeting</a></u>
<b>OP</b>	1514	<u><a href="#">Appeals of Decisions under School Board Policy</a></u>
<b>OP</b>	3017	<u><a href="#">Assignments [Students Work]</a></u>
<b>REC</b>	5210	<u><a href="#">Assignments, Reassignments, Transfers</a></u>
<b>REC</b>	3122	<u><a href="#">Attendance Policy</a></u>
<b>R</b>	1441	<u><a href="#">Audience Participation</a></u>
<b>REC</b>	3416F	<u><a href="#">Authorization for Administration of Oral Medication at School</a></u>
<b>OP</b>	3416F1	<u><a href="#">Authorization to Possess or Self-Administer Asthma, Severe Allergy, or Anaphylaxis Medication</a></u>
<b>OP</b>	1332	<u><a href="#">Authorization of Signatures</a></u>
<b>OP</b>	3004	<u><a href="#">Bicycles on School Grounds</a></u>
<b>REC</b>	5000	<u><a href="#">Board Goal/Personnel</a></u>
<b>R</b>	1400	<u><a href="#">Board Meetings</a></u>
<b>OP</b>	1200	<u><a href="#">Board Responsibilities</a></u>
<b>OP</b>	1520	<u><a href="#">Board/Staff Communications</a></u>
<b>R</b>	1521	<u><a href="#">Board-Administration Relationship</a></u>
<b>REC</b>	7121	<u><a href="#">Budget Adjustments</a></u>
<b>REC</b>	7110	<u><a href="#">Budget and Program Planning</a></u>

1	REC	7310	<a href="#">Budget Implementation and Execution</a>
2	R	5015	<a href="#">Bullying/Harassment/Intimidation</a>
3	R	3226	<a href="#">Bullying/Harassment/Intimidation/Hazing</a>
4	OP	3003	<a href="#">Bus Students</a>
5	REC	7510	<a href="#">Capitalization Policy for Fixed Assets</a>
6	REC	3630	<a href="#">Cell Phones and Other Electronic Equipment</a>
7	REC	5140	<a href="#">Classified Employment and Assignment</a>
8	REC	1230	<a href="#">Clerk</a>
9	OP	3001	<a href="#">Closed Campus</a>
10	REC	1511	<a href="#">Code of Ethics for School Board Members</a>
11	R	2250	<a href="#">Community and Adult Education</a>
12	R	4330	<a href="#">Community Use of School Facilities</a>
13	OP	3016	<a href="#">Complaints</a>
14	R	3120	<a href="#">Compulsory Attendance</a>
15	REC	4332	<a href="#">Conduct on School Property</a>
16	OP	1512	<a href="#">Conflict of Interest</a>
17	OP	4320	<a href="#">Contact with Students</a>
18	REC	8102	<a href="#">Contracting for Transportation Services</a>
19	R	2330	<a href="#">Controversial Issues and Academic Freedom</a>
20	REC	4520	<a href="#">Cooperative Programs With Other Districts and Public Agencies</a>
21	OP	3620	<a href="#">Copies of Records</a>
22	R	2312	<a href="#">Copyright</a>
23	R	2312P	<a href="#">Copyright Compliance</a>
24	R	3300P	<a href="#">Corrective Actions and Punishment</a>
25	REC	7400	<a href="#">Credit Card Use</a>
26	R	2120	<a href="#">Curriculum Development and Assessment</a>
27	OP	6122	<a href="#">Delegation of Authority</a>
28	OP	3312	<a href="#">Detention</a>
29	REC	5255	<a href="#">Disciplinary Action</a>
30	REC	3314	<a href="#">Discipline in the Classroom</a>
31	REC	3141	<a href="#">Discretionary Nonresident Student Attendance Policy</a>
32	REC	7251	<a href="#">Disposal of School District Property without a Vote</a>
33	REC	4313	<a href="#">Disruption of School Operations</a>
34	OP	3222	<a href="#">Distribution and Posting of Materials</a>
35	OP	4335	<a href="#">District Equipment Use</a>
36	R	3612	<a href="#">District-Provided Access to Electronic Information, Services, and Networks</a>
37	REC	7326	<a href="#">Documentation and Approval of Claims</a>
38	REC	3224	<a href="#">Dress Code</a>
39	R	5228	<a href="#">Drug and Alcohol Testing for School Bus Drivers</a>
40	OP	5227	<a href="#">Drug Education Program</a>
41	REC	5226	<a href="#">Drug-Free Workplace</a>
42	R	1240	<a href="#">Duties of Individual Trustees</a>
43	R	3125	<a href="#">Education of Homeless Children</a>
44	REC	1111	<a href="#">Election</a>
45	REC	3431	<a href="#">Emergency Treatment</a>
46	REC	3625	<a href="#">Employee and Third Party Access to Records</a>
47	REC	5450	<a href="#">Employee Electronic Mail and On-Line Services Usage</a>
48	REC	7260	<a href="#">Endowments, Gifts, and Investments</a>
49	REC	3121 - 3121P	<a href="#">Enrollment and Attendance Records</a>
50	REC	3110	<a href="#">Entrance, Placement, and Transfer</a>
51	REC	3111	<a href="#">Entrance, Placement, and Transfer Grades K-12</a>
52	R	3210	<a href="#">Equal Education, Nondiscrimination and Sex Equity</a>
53	R	5010	<a href="#">Equal Employment Opportunity and Non-Discrimination</a>

1	OP	1620	<a href="#">Evaluation of Board</a>
2	R	5222	<a href="#">Evaluation of Non-Administrative Staff</a>
3	REC	7425	<a href="#">Extra- and Co-Curricular Funds</a>
4	OP	3320	<a href="#">Extra Curricular Activities</a>
5	OP	3320F	<a href="#">Extra Curricular Activities Participation Form</a>
6	REC	4330F	<a href="#">Facilities Use Agreement</a>
7	REC	7231	<a href="#">Federal Impact Funds</a>
8	OP	2320	<a href="#">Field Trips, Excursions, and Outdoor Education</a>
9	OP	2320F	<a href="#">Field Trip Consent Form</a>
10	REC	7430	<a href="#">Financial Reporting and Audits</a>
11	REC	5122	<a href="#">Fingerprints and Criminal Background Investigations</a>
12	R	3311	<a href="#">Firearms and Weapons</a>
13	R	8200	<a href="#">Food Services</a>
14	OP	3345	<a href="#">Gambling</a>
15	REC	2166	<a href="#">Gifted Program</a>
16	REC	6000	<a href="#">Goals [Administration]</a>
17	REC	4000	<a href="#">Goals [Community Relations]</a>
18	OP	7000	<a href="#">Goals [Financial Management]</a>
19	R	2000	<a href="#">Goals [Instruction]</a>
20	REC	8000	<a href="#">Goals [Noninstructional Operations]</a>
21	R	2105	<a href="#">Grade Organization</a>
22	OP	2420	<a href="#">Grading and Progress Reports</a>
23	REC	3225F	<a href="#">Harassment Reporting Form for Students</a>
24	OP	3420	<a href="#">Head Lice</a>
25	REC	5120	<a href="#">Hiring Process and Criteria</a>
26	REC	5333	<a href="#">Holidays</a>
27	REC	2165	<a href="#">Homebound, Hospital and Home Instruction</a>
28	OP	2430	<a href="#">Homework</a>
29	REC	3623	<a href="#">Informal Resolution of Records Dispute</a>
30	R	2311	<a href="#">Instructional Materials</a>
31	R	2311P	<a href="#">Selection, Adoption, and Removal of Textbooks and Instructional Materials</a>
32	REC	5331	<a href="#">Insurance Benefits for Employees</a>
33	REC	4411	<a href="#">Investigations and Arrests by Police</a>
34	R	2314	<a href="#">Learning Materials Review</a>
35	REC	5321	<a href="#">Leaves of Absence</a>
36	R	1000	<a href="#">Legal Status and Operation</a>
37	OP	2123	<a href="#">Lesson Plan</a>
38	OP	1532	<a href="#">Liability</a>
39	R	2309	<a href="#">Library Materials</a>
40	REC	5329 - 5329P	<a href="#">Long-Term Illness/Temporary Disability/Maternity Leave</a>
41	R	1513	<a href="#">Management Rights</a>
42	OP	3420	<a href="#">Medical Release</a>
43	R	1105	<a href="#">Membership</a>
44	OP	3441	<a href="#">Natural Disaster/Emergency Plans</a>
45	REC	5250	<a href="#">Non-Renewal of Employment/Dismissal from Employment</a>
46	REC	3312F	<a href="#">Notice of Detention</a>
47	R	1405	<a href="#">Notice Regarding Public Comment</a>
48	R	4600	<a href="#">Notice to Parents Required by No Child Left Behind Act of 2001 ("NCLB")</a>
49	OP	3014	<a href="#">Notification Process</a>
50	REC	8230	<a href="#">Nutrition</a>
51	REC	8410	<a href="#">Operation and Maintenance of District Facilities</a>
52	R	1100	<a href="#">Organization</a>
53	REC	3621	<a href="#">Parent Request to Amend Records</a>

1	REC	5500	<a href="#">Payment of Wages upon Termination</a>
2	REC	7330	<a href="#">Payroll Procedures/Schedules</a>
3	REC	5223	<a href="#">Personal Conduct</a>
4	OP	7800	<a href="#">Personal Health Insurance</a>
5	REC	7335	<a href="#">Personal Reimbursements</a>
6	REC	5231 - 5231P	<a href="#">Personnel Records</a>
7	OP	1001	<a href="#">Philosophy</a>
8	OP	2113	<a href="#">Pre-Kindergarten Programs</a>
9	REC	2130	<a href="#">Program Evaluation and Diagnostic Tests</a>
10	OP	2421	<a href="#">Promotion and Retention</a>
11	REC	8320	<a href="#">Property Damage</a>
12	REC	7500	<a href="#">Property Records</a>
13	R	4340	<a href="#">Public Access to District Records</a>
14	R	4310	<a href="#">Public Complaints and Suggestions</a>
15	R	4120	<a href="#">Public Relations</a>
16	REC	7320	<a href="#">Purchasing</a>
17	REC	1210	<a href="#">Qualifications, Terms, and Duties of Board Officers</a>
18	R	3608	<a href="#">Receipt of Confidential Records</a>
19	R	2450	<a href="#">Recognition of Native American Cultural Heritage</a>
20	REC	1401	<a href="#">Records Available to Public</a>
21	R	3606F	<a href="#">Records Certification</a>
22	REC	8430	<a href="#">Records Management</a>
23	REC	5256	<a href="#">Reduction in Force</a>
24	REC	4550	<a href="#">Registered Sex Offenders</a>
25	OP	4410	<a href="#">Relations with Law Enforcement and Child Protective Agencies</a>
26	REC	2332	<a href="#">Religion and Religious Activities</a>
27	REC	3440	<a href="#">Removal of Student during School Day</a>
28	REC	3440P	<a href="#">Removal of Student during School Day Procedure</a>
29	REC	5232F	<a href="#">Report of Suspected Child Abuse or Neglect</a>
30	REC	1112	<a href="#">Resignation [Board]</a>
31	R	5240	<a href="#">Resolution of Staff Complaints/Problem-Solving</a>
32	OP	3013	<a href="#">Retention</a>
33	REC	5253	<a href="#">Retirement Programs for Employees</a>
34	REC	7210	<a href="#">Revenues</a>
35	OP	1621	<a href="#">Review of Staff Services</a>
36	REC	4330P	<a href="#">Rules and Regulations for Facility Use</a>
37	REC	8400	<a href="#">Sale of Real Property</a>
38	R	1420	<a href="#">School Board Meeting Procedure</a>
39	REC	1402	<a href="#">School Board Use of Electronic Mail</a>
40	REC	8105	<a href="#">School Bus Replacement</a>
41	REC	2221	<a href="#">School Closure</a>
42	REC	3510	<a href="#">School-Sponsored Student Activities</a>
43	R	2510	<a href="#">School Wellness</a>
44	R	2100	<a href="#">School Year Calendar and Day</a>
45	REC	3231	<a href="#">Searches and Seizure</a>
46	R	2162	<a href="#">Section 504 of the Rehabilitation Act of 1973 ("Section 504")</a>
47	R	2311P	<a href="#">Selection, Adoption, and Removal of Textbooks and Instructional Materials</a>
48	R	2310	<a href="#">Selection of Library Materials</a>
49	R	3225	<a href="#">Sexual Harassment/Intimidation of Students</a>
50	R	5012	<a href="#">Sexual Harassment/Sexual Intimidation in the Workplace</a>
51	R	2161	<a href="#">Special Education</a>
52	REC	4315	<a href="#">Spectator Conduct and Sportsmanship for Athletic and Co-Curricular Events</a>
53	R	2131	<a href="#">Student and Family Privacy Rights</a>

1	<b>REC</b>	8124	<a href="#"><u>Student Conduct on Buses</u></a>
2	<b>R</b>	3310	<a href="#"><u>Student Discipline</u></a>
3	<b>R</b>	3520	<a href="#"><u>Student Fees, Fines, and Charges</u></a>
4	<b>OP</b>	7810	<a href="#"><u>Student Insurance--Optional</u></a>
5	<b>REC</b>	3413	<a href="#"><u>Student Immunization</u></a>
6	<b>REC</b>	3600	<a href="#"><u>Student Records</u></a>
7	<b>REC</b>	3200	<a href="#"><u>Student Rights and Responsibilities</u></a>
8	<b>REC</b>	5314	<a href="#"><u>Substitutes</u></a>
9	<b>R</b>	3300	<a href="#"><u>Suspension and Expulsion</u></a>
10	<b>REC</b>	1110	<a href="#"><u>Taking Office</u></a>
11	<b>OP</b>	3002	<a href="#"><u>Telephone Use</u></a>
12	<b>OP</b>	2122	<a href="#"><u>Texts</u></a>
13	<b>R</b>	2160	<a href="#"><u>Title I</u></a>
14	<b>REC</b>	8225	<a href="#"><u>Tobacco Free Policy</u></a>
15	<b>REC</b>	3606	<a href="#"><u>Transfer of Student Records</u></a>
16	<b>REC</b>	8100	<a href="#"><u>Transportation</u></a>
17	<b>REC</b>	8111	<a href="#"><u>Transportation of Students with Disabilities</u></a>
18	<b>REC</b>	7336	<a href="#"><u>Travel Allowances and Expenses</u></a>
19	<b>REC</b>	1531	<a href="#"><u>Trustee Expenses</u></a>
20	<b>REC</b>	7008	<a href="#"><u>Tuition</u></a>
21	<b>R</b>	1700	<a href="#"><u>Uniform Complaint Procedure</u></a>
22	<b>REC</b>	4331	<a href="#"><u>Use of School Property for Posting Notices</u></a>
23	<b>REC</b>	1113	<a href="#"><u>Vacancies [Board]</u></a>
24	<b>OP</b>	5213	<a href="#"><u>Vacancies [Personnel]</u></a>
25	<b>REC</b>	5334 - 5334P	<a href="#"><u>Vacations</u></a>
26	<b>R</b>	4301	<a href="#"><u>Visitors to Schools</u></a>
27	<b>REC</b>	5430	<a href="#"><u>Volunteers</u></a>
28	<b>REC</b>	5221	<a href="#"><u>Work Day</u></a>
29	<b>REC</b>	5337	<a href="#"><u>Workers' Compensation Benefits</u></a>

30  
31  
32  
33  
34  
35  
36  
37  
38  
39

[1000 Series--Table Of Contents](#)

[3000 Series—Table Of Contents](#)

[5000 Series—Table Of Contents](#)

[7000 Series—Table Of Contents](#)

[2000 Series—Table Of Contents](#)

[4000 Series—Table Of Contents](#)

[6000 Series—Table Of Contents](#)

[8000 Series—Table Of Contents](#)

1000 Series  
Fortine School District #14

BOARD OF TRUSTEES  
[Click Here to Return to Main Index](#)

TABLE OF CONTENTS

*BOARD OF TRUSTEES*

---

1000	<a href="#">Legal Status and Operations</a>
1001	<a href="#">Philosophy</a>
1100	<a href="#">Organization</a>
1105	<a href="#">Membership</a>
1110	<a href="#">Taking Office</a>
1111	<a href="#">Elections</a>
1112	<a href="#">Resignation</a>
1113	<a href="#">Vacancies</a>
1120	<a href="#">Annual Organization Meeting</a>
1200	<a href="#">Responsibility</a>
1210	<a href="#">Qualifications, Terms, and Duties of Board Officers</a>
1230	<a href="#">Clerk</a>
1240	<a href="#">Duties of Individual Trustees</a>
1310	<a href="#">Adoption and Amendment of Policies</a>
1312	<a href="#">Administrative Procedures</a>
1332	<a href="#">Authorization of Signatures</a>
1400	<a href="#">Board Meetings</a>
1401	<a href="#">Records Available to Public</a>
1402	<a href="#">School Board Use of Electronic Mail</a>
1405	<a href="#">Notice Regarding Public Comment</a>
1420	<a href="#">School Board Meeting Procedure</a>
1425	<a href="#">Abstentions From Voting</a>
1441	<a href="#">Audience Participation</a>
1511	<a href="#">Code of Ethics for School Board Members</a>
1512	<a href="#">Conflict of Interest</a>
1513	<a href="#">Management Rights</a>
1514	<a href="#">Appeals of Decisions under School Board Policy</a>
1520	<a href="#">Board/Staff Communications</a>
1521	<a href="#">Board-Administration Relationship</a>
1531	<a href="#">Trustee Expenses</a>
1532	<a href="#">Liability</a>
1610	<a href="#">Annual Goals and Objectives</a>
1620	<a href="#">Evaluation of Board</a>
1621	<a href="#">Review of Services of Staff</a>
1700	<a href="#">Uniform Complaint Procedure</a>

2    The Board of Trustees of the Fortine School District No. 14 is the governmental entity established by the  
3    state of Montana to plan and direct all aspects of the District’s operations, to the end that students shall  
4    have ample opportunity to achieve their individual and collective learning potentials.

5  
6    Policies of the Board define its organization and the manner of conducting its official business. The  
7    operating policies of the Board are those that it adopts from time to time to facilitate the performance of its  
8    responsibilities.

9  
10   All handbooks approved by the Board are operating policies of the District.

11  
12  
13  
14   **Legal Reference:**            § 20-3-323, MCA            District policy and record of acts  
15  
16                                    § 20-3-324, MCA            Powers and duties



2 The Board of Trustee's recognizes its' responsibility to fully stress the basics in the district's educational  
3 program. Realizing that we live in a complex and varied society, we know all students should develop an  
4 appreciation, a respect, and an understanding of the different peoples and their beliefs. Recognizing that  
5 the world is changing continually it is our obligation, to the best of our ability, to insure that students can  
6 cope with these changes through our educational system.

7  
8 It is the Fortine School's responsibility to provide an educational atmosphere that will enable each student  
9 to become a "productive and worthwhile citizen," and to develop:

- 10  
11 ➤ A favorable self-image.  
12 ➤ Physical, mental, and emotional health.  
13 ➤ Moral and ethical values.  
14 ➤ The ability to communicate.  
15 ➤ A motivation for continued learning and self-improvement.  
16 ➤ The ability to make responsible decision as an individual.

2 The legal name of this District is Fortine School District No. 14, Lincoln County, State of Montana. The  
3 District is classified as a class 3 district and is operated according to the laws and regulations pertaining to a  
4 class 3 district.

5  
6 To achieve its primary goal of providing each child with the necessary skills and attitudes to become an  
7 effective citizen, the Board shall exercise the full authority granted to it by the laws of the state. Its legal  
8 powers, duties, and responsibilities are derived from the Montana Constitution and state statutes and  
9 regulations. *School Laws of Montana* and the administrative rules of the Board of Public Education and the  
10 Office of Superintendent of Public Instruction delineate the legal powers, duties, and responsibilities of the  
11 Board.

12  
13  
14

15	<b>Legal References:</b>	<b>§ 20-3-324, MCA</b>	<b>Powers and duties</b>
16		<b>§ 20-6-101, MCA</b>	<b>Definition of elementary and high school districts</b>
17		<b>§ 20-6-201, MCA</b>	<b>Elementary district classification</b>
18		<b>§ 20-6-301, MCA</b>	<b>High school district classification</b>

19

8 All trustees shall participate on an equal basis with other members in all business transactions pertaining to  
9 the school maintained by the District.

1 “Meeting” is defined as the convening of a quorum of the constituent membership of the Board, whether in  
2 person or by means of electronic equipment, to hear, discuss, or act upon a matter over which the Board has  
3 supervision, control, jurisdiction, or advisory power.

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

8	<b>Legal References:</b>	§ 2-3-202, MCA	Meeting defined
9		§ 20-3-301, MCA	Election and term of office
20		§ 20-3-302, MCA	Legislative intent to elect less than majority of trustees
21		§ 20-3-305, MCA	Candidate qualification and nomination
22		§ 20-3-306, MCA	Conduct of election
23		§ 20-3-307, MCA	Qualification and oath
24		§ 20-3-344, MCA	Nomination of candidates by petition in first-class elementary
25			district

2     A newly elected trustee shall take office as soon as election results have been certified and the newly  
3     elected trustee has taken and subscribed to an oath to faithfully and impartially discharge the duties of the  
4     office to the best of his/her ability. A newly appointed trustee shall take office, after the trustee has taken  
5     and subscribed to an oath to faithfully and impartially discharge the duties of the office to the best of  
6     his/her ability. Such oath will be filed with the county superintendent within fifteen (15) days after the  
7     receipt of the certificate of election or the appointment.

8  
9

10

11 <b>Legal References:</b>	§ 20-1-202, MCA	Oath of office
12	§ 20-3-307, MCA	Qualification and oath

13

2 Elections conducted by the District are nonpartisan and are governed by general election laws of the state  
3 of Montana. The ballot at such elections may include candidates for trustee positions, various public policy  
4 propositions, and advisor questions.  
5

6 Board elections shall take place on the first (1<sup>st</sup>) Tuesday after the first (1<sup>st</sup>) Monday in May of each year.  
7 Any person who is a qualified voter of the District is legally qualified to become a trustee. Any qualified  
8 electors may nominate as many trustee candidates as there are trustee positions subject to election at the  
9 ensuing election. The name of each person nominated for candidacy shall be submitted to the District  
10 Clerk not less than forty (40) days before the regular school election day. If different terms are to be filled,  
11 the term for which each candidate is nominated also shall be indicated. Any person seeking to become a  
12 write-in candidate in a mail ballot election or for a trustee position in a school board election shall file a  
13 declaration of intent no later than 5:00 p.m. on the twenty-sixth (26<sup>th</sup>) day before the election. If the number  
14 of candidates filing for vacant positions or filing a declaration of intent to be a write-in candidate is equal to  
15 or less than the number of positions to be elected, the trustees may give notice no later than twenty-five  
16 (25) days before the election that a trustee election will not take place. If a trustee election is not held, the  
17 trustees shall declare the candidates elected by acclamation and shall issue a “certificate of election” to  
18 each candidate.  
19

20 Except in the event of an unforeseen emergency occurring on the date scheduled for the election, a  
21 proposition requesting additional funding pursuant to § 20-9-353, MCA, may be submitted to electors only  
22 once each calendar year, on the regular school election day.  
23

24 In years when the Legislature meets in regular session or in a special session that affects school funding,  
25 the trustees may order THE election on a date other than the regular school election day in order for the  
26 electors to consider a proposition requesting additional funding under § 20-9-353, MCA.  
27  
28  
29

<b>Legal Reference:</b>	§ 13-10-211, MCA	<b>Declaration of intent for write-in candidates</b>
	§ 20-3-304, MCA	<b>Annual election</b>
	§ 20-3-305, MCA	<b>Candidate qualification and nomination</b>
	§ 20-3-313, MCA	<b>Election by acclamation – notice</b>
	§ 20-3-322, MCA	<b>Meetings and quorum</b>
	§ 20-3-324(4), MCA	<b>Powers and duties</b>
	§ 20-3-344, MCA	<b>Nomination of candidates by petition in first-class elementary district</b>
	§ 20-9-353, MCA	<b>Additional financing for general fund – election for</b>
		<b>authorization to impose</b>
	§ 20-20-105, MCA	<b>Regular school election day and special school elections – limitation –</b>
		<b>exception</b>
	§ 20-20-204, MCA	<b>Election Notice</b>
	§ 20-20-301, MCA	<b>Qualifications of elector</b>

2

3 Resignation of a trustee, for whatever reason, must be submitted in writing to the Clerk. A resignation is  
4 effective seventy-two (72) hours after its submission unless withdrawn during that period by the resigner  
5 through written notification of withdrawal made to the Clerk.

6

7 The Board will ratify the resignation at its next regularly scheduled meeting and will proceed to fill the  
8 vacancy as provided by statute and Board policy.

9

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

12

13

14

15

16

17

<b>Legal Reference:</b>	<b>§ 2-16-502, MCA</b>	<b>Resignations</b>
	<b>§ 20-3-308, MCA</b>	<b>Vacancy of trustee position</b>

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

- 3
- 4 1. Death of the incumbent;
  - 5 2. Resignation, in writing, filed with the Clerk;
  - 6 3. Incumbent moves out of the nominating district, establishing residence elsewhere;
  - 7 4. Incumbent is no longer a registered elector of the District under the provisions of § 20-20-301,
  - 8 MCA;
  - 9 5. Incumbent is absent from the District for sixty (60) consecutive days;
  - 10 6. Incumbent fails to attend three (3) consecutive meetings of the trustees without good reason;
  - 11 7. Incumbent has been removed under the provisions of § 20-3-310, MCA; or
  - 12 8. Incumbent ceases to have the capacity to hold office under any other provision of law.
- 13

14 A trustee position also shall be vacant when an elected candidate fails to qualify.

15

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

19

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

25

26  
27

28 **Cross Reference:** [1240 Duties of Individual Trustees](#)

29

30 **Legal References:** § 20-3-308, MCA      Vacancy of trustee position  
31 § 20-3-309, MCA      Filling vacated trustee position – appointee qualification and term of  
32 office  
33

2 After issuance of election certificates to newly elected trustees in May, and on or before the third (3<sup>rd</sup>)  
3 Saturday in May, the Board shall elect from among its members a Chairperson and a Vice Chairperson to  
4 serve one-(1)-year terms. If a Board member is unable to continue to serve as an officer, a replacement  
5 shall be elected immediately. In the absence of both the Chairperson and the Vice Chairperson, the Board  
6 shall elect a Chairperson *pro tempore*, who shall perform the functions of the Chairperson during the  
7 latter's absence. The Clerk shall act as Board secretary.

8  
9 The normal order of business shall be modified for the annual organizational meeting by considering the  
10 following matters after the approval of the minutes of the previous meeting:

- 11  
12 1. Welcome and introduction of newly elected Board members by the current Chairperson  
13  
14 2. Swearing in of newly elected trustees  
15  
16 3. Call for nominations for Chairperson to serve during the ensuing year  
17  
18 4. Election of a Chairperson  
19  
20 5. Assumption of office by the new Chairperson  
21  
22 6. Call for nominations for Vice Chairperson to serve during the ensuing year  
23  
24 7. Election of a Vice Chairperson  
25  
26 8. Appointment of a Clerk

27  
28 Policies and bylaws remain in effect until and unless changed by the Board.  
29  
30  
31

32 **Legal References:**        § 20-3-321, MCA        **Organization and officers**  
33                                    § 20-3-322(a), MCA       **Meetings and quorum**  
34



2     The board of trustees assumes responsibility for the educational programs and related services of  
3     School District #14.

4  
5     **Legal Reference: 20-3-324 MCA**  
6

Chairperson

Vice Chairperson

<b>Legal References:</b>	§ 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

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

7  
8 The Clerk will keep accurate and detailed accounts of all receipts and disbursements made by the District.  
9 The Clerk shall draw and countersign all warrants for expenditures that have been approved by the Board.

10  
11 The Clerk will make the preparations legally required for the notice and conduct of all District elections.

12  
13 The Clerk shall prepare and submit to the Board a financial report of receipts and disbursements of all  
14 school funds on an annual basis, unless the Board requests such reports on a more frequent basis. The  
15 Clerk shall perform other duties as prescribed by state law or as directed by the Board and the School  
16 Administrator.

17

18

19

20 **Legal references:**

§ 20-3-321, MCA

§ 20-3-325, MCA

§ 20-4-201, MCA

§ 20-9-133, MCA

§ 20-9-165, MCA

§ 20-9-221, MCA

§ 20-20-401, MCA

**Organization and officers**

Clerk of district

Employment of teachers and specialists by contract

Adoption and expenditure limitations of final budget

Budget amendment limitation, preparation, and adoption procedures

Procedure for issuance of warrants

Trustees' election duties – ballot certification

26

27

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

7  
8 Each trustee shall review the agenda and attendant materials in advance of a meeting and shall be prepared  
9 to participate in discussion and decision making for each agenda item. Each trustee shall visit every school  
10 at least once per year to examine its management, conditions, and needs.

11  
12 All trustees are obligated to attend Board meetings regularly. Whenever possible, a trustee shall give  
13 advance notice to the Chairperson, Clerk or Principal of the trustee's inability to attend a Board meeting. A  
14 majority of the Board may excuse a trustee's absence from a meeting if requested to do so. The Board shall  
15 declare a position vacant after three (3) consecutive unexcused absences from regular Board meetings, or  
16 when a trustee has been absent from the District for sixty (60) consecutive days.

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<b>Legal References:</b>	§ 20-3-301, MCA	Election and term of office
	§ 20-3-308, MCA	Vacancy of trustee position
	§ 20-3-324(21), MCA	Powers and duties
	§ 20-3-332, MCA	Personal immunity and liability of trustees

2    District Policy

3

4    Proposed new policies and proposed changes to existing policies shall be presented in writing for reading  
5    and discussion at a regular or special Board meeting. Interested parties may submit views, present data or  
6    arguments, orally or in writing, in support of or in opposition to proposed policy. Any written statement by  
7    a person, relative to a proposed policy or amendment, should be directed to the District Clerk prior to the  
8    second (2<sup>nd</sup>) reading. The final vote for adoption shall take place not earlier than at the second (2<sup>nd</sup>) reading  
9    of the particular policy.

10

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

13

14    Policies, as adopted or amended, shall be made a part of the minutes of the meeting at which action was  
15    taken and also shall be included in the District's policy manual. Policies of the District shall be reviewed  
16    annually by the Board.

17

18    Policy Manuals

19

20    The Principal shall develop and maintain a current policy manual which includes all policies of the District.  
21    Every administrator, as well as staff, students, and other residents, shall have ready access to District  
22    policies. All policy manuals distributed to anyone shall remain the property of the District and shall be  
23    subject to recall at any time.

24

25    Suspension of Policies

26

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

31

32

33

34 <b>Legal References:</b>	<b>§ 20-3-323, MCA</b>	<b>District policy and record of acts</b>
35	<b>10.55.701, ARM</b>	<b>Board of Trustees</b>

36

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

4  
5    When a written procedure is developed, the Principal shall submit it to the Board as an information item.  
6    Such procedures usually need not be approved by the Board, although the Board may revise them, when it  
7    appears they are not consistent with Board intentions as expressed in its policies. On controversial matters  
8    the Principal shall submit proposed procedures to the Board for review prior to their adoption.

9  
10   If there is a need for interpretation of board policies, the board reserves the right to interpret them.

11

2    For the conduct of the business of the District, the Board may grant authority to specific staff to sign certain  
3    documents on behalf of the District. The Chairperson and Clerk are authorized to use a facsimile signature  
4    plate or stamp.

5  
6    Warrants: The Chairperson and Clerk are authorized to sign all District warrants by facsimile signature on  
7    behalf of the Board.

8  
9    Claim Forms: Staff employed by the District in the following designated positions are authorized to certify  
10   voucher or invoice claims against or for the District:

11  
12   Contracts for Goods and Services and Leases: The Principal is authorized to sign, on behalf of the Board,  
13   contracts, leases, and/or contracts for goods and services for amounts under \$5000.00 without prior  
14   approval of the Board. The types of goods and services contracted for, exceeding \$5000.00 must be  
15   preapproved by the Board.

16  
17   Personnel Contracts: The Board Chairperson and Clerk are authorized to sign personnel contracts and  
18   agreements of employment on behalf of the Board, by facsimile signature.

19  
20   Negotiated Agreements: Negotiated agreements shall be signed for the District by the Board Chairperson  
21   and the Clerk.

22

Regular Meetings

Unless otherwise specified, all meetings will take place in the School library. Regular meetings shall take place at 5:30 p.m. on the second Monday of each month, or at other times and places determined by a majority vote. Except for an unforeseen emergency, meetings must be held in school buildings or, upon the unanimous vote of the trustees, in a publicly accessible building located within the District. If regular meetings are scheduled at places other than as stated above or are adjourned to times other than the regular meeting time, notice of the meeting shall be made in the same manner as provided for special meetings. The trustees may meet outside the boundaries of the District for collaboration or cooperation on educational issues with other school boards, educational agencies, or cooperatives. Adequate notice of the meeting, as well as an agenda, must be provided to the public in advance. Decision making may only occur at a properly noticed meeting held within the District's boundaries. When a meeting date falls on a legal holiday, the meeting shall 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 4 of each year, the Clerk shall publish a notice stating the date, time, and place trustees will meet for the purpose of considering and adopting a final budget for the District, stating that the meeting of the trustees may be continued from day to day until final adoption of a District budget and that any taxpayer in the District may appear at the meeting and be heard for or against any part of the budget. This notice shall be published in the local newspaper.

On the date and at the time and place stated in the published notice (on or before August 15), 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 the fourth (4<sup>th</sup>) Monday in August.

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



1  
2 Under Montana law, the Board may meet in closed sessions to consider matters of individual privacy.  
3 Before closing a meeting, the presiding officer must determine that the demands of individual privacy  
4 exceed the merits of public disclosure and so state publicly before going into closed session. The Board  
5 also may go into closed session to discuss a strategy to be followed with respect to litigation, when an open  
6 meeting would have a detrimental effect on the litigating position of the District. This exception does not  
7 apply if the litigation involves only public bodies or associations as parties. Before closing a meeting for  
8 litigation purposes, the District may wish to consult legal counsel on the appropriateness of this action. No  
9 formal action shall take place during any closed session.

10  
11  
12

13	<b>Legal References:</b>	<b>§ 2-3-103, MCA</b>	<b>Public participation – governor to ensure guidelines adopted</b>
14		<b>§ 2-3-104, MCA</b>	<b>Requirements for compliance with notice provisions</b>
15		<b>§ 2-3-105, MCA</b>	<b>Supplemental notice by radio or television</b>
16		<b>§ 2-3-201, MCA</b>	<b>Legislative intent – liberal construction</b>
17		<b>§ 2-3-203, MCA</b>	<b>Meetings of public agencies and certain associations of public agencies</b>
18			<b>to be open to public – exceptions</b>
19		<b>§ 20-3-322, MCA</b>	<b>Meeting and quorum</b>
20		<b>§ 20-9-131, MCA</b>	<b>Final budget meeting</b>
21		<b>10.55.701, ARM</b>	<b>Board of Trustees</b>
22			

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

4  
5     An individual wishing public information that is in electronic format or other nonprint media must submit a  
6     detailed description, to the Principal, of the information requested. The District will provide the public  
7     information as required under § 2-6-110, MCA.

8  
9     In accordance with § 20-9-213(1), MCA, the record of the accounting of school funds shall be open to  
10    public inspection at any meeting of the trustees. A fee may be charged for any copies requested. Copies  
11    will be available within a reasonable amount of time following a request.

12  
13    A written copy of Board minutes shall be available to the general public within five (5) working days  
14    following approval of the minutes by the Board. If requested, one (1) free copy of minutes shall be  
15    provided to local media within five (5) working days following approval by the Board.

16  
17    Fees will be charged as follows:

- 18  
19       a)     Copy of Board minutes - 15¢ per page  
20  
21       b)     Copy of other materials - 25¢ per page  
22  
23       c)     Time spent researching a copy project will be charged at the employee's hourly rate of pay.

24  
25  
26  
27    **Legal References:**       § 2-6-110, MCA           **Electronic Information and non-print records**  
28                           § 20-3-323, MCA       **District policy and record of acts**  
29                           § 20-9-213, MCA       **Duties of trustees**  
30

2 Use of electronic mail (e-mail) by members of the Board will conform to the same standards of judgment,  
3 propriety, and ethics as other forms of school board-related communication. Board members will comply  
4 with the following guidelines when using e-mail in the conduct of Board responsibilities:  
5

- 6 1. The Board will not use e-mail as a substitute for deliberations at Board meetings or for other  
7 communications or business properly confined to Board meetings.  
8
- 9 2. Board members will be aware that e-mail and e-mail attachments received or prepared for use in  
10 Board business or containing information relating to Board business may be regarded as public  
11 records, which may be inspected by any person upon request, unless otherwise made confidential by  
12 law.  
13
- 14 3. Board members will avoid reference to confidential information about employees, students, or other  
15 matters in e-mail communications, because of the risk of improper disclosure. Board members will  
16 comply with the same standards as school employees, with regard to confidential information.  
17  
18  
19

20 **Cross Reference:** [1400 Board Meetings](#)  
21 [1401 Records Available to Public](#)  
22

23 **Legal Reference:** § 2-3-103, MCA  
24 § 2-3-201, MCA  
25 § 2-3-203, MCA  
26  
27 § 20-3-322, MCA  
28

**Public participation – governor to ensure guidelines adopted**  
**Legislative intent – liberal construction**  
**Meetings of public agencies and certain associations of public agencies**  
**to be open to public – exceptions**  
**Meeting and quorum**

2 Montana law requires school districts and other public agencies to include on the agenda for public  
3 meetings an item allowing public comment on any ***public matter not otherwise specifically listed on the***  
4 ***agenda*** that is within the jurisdiction of the agency. As has also been the practice of the District, and in  
5 accordance with Montana law, if any member desires to speak to an item that is ***specifically***  
6 ***listed/identified on the agenda***, you will be allowed to do so when the item comes up for discussion and  
7 action. The public comment portion of the agenda is not the time designated to hear items that are  
8 specifically listed/identified on the agenda.  
9

10 For those individuals who desire to address the Board during the “public comment” portion of the meeting,  
11 if you haven’t already done so, please sign your name to the sheet located in the back of the room and  
12 indicate the general topic on which you will be commenting. The Board Chairperson will call individuals  
13 to speak in the order listed on the sheet provided. The Board would like to remind everyone in attendance  
14 that to avoid violations of individual rights of privacy, a member of the public wishing to address the Board  
15 during this time will not be allowed to make comments about any student, staff member, or member of the  
16 general public during his/her designated time to speak. In addition the Board will not hear comments on  
17 contested cases or other adjudicative proceedings.  
18

19 Depending on the number of persons who wish to address the Board, the Board Chairperson may place  
20 reasonable time limits on comments, in order to maintain and ensure effective and efficient operations of  
21 the Board.  
22

23 By law the District cannot take any action on any matter discussed during the “public comment” portion of  
24 the meeting, until such time as the matter is specifically noticed on the agenda, and the public has been  
25 allowed the opportunity to comment.  
26  
27

Agenda

The agenda for any Board meeting shall be prepared by the Principal and the Clerk, with the assistance of the Board Chairperson. Items submitted by Board members to be placed on the agenda must have prior approval of the Board Chairperson. Citizens may also suggest inclusions on the agenda. Such suggestions must be received by the Clerk at least ten (10) days before the Board meeting, unless of immediate importance. Individuals who wish to be placed on the Board agenda must also notify the Principal, in writing, of the request. The request must include the reason for the appearance. If the reason for the appearance is a complaint against any District employee, the individual filing the complaint must demonstrate that the Uniform Complaint Procedure has been followed. Citizens wishing to make brief comments about school programs or procedures or items on the agenda need not request placement on the agenda, and may ask for recognition by the Chairperson at the appropriate time.

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

With consent of a majority of members present, the order of business at any meeting may be changed. Copies of the agenda for the current Board meeting, minutes of the previous Board meeting, and relevant supplementary information will be prepared and distributed to each trustee 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 Clerk. Remaining items will be voted on by a single motion. The approved motion will be recorded in the minutes, including a listing of all items appearing on the consent agenda.

Minutes

The Clerk shall keep written minutes of all open Board meetings, which shall be signed by the Chairperson and the Clerk. The minutes shall 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.

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

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 Principal as early as possible. The Principal 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 Principal will take measures to verify the identity of any remotely located participants.

#### Meeting Conduct and Order of Business

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

5

## 6 Rescind a Motion

7

8 A motion to rescind (cancel previous action) must have a second, must allow for debate, can be amended,  
9 and must have a 2/3 vote of the board or a majority vote of the board if previous notice to rescind a motion  
10 has been given.

11

12 The motion to rescind can be applied to votes on all main motions, with the following *exceptions*: votes  
13 cannot be rescinded after something has been done as a result of that vote that the assembly cannot undo; or  
14 where it is in the nature of a contract and the other party is informed of the fact; or, where a resignation has  
15 been acted upon, or one has been elected to, or expelled from, membership or office, and was present or has  
16 been officially notified.

17

18 **Cross Reference:**        [1441 Audience Participation](#)

19

20 <b>Legal References:</b>	§ 2-3-103, MCA	Public participation - governor to ensure guidelines adopted
21	§ 2-3-202, MCA	Meeting defined
22	§ 2-3-212, MCA	Minutes of meetings – public inspection
23	§ 20-1-212, MCA	Destruction of records by school officer
24	§ 20-3-322, MCA	Meetings and quorum
25	§ 20-3-323, MCA	District policy and record of acts
26	<i>Jones and Nash v. Missoula Co., 2006 MT2, 330 Mont 2005</i>	
27		

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

- 6
- 7 • When hiring the relative of a trustee;
- 8
- 9 • When casting a vote would directly and substantially affect, to its economic benefit, a business or  
10 other undertaking in which the trustee either has a substantial financial interest or in which the  
11 trustee is engaged as counsel, consultant, representative, or agent;
- 12
- 13 • When casting a vote would directly and substantially affect a business or other undertaking to its  
14 economic detriment, where a trustee has a substantial personal interest in a competing firm or  
15 undertaking;
- 16
- 17 • When casting a vote would cause a trustee to have a pecuniary interest, either directly or indirectly,  
18 in a contract made by the trustee (while acting in the trustee's official capacity) or by the Board; and  
19
- 20 • When casting a vote would put the trustee in the position of an agent or solicitor in the sale or  
21 supply of goods or services to the District.  
22

23 In addition, a trustee shall be allowed to abstain from voting to avoid the appearance of impropriety or the  
24 appearance of a perceived conflict. If a trustee abstains from voting, the abstention should be recorded in  
25 the minutes and may include an explanation of the reasons for the abstention. The Board discourages  
26 abstentions, unless the reasons are substantiated as provided herein.  
27

28	<b>Legal References:</b>	<b>§ 2-2-105, MCA</b>	<b>Ethical requirements for public officers and public employees</b>
29		<b>§ 2-2-121, MCA</b>	<b>Rules of conduct for public officers and public employees</b>
30		<b>§ 2-2-302, MCA</b>	<b>Appointment of relative to office of trust or emolument unlawful –</b>
31			<b>exceptions – publication of notice</b>
32		<b>§ 20-1-201, MCA</b>	<b>School officers not to act as agents</b>
33		<b>§ 20-3-323, MCA</b>	<b>District policy and record of acts</b>
34		<b>§ 20-9-204, MCA</b>	<b>Conflicts of interests, letting contracts, and calling for bids</b>
35			



2 The Board recognizes the value of public comment on educational issues and the importance of involving  
3 members of the public in its meetings. The Board also recognizes the statutory and constitutional rights of  
4 the public to participate in governmental operations. To allow fair and orderly expression of public  
5 comments, the Board will permit public participation through oral or written comments during the “public  
6 comment” section of the Board agenda and prior to a final decision on a matter of significant interest to the  
7 public. The Chairperson may control such comment to ensure an orderly progression of the meeting.  
8

9 Individuals wishing to be heard by the Chairperson shall first be recognized by the Chairperson.

10 Individuals, after identifying themselves, will proceed to make comments as briefly as the subject permits.  
11 The Chairperson may interrupt or terminate an individual’s statement when appropriate, including when  
12 statements are out of order, too lengthy, personally directed, abusive, obscene, or irrelevant. The Board as  
13 a whole shall have the final decision in determining the appropriateness of all such rulings. **It is important**  
14 **for all participants to remember that Board meetings are held in public but are not public meetings.**  
15 **Members of the public shall be recognized and allowed input during the meeting, at the discretion of**  
16 **the Chairperson.**  
17  
18  
19

20 **Cross Reference:** [1420 School Board Meeting Procedure](#)

21  
22 **Legal Reference:** Article II, Section 8, Montana Constitution – Right of participation  
23 Article II, Section 10, Montana Constitution – Right of privacy  
24 §§ 2-3-101, et seq., MCA Notice and Opportunity to Be Heard  
25

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

4  
5    Attend all regularly scheduled Board meetings insofar as possible and become informed concerning the  
6    issues to be considered at those meetings;

7  
8    Recognize that I should endeavor to make policy decisions only after full discussion at public Board  
9    meetings;

10  
11    Make all decisions based on available facts and my independent judgment and refuse to surrender that  
12    judgment to individuals or special interest groups;

13  
14    Encourage the free expression of opinion by all Board members and seek systematic communications  
15    between the Board and students, staff, and all elements of the community;

16  
17    Work with other Board members to establish effective Board policies and to delegate authority for  
18    administration to the Principal;

19  
20    Recognize and respect the responsibilities that properly are delegated to the Principal;

21  
22    Communicate to the Principal expression of public reaction to Board policies, school programs, or staff;

23  
24    Inform myself about current educational issues, by individual study and through participation in programs  
25    providing needed information, such as those sponsored by the Montana and National School Boards  
26    Associations;

27  
28    Support the employment of those persons best qualified to serve as school staff and insist on regular and  
29    impartial evaluation of staff;

30  
31    Avoid being placed in a position of conflict of interest and refrain from using my Board position for  
32    personal or partisan gain;

33  
34    Avoid compromising the Board or administration by inappropriate individual action or comments and  
35    respect the confidentiality of information that is privileged under applicable law;

36  
37    Remember always that my first and greatest concern must be the educational welfare of students attending  
38    public schools.

39

A trustee may not:

Engage in a substantial financial transaction for his/her private business purpose with a person whom he/she inspects or supervises in the course of his/her official duties.

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

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

4. Have a pecuniary interest, directly or indirectly, in any contract made by the Board of Trustees when the trustee has more than a ten percent (10%) interest in the corporation. A contract does not include:
  - a. merchandise sold to the highest bidder at public auctions;
  - b. investments or deposits in financial institutions which 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 financial institution in the community; or
  - c. 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.

Be employed in any capacity by the District.

Appoint to a position of trust or emolument any person related or connected by consanguinity within the fourth degree or by affinity within the second degree.

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

This prohibition does not apply to the renewal of an employment contract of a person who was initially hired before the Board member to whom he/she is related assumed the position.

This prohibition does not apply if the 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;

- 1                                2) the trustee related to the person to be employed  
2                                abstains from voting; and  
3                                3) the trustees give fifteen days written notice of the time and place of their intended  
4                                action in a newspaper of general circulation in the county where the school is  
5                                located.  
6

7    Degrees of Affinity  
8

9    Affinity is the legal relationship arising as the result of marriage. Relationship by affinity terminates upon the  
10   death of one of the spouses or other dissolution or marriage except when the marriage has resulted in issue  
11   still living.  
12

13   Below is a list of the various relationships by affinity that fall within the category prohibited. Any other  
14   relationship would be allowed. If the appointing power is a woman instead of a man, substitute the word  
15   "husband" where "wife" appears.  
16

17   Relationship to Appointing Power:  
18

19   1st Degree

21   Father-in-law  
22   Mother-in-law  
23   Daughter-in-law  
24   Son-in-law  
25  
26  
27

20   2nd Degree

Grandparents-in-law  
Brother-in-law (wife's brother)  
Sister-in-law (wife's sister)  
Brother-in-law (sister's husband)  
Sister-in-law (brother's wife)  
Husband or wife of grandchildren  
28  
29

30   Degrees of Consanguinity  
31

32   (Read the chart from left to right, starting with "Appointing Power" designation) When "father" appears, read  
33   mother or father"; where "brother" appears, read "brother or sister"; where "uncle" appears, read "uncle or  
aunt"; where "nephew" appears, read "nephew or niece". The first cousin is the cousin germane.

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

- 3
- 4    1.     Direct employees;
- 5
- 6    2.     Employ, dismiss, promote, transfer, assign, and retain employees;
- 7
- 8    3.     Relieve employees from duties because of lack of work or funds under conditions where
- 9           continuation of such work would be inefficient and nonproductive;
- 10
- 11    4.     Maintain the efficiency of District operations;
- 12
- 13    5.     Determine the methods, means, job classifications, and personnel by which District operations are
- 14           to be conducted;
- 15
- 16    6.     Take whatever actions may be necessary to carry out the missions of the District in situations of
- 17           emergency;
- 18
- 19    7.     Establish the methods and processes by which work is performed.
- 20

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

22

23    The Board also reserves the right to delegate authority to the Principal for the ongoing direction of all

24    District programs.

25

26

27 <b>Legal Reference:</b>	§ 20-3-324, MCA	<b>Powers and duties</b>
28	§ 39-31-303, MCA	<b>Management rights of public employers</b>

29

2 While the responsibility to implement and administer District policy has been vested with the Principal and  
3 employees to whom he/she may delegate, the final responsibility for the operational interpretation of the  
4 policies rests with the Board. This policy provides for the orderly appeal of an administrative application  
5 of a policy.

6  
7 The provisions of this policy are general in nature and when specific provisions are made for an appeal, the  
8 appellant shall use such specific provisions as described in policy 1040.12

9  
10 If the Board receives an appeal, it shall be referred to the Principal for investigation. Depending upon the  
11 subject of the appeal, the Principal in his/her discretion, may assign the investigation of the appeal to other  
12 District Personnel or to an outside investigator. Such assigned personnel shall be responsible to the  
13 Principal. The investigation of the appeal may include a personal conference with the appellant.

14  
15 If the need for a hearing of the appeal no longer exists at the conclusion of the Principal's investigation, the  
16 findings and results of the investigation shall be reported to the Board of Trustees. Steps shall be taken to  
17 protect the privacy of all persons discussed in the report as required by law.

18  
19 If the Principal cannot resolve the appeal, he/she shall schedule a hearing by the Board at a regular or  
20 special Board meeting. All interested parties shall be notified of the scheduled appeal hearing.

21  
22 Nothing in this policy countermands the contractual provisions for resolution of grievances with any  
23 employee groups or individuals in such employee groups.

24

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

5  
6     Staff Communications to the Board

7  
8     All official communications or reports to the Board, from principals, supervisors, teachers, or other staff  
9     members, shall be submitted through the Principal. This procedure shall not deny any staff member the  
10    right to appeal to the Board from administrative decisions, provided that the Principal shall have been  
11    notified of the forthcoming appeal and that it is processed according to the applicable procedures for  
12    complaints and grievances.

13  
14    Board Communications to Staff

15  
16    All official communications, policies, and directives of staff interest and concern will be communicated to  
17    staff members through the Principal. The Principal will employ all such media as are appropriate to keep  
18    staff fully informed of Board concerns and actions.

19  
20    Visits to Schools

21  
22    In accordance with Montana statutes, each trustee shall visit every school of the District at least once each  
23    school fiscal year to examine its condition and needs. As a courtesy, individual Board members interested  
24    in visiting schools should make arrangements for visitations through the principals of the various schools.  
25    Such visits shall be regarded as informal expressions of interest in school affairs and not as “inspections” or  
26    visits for supervisory or administrative purposes.

27  
28    Social Interaction

29  
30    Staff and Board members share a keen interest in schools and education. When they meet at social affairs  
31    and other functions, informal discussion about such matters as educational trends, issues, and innovations  
32    and general District problems can be anticipated. **Discussions of personalities or staff grievances are not**  
33    **appropriate.**

34  
35    Legal Reference:            § 20-3-324(21), MCA                    Powers and duties  
36

2 In order to promote harmonious relationships between the Board, the administrator, teaching personnel, and  
3 non-teaching personnel the Board shall use the following guidelines:  
4

- 5 A. Individuals or groups often confront a single board member with issues that usually should be handled  
6 by the Principal. Persons having problems concerning the school system must first contact the  
7 Principal, and if not satisfied with the action taken at this level, present the problem to the Board at any  
8 regular or special meeting of the Board. In those cases of apparent exception, it is proper ethics that the  
9 Board member withholds commitment until the matter has been presented to the whole board. All  
10 persons are encouraged to attend any Board meeting whether they have any particular problem or not.  
11
- 12 B. Any school personnel requesting to meet with the Board must first discuss the matter of concern with  
13 the Principal and if not satisfied with the action taken at this level may request a meeting with the Board  
14 at a regular or special meeting.  
15
- 16 C. Directions or recommendations concerning staff members are to be made by the Principal who is  
17 responsible for seeing that such directions or recommendations are relayed to the proper staff member  
18 or members.  
19



2 Expenses for Board Members - In-District  
3

4 The School Board trustees shall not receive remuneration for his/her service as a trustee. Trustees living  
5 more than three miles from the meeting place shall be entitled to mileage at the rate stipulated in 2-18-503,  
6 MCA, for each mile of travel from their homes to the meeting place for each meeting of the Board and for  
7 any meeting called by the county superintendent of schools. Such travel reimbursement may be paid as the  
8 travel is assumed or may accumulate until the end of the fiscal year, at the discretion of the reimbursed  
9 trustee.

10

11 Expenses for Board Members at Out-of-District Meetings  
12

13 Trustees elected by the citizens to serve on the Board that provides governance to the School District, a  
14 financially large public enterprise, serve without financial compensation. To intelligently deal with  
15 numerous issues and to budget and monitor thousands of dollars in expenditures annually, training and  
16 communications are essential. Trustees normally attend workshops, training institutes, and conferences at  
17 both the state and national level. It is appropriate that trustee expenditures at these out-of-District meeting  
18 be paid by the School District.

19

20 It is the intent of the District to pay all legitimate costs for trustees to attend out-of-District meeting. The  
21 purpose of this policy is to provide for expenditure guidelines and define what is considered legitimate  
22 expenses of attendance at out-of-District meetings.

23

24 The Board will approve the meetings and mode of transportation. The District will not reimburse or pay  
25 for such items as:

26

- 27 1. Liquor
- 28 2. Expenses of a spouse or other family members.
- 29 3. Separate entertainment.
- 30 4. Any other unnecessary expenditure.

31

32 Reimbursement for expenditures will be the sum of the following at the rate stipulated in 2-18-503, MCA.

33

- 34 1. Quoted airline ticket price.
- 35 2. Quoted single room lodging price at the convention headquarters hotel.
- 36 3. \$25.00 per day for food.
- 37 4. A modest estimate of all other expenses.

38

39 The trustee may request a flat fee advance prior to attending the meeting

40

39	<b>Legal References</b>	<b>2-18-503, MCA.</b>	<b>Mileage Allowance</b>
40		<b>20-1-211, MCA.</b>	<b>Expenses of officers attending conventions</b>
41		<b>20-3-311, MCA</b>	<b>Trustee Travel reimbursement</b>

2    Trustee Insurance

3  
4    The District shall maintain sufficient insurance to protect the Board and its individual members against  
5    liability arising from actions of the Board or its individual members while each is acting on behalf of the  
6    District and within his/her authority as a trustee.

7

8 <b>Legal Reference</b>	<b>20-3-331, MCA</b>	<b>Purchase of liability insurance</b>
9	<b>20-3-332, MCA</b>	<b>Personal immunity and liability of Trustees</b>

10

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

5  
6  
7  
8  
9  
10

**Legal Reference:**           **10.55.701, ARM Board of Trustees**

2    At the conclusion of each year, the Board may evaluate its own performance in terms of generally accepted  
3    principles of successful Board operations.

4  
5    The Board may choose to evaluate the effectiveness of the processes it employs in carrying out the  
6    responsibilities of the District. Those processes include but are not limited to: team building, decision  
7    making, functions planning, communications, motivation, influence, and policy.  
8

Review of Services of Staff

Constructive criticism can be helpful to the district. At the same time, the board of trustees has confidence in its staff and shall act to minimize unwarranted criticism or disruptive interference.

Complaints received by the board or by an individual board member shall be referred to the Building Administrator for investigation.

The Building Administrator shall develop procedures to handle complaints received from residents, parent(s) of student(s), or students in the school district.

If the complaint appeals the decision of the administrator, the board chair may determine the staff members' right of privacy exceeds the public's right to know and close the hearing to the public. No further appeal of a board decision may be taken except as provided by law.

Review of Services of Staff

TO:

FROM: Principal

RE: Review of Services of Staff Complaint

It is usually best to deal with complaints at the local school level. Before you file a request to process your complaint, we suggest you meet with the employee to discuss the issue. In most cases, a problem can be solved through such a meeting. If the problem is not solved at that level, it can then be appealed through administrative channels to the Principal and then the board of trustees, if necessary.

We urge you, therefore, to first discuss this with the individuals involved. Then, if you are not satisfied, complete the attached form and return it to my office, thereby advancing your complaint to me.

It is the district's desire to process public complaints as fairly and expeditiously as possible. The procedure provides the public with a simple and effective way to deal with problems. It also allows for the due process rights of employees to be protected.

If you wish any additional information before initiating this process, we will be glad to assist you.

**Review of Services of Staff Complaint**

This form is to be prepared by any citizen of the school board district or parent/guardian of a student attending Fortine School District to process a concern about an employee of the district.

I wish to have the district process my concern about the services of:

1 \_\_\_\_\_  
2 (Individual)  
3 \_\_\_\_\_  
4 \_\_\_\_\_ Date: \_\_\_\_\_  
5 \_\_\_\_\_  
6 \_\_\_\_\_  
7 \_\_\_\_\_  
8 (Telephone) \_\_\_\_\_ (Address) \_\_\_\_\_  
9 \_\_\_\_\_  
10 \_\_\_\_\_  
11 1. These are my specific concerns: It is my opinion that...  
12 \_\_\_\_\_  
13 \_\_\_\_\_  
14 \_\_\_\_\_  
15 \_\_\_\_\_  
16 \_\_\_\_\_  
17 \_\_\_\_\_  
18 2. I have reviewed/discusses these concerns with the following school district employees:  
19 \_\_\_\_\_  
20 \_\_\_\_\_  
21 \_\_\_\_\_  
22 \_\_\_\_\_  
23 \_\_\_\_\_  
24 \_\_\_\_\_  
25 3. My recommendation for improving the performance of the individual:  
26 \_\_\_\_\_  
27 \_\_\_\_\_  
28 \_\_\_\_\_  
29 \_\_\_\_\_  
30 \_\_\_\_\_  
31 \_\_\_\_\_  
32 4. I have observed the situation myself: \_\_\_\_\_ (yes) \_\_\_\_\_(no)  
33 \_\_\_\_\_  
34 \_\_\_\_\_  
35 \_\_\_\_\_

36 **Procedure to Implement Review of Services of Staff Complaint**

37 \_\_\_\_\_  
38 Date \_\_\_\_\_  
39 \_\_\_\_\_

40 Completed Steps:

- 41 \_\_\_\_\_  
42 1. School Board forwards written complaint to the Principal for resolution at school or classroom level.  
43 \_\_\_\_\_  
44 \_\_\_\_\_  
45 \_\_\_\_\_  
46 \_\_\_\_\_  
47 a. Principal gives a copy to the employee.  
48 \_\_\_\_\_  
49 b. The Principal meets with citizen(s) and other parties involved in requesting a resolution.

1  
2 c. The Principal investigates complaint and takes appropriate action.  
3

4 The Principal files report of the process used to resolve the concern/complaint and describing the  
5 action taken. All involved parties shall sign the report. Signatures indicate presence at the  
6 meeting.

7 Either party may appeal the decision to the County Superintendent within five (5) working days.  
8

9  
10 \_\_\_\_\_  
Signature of Principal  
11

12 2. Written report sent to all involved parties.  
13

14 3. If either party disagrees with the reviewer's findings, the decision may be appealed to the board of  
15 trustees. The board shall hear and rule on the appeal within 30 calendar days of the date of the appeal to  
16 the board.  
17  
18

2  
3  
4 The Board establishes this Uniform Complaint Procedure as a means to address complaints arising within  
5 the District. This Uniform Complaint Procedure is intended to be used for all complaints except those  
6 involving challenges to educational material and those governed by a collective bargaining agreement.  
7

8 The District requests all individuals to use this complaint procedure, when the individual believes the  
9 Board or its employees or agents have violated the individual's rights under: (1) Montana constitutional,  
10 statutory, or administrative law; (2) United States constitutional, statutory, or regulatory law; or (3) Board  
11 policy.  
12

13 The District will endeavor to respond to and resolve complaints without resorting to this formal complaint  
14 procedure and, when a complaint is filed, to address the complaint promptly and equitably. The right of a  
15 person to prompt and equitable resolution of a complaint filed hereunder will not be impaired by a person's  
16 pursuit of other remedies. Use of this complaint procedure is not a prerequisite to pursuit of other  
17 remedies, and use of this complaint procedure does not extend any filing deadline related to pursuit of other  
18 remedies.  
19

#### 20 Level 1: Informal

  
21

22 An individual with a complaint is first encouraged to discuss it with the appropriate teacher, counselor, or  
23 administrator, with the objective of resolving the matter promptly and informally. An exception is that a  
24 complaint of sexual harassment should be discussed directly with the administrator, assuming the  
25 administrator was not involved in the alleged harassment.  
26

#### 27 Level 2: Building Administrator

  
28

29 When a complaint has not been or cannot be resolved at Level 1, an individual may file a signed and dated  
30 written complaint stating: (1) the nature of the complaint; (2) a description of the event or incident giving  
31 rise to the complaint, including any school personnel involved; and (3) the remedy or resolution requested.  
32 This written complaint must be filed within thirty (30) days of the event or incident or from the date an  
33 individual could reasonably become aware of such event or incident.  
34

35 When a complaint alleges violation of Board policy or procedure, the building administrator will  
36 investigate and attempt to resolve the complaint. The administrator will respond in writing to the  
37 complaint, within thirty (30) days of the administrator's receipt of the complaint.  
38

39 If either the complainant or the person against whom the complaint is filed is dissatisfied with the  
40 administrator's decision, either may request, in writing, that the County Superintendent review the  
41 administrator's decision. (See Level 3.) This request must be submitted to the County Superintendent  
42 within fifteen (15) days of the administrator's decision.  
43

44 When a complaint alleges sexual harassment or a violation of Title IX of the Education Amendments of  
45 1972 (the Civil Rights Act), Title II of the Americans with Disabilities Act of 1990, or Section 504 of the  
46



1 Rehabilitation Act of 1973, the building administrator may turn the complaint over to a District  
2 nondiscrimination coordinator. The coordinator will complete an investigation and file a report and  
3 recommendation with the Principal, within thirty (30) days of the nondiscrimination coordinator's receipt  
4 of the written complaint. A coordinator may hire an outside investigator to conduct the investigation.  
5 Within fifteen (15) days of the Principal's receipt of the coordinator's report and recommendation, the  
6 Principal will respond to the complaint and take such administrative steps as the Principal deems  
7 appropriate and necessary. If either the complainant or the person against whom the complaint is filed is  
8 dissatisfied with the Principal's decision, either may request, in writing, that the Board consider an appeal  
9 of the Principal's decision. (See Level 4.) This request must be submitted in writing to the Principal,  
10 within fifteen (15) days of the Principal's written response to the complaint, for transmission to the Board.

### 11 12 Level 3: County Superintendent

13  
14 If either the complainant or the person against whom the complaint is filed appeals the administrator's  
15 decision provided for in Level 2, the County Superintendent will review the complaint and the  
16 administrator's decision. The County Superintendent will respond in writing to the appeal, within thirty  
17 (30) days of the County Superintendent's receipt of the written appeal. In responding to the appeal, the  
18 County Superintendent may: (1) meet with the parties involved in the complaint; (2) conduct a separate or  
19 supplementary investigation; (3) engage an outside investigator or other District employees to assist with  
20 the appeal; and/or (4) take other steps appropriate or helpful in resolving the complaint.

21  
22 If either the complainant or the person against whom the complaint is filed is dissatisfied with the County  
23 Superintendent's decision, either may request, in writing, that the Board consider an appeal of the County  
24 Superintendent's decision. (See Level 4.) This request must be submitted in writing to the County  
25 Superintendent, within fifteen (15) days of the County Superintendent's written response to the complaint,  
26 for transmission to the Board.

### 27 28 Level 4: The Board

29  
30 Upon written appeal, the Board will consider the County Superintendent's decision in Level 2 or 3. Upon  
31 receipt of written request for appeal, the Chair will either: (1) place the appeal on the agenda of a regular  
32 or special Board meeting; or (2) appoint an appeals panel of not less than three (3) trustees to hear the  
33 appeal and make a recommendation to the Board. If the Chair appoints a panel to consider the appeal, the  
34 panel will meet to consider the appeal and then make written recommendation to the full Board. The Board  
35 will report its decision on the appeal, in writing, to all parties, within thirty (30) days of the Board meeting  
36 at which the Board considered the appeal or the recommendation of the panel. A decision of the Board is  
37 final, unless it is appealed pursuant to Montana law within the period provided by law.

38  
39 **Legal Reference:**                      **Title IX of the Education Amendments of 1972 (Civil Rights Act)**  
40    **Title II of the Americans with Disabilities Act of 1990**  
41    **§ 504 of the Rehabilitation Act of 1973**  
42

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## Board of Trustees

## INSTRUCTION

**[Click Here to Return to Main Index](#)**

# TABLE OF CONTENTS

## 2000 INSTRUCTION

2000 [Goals](#)  
2100 [School Year Calendar and Day](#)  
2105 [Grade Organization](#)  
2110 [Accreditation Standards](#)  
2113 [Pre-Kindergarten Program](#)  
2120 [Curriculum Development and Assessment](#)  
2122 [Texts](#)  
2122 [Lesson Plans](#)  
2130 [Program Evaluation and Diagnostic Tests](#)  
2131 [Student and Family Privacy Rights](#)  
2160 [Title I](#)  
2161 [Special Education](#)  
2162 [Section 504 of the Rehabilitation Act of 1973 \(Section 504\)](#)  
2165 [Homebound, Hospital and Home Instruction](#)  
2166 [Gifted Program](#)  
2221 [School Closure](#)  
2250 [Community and Adult Education](#)  
2309 [Library Materials](#)  
2310 [Selection of Library Materials](#)  
2311 [Instructional Materials](#)  
211P [Selection, Adoption, and Removal of Textbooks and Instructional Materials](#)  
2312 [Copyright](#)  
2312P [Copyright Compliance](#)  
2314 [Learning Material Review](#)  
2320 [Field Trips, Excursions and Outdoor Education](#)  
2320F [Field Trip Consent Form](#)  
2330 [Controversial Issues and Academic Freedom](#)  
2332 [Religion and Religious Activities](#)  
2420 [Grading and Progress Reports](#)  
2421 [Promotion/Retention](#)  
2430 [Homework](#)  
2450 [Recognition of Native American Culture and Heritage](#)  
2510 [School Wellness](#)

2    The District's educational program will seek to provide an opportunity for each child to develop to his or  
3    her maximum potential. The objectives for the educational program are:  
4

- 5                    • *To foster self-discovery, self-awareness, and self-discipline.*
  - 6                    • *To develop an awareness of and appreciation for cultural diversity.*
  - 7                    • *To stimulate intellectual curiosity and growth.*
  - 8                    • *To provide fundamental career concepts and skills.*
  - 9                    • *To help the student develop sensitivity to the needs and values of others and*  
10                    *respect for individual and group differences.*
  - 11                    • *To help each student strive for excellence and instill a desire to reach the limit*  
12                    *of his or her potential.*
  - 13                    • *To develop the fundamental skills which will provide a basis for life-long*  
14                    *learning.*
  - 15                    • *To be free of any sexual, cultural, ethnic, or religious bias.*
- 

16  
17    The administrator is responsible for apprising the Board of the educational program's current and future  
18    status. The Administrator should prepare an annual report that includes:  
19

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

26  
27    **Legal Reference    10.55.701. ARM, Board of Trustees.**  
28  
29  
30

2     Subject to §§ 20-1-301 and 20-1-308, the trustees of a school district shall set the number of hours in a  
3     school term, the length of the school day, and the number of school days in a school week. When  
4     proposing to adopt changes to a previously adopted school term, school week, or school day, the trustees  
5     shall: (a) negotiate the changes with the employees affected by the changes; (b) consider the affects the  
6     changes may have on the educational process of students receiving services from the Special Education  
7     Cooperative; (c) the effects of the changes may have on the services the school has with regard to the  
8     Northwest Educational Cooperative and (d) solicit input from the people who live within the boundaries of  
9     the school district.

#### 10 11     Commemorative Holidays

12  
13     Teachers and students will devote a portion of the day on each commemorative holiday designated in § 20-  
14     1-306, MCA, to study and honor the commemorated person or occasion. The Board may from time to time  
15     designate a regular school day as a commemorative holiday.

#### 16 17     School Fiscal Year

18  
19     At least the minimum number of aggregate hours must be conducted during each school fiscal year. The  
20     minimum aggregate hours required by grade are:

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

25  
26     In addition, seven (7) pupil instruction-related days may be scheduled for the following purposes:

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

32  
33     **Legal References:** § 20-1-301, MCA  
34                            § 20-1-302, MCA  
35                            § 20-1-304, MCA  
36                            § 20-1-306, MCA  
37                            10.55.701, ARM  
38                            10.65.101-03, ARM

**School fiscal year**  
**School day and week**  
**Pupil-instruction-related day**  
**Commemorative exercises on certain days**  
**Board of Trustees**  
**Pupil-Instruction-Related Days**

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The District maintains instructional levels for grades kindergarten (K) through eighth (8). The grouping and housing of instructional levels in school facilities will be according to plans developed by the Principal 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**

2    The Board will review the state accreditation standards annually and provide in each school building at  
3    least one copy of the standards for staff and public review.

4  
5    Continuous Progress Education

6  
7    The Board acknowledges its responsibility for developing and implementing a curriculum designed to  
8    provide for sequential intellectual and skill development necessary for students to progress on a continuous  
9    basis from the elementary through secondary school.

10  
11   The Administrator is directed to develop instructional programs, which will enable each student to learn at  
12   the student's best rate. The instructional program shall strive to provide for:

- 13  
14            1.        placement of a student at the student's functional level;  
15  
16            2.        learning materials and methods of instruction considered to be most appropriate to the  
17                      student's learning style; and,  
18  
19            3.        evaluation to determine if the desired student outcomes have been achieved.

20  
21  
22   Each year, the Administrator shall determine the degree to which such instructional programs are being  
23   developed and implemented. Accomplishment reports submitted annually shall provide the Board with the  
24   necessary information to make future program improvement decisions.

25  
26   **Legal Reference: 10.55.701, ARM, et.seq.       Standards for Accreditation of Montana Schools**  
27  
28

The District may establish a pre-kindergarten program based on the premise that the District's teachers, support staff, and physical facilities can offer a quality of experiences. The determination to provide pre-kindergarten will be based on need, number and needs of kindergarten students enrolled, cost and capacity. If it is not possible for the District to provide such a program for all four-year-old children in the District, those children in greatest need will be served first, based on the Phelps Readiness Scale, and then enrollment will be opened, based on capacity and kindergarten needs, on a first come, first serve basis.

New pre-school students will not be accepted after September 30.

Child must turn 4 by September 10.

The objectives of the program are to:

1. Identify children with incipient problems of a social, emotional, and/or physical nature, regardless of whether they are related to maturational development;
2. Provide an educational experience which will ameliorate or eliminate these problems at an early age, thereby deterring adjustment and/or learning problems from developing in subsequent years;
3. Identify children who do not have facility in the English language and provide experiences that enhance and accelerate development of such a facility;
4. Identify children who would not otherwise attend a nursery school prior to entering public school and provide them with equal learning opportunities;
5. Provide experiences for parents of these children, through a volunteer aide program whereby they can become oriented to the task of the school and how their role as parents might relate to the task as it affects their children; and

Legal Reference: § 20-7-117, MCA Five-year-old schooling and preschool programs

Policy History:

Adopted on:

Reviewed on:

Revised on: 12/12/2016

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

7  
8     **Development and Assessment**  
9

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

14  
15    The staff and administration will suggest materials and resources to include supplies, books, materials and  
16    equipment necessary for development and implementation of the curriculum and assessment that are  
17    consistent with the goals of the education program. These materials shall be reviewed at least every five  
18    (5) years.

19  
20    In all program areas and at all levels, the District shall assess student progress toward achieving learner  
21    goals and program area performance standards including: the content and data; the accomplishment of  
22    appropriate skills; the development of critical thinking and reasoning; and attitude. The District will use  
23    assessment results to improve the education program, and use effective and appropriate tools for assessing  
24    such progress. This may include, but is not limited to: standardized tests; criterion-referenced tests;  
25    teacher-made tests; ongoing classroom evaluation; actual communication assessments such as writing,  
26    speaking, and listening assessments; samples of student work and/or narrative reports passed from grade to  
27    grade; samples of students' creative and/or performance work; and, surveys of carry-over skills to other  
28    program areas and outside of school.

29  
30  
31    **Cross Reference:**             [Goals](#)  
32                                         [Accreditation Standards](#)  
33

34    **Legal Reference:**            § 20-3-324, MCA   Powers and duties  
35                                         § 20-7-602, MCA   Textbook selection and adoption  
36                                         10.55.603, ARM   Curriculum Development and Assessment  
37  
38



2     Texts and related material will be reviewed on a rotational basis, ensuring that no more than 5 years elapses  
3     between reviews of any individual materials. The review process will include correlating curriculum  
4     objectives with current texts. Curriculum review will ensure that materials are coordinated throughout  
5     grades K-8.  
6  
7  
8  
9

2    To insure proper planning and continuity of instruction, the Board requires that each teacher prepare lesson  
3    plans for daily instruction. To facilitate more effective instruction, lesson plans must be prepared at least  
4    five days in advance of the actual class presentation. The format for the lesson plan will be specified by the  
5    school administrator and shall be reviewed on a regular basis. The plan book must be readily available  
6    when a substitute teacher is needed.

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

- 4
- 5     1.     A clear statement of expectations and purposes for the District instructional program;
  - 6
  - 7     2.     A provision for staff, resources, and support to achieve stated expectations and purposes; and
  - 8
  - 9     3.     A plan for evaluating instructional programs and services to determine how well expectations and
  - 10     purposes are being met.
  - 11

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

17

18 <b>Legal Reference:</b>	<b>20 U.S.C. § 1232h Protection of pupil rights</b>
19	
20	<b>10.55.603, ARM Curriculum Development and Assessment</b>
21	<b>10.56.101, ARM Student Assessment</b>
22	

**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:

- Political affiliations or beliefs of the student or the student's parent/guardian;
- Mental or psychological problems of the student or the student's family;
- Behavior or attitudes about sex;
- Illegal, antisocial, self-incriminating, or demeaning behavior;
- Critical appraisals of other individuals with whom students have close family relationships;
- Legally recognized privileged or analogous relationships, such as those with lawyers, physicians, and ministers;
- Religious practices, affiliations, or beliefs of the student or the student's parent/guardian;
- 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.

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

#### 5 6 Collection of Personal Information From Students for Marketing Prohibited

7  
8 The term “personal information,” for purposes of this section only, means individually identifiable information  
9 including: (1) a student’s or parent’s first and last name, (2) a home or other physical address (including street name  
10 and the name of the city or town), (3) telephone number, or (4) a Social Security identification number.

11  
12 The District will not collect, disclose, or use student personal information for the purpose of marketing or selling that  
13 information or otherwise providing that information to others for that purpose.

14  
15 The District, however, is not prohibited from collecting, disclosing, or using personal information collected from  
16 students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to,  
17 students or educational institutions such as the following:

- 18  
19 1. College or other post-secondary education recruitment or military recruitment;  
20 2. Book clubs, magazines, and programs providing access to low-cost literary products;  
21 3. Curriculum and instructional materials used by elementary schools and secondary schools;  
22 4. Tests and assessments to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement  
23 information about students (or to generate other statistically useful data for the purpose of securing such tests  
24 and assessments) and the subsequent analysis and public release of the aggregate data from such tests and  
25 assessments;  
26 5. The sale by students of products or services to raise funds for school-related or education-related activities;  
27 6. Student recognition programs.

#### 28 29 Notification of Rights and Procedures

30  
31 The Principal shall notify students’ parents/guardians of:

- 32  
33 1. This policy as well as its availability from the District office upon request;  
34 2. How to opt their child out of participation in activities as provided in this policy;  
35 3. The approximate dates during the school year when a survey requesting personal information, as described  
36 above, is scheduled or expected to be scheduled;  
37 4. How to request access to any survey or other material described in this policy.

38  
39 This notification shall be given parents/guardians at least annually at the beginning of the school year and  
40 within a reasonable period after any substantive change in this policy.

41 **Cross Reference:** 2311 [Instructional Materials](#)

42  
43 **Legal Reference:** 20 U.S.C. 1232h Protection of Pupil Rights

2     To assure that parents will be involved in the educational process for their children in any District Title I  
3     program, the following activities will be completed:

- 4  
5         1. Letters will be sent to parents informing them that their child has been selected for the District  
6         Title I reading/language arts and/or mathematics program. Included in the letter will be a parent  
7         sign off indicating that they accept or decline service.  
8
- 9         2. Parents will be informed about their child's educational program, and the instructional plan will be  
10        discussed with them.  
11
- 12       3. A Title I classroom will participate in its school's open house for the purpose of getting acquainted  
13       and sharing information.  
14
- 15       4. During parent/teacher conferences in the K-8 building, parents may be informed of the previous  
16       year's evaluation data, if appropriate, needs assessment and screening processes, student  
17       participation eligibility requirements, and ways in which parents can help their children at home.  
18
- 19       5. Written reports will be sent to the parents at each quarter.  
20
- 21       6. Conferences and phone calls will be made throughout the school year to explain the child's  
22       progress. Parents may comment, and suggestions may be made if student improvement is needed.  
23       Teachers will also call parents when positive comments and praise are appropriate.  
24
- 25       7. Parents will be invited to observe their children's work and visit the Title I room during the year.  
26
- 27       8. Parents will be given opportunities to assist in the reader/listener program or to help in the Title I  
28       room by making materials, explaining directions and helping a child one-to-one with some  
29       learning tasks provided by the teacher.  
30
- 31       9. When requested or as a need arises, Title I related workshops will be offered for parents of K-8  
32       Title I students.  
33
- 34       10. A survey questionnaire will be sent to parents in the spring of the year requesting evaluation input  
35       of the Title I program in which their child is involved.  
36
- 37       11. An annual general meeting will be conducted for all District Title I parents and the public. They  
38       will be invited to learn about the Title I program, student selection and evaluation processes.  
39       Suggestions and recommendations for the Title I program will be encouraged at this time.  
40       Students will participate in the program.

2    The District will provide a free appropriate public education and necessary related services to all children  
3    with disabilities residing within the District, as required under the Individuals with Disabilities Education  
4    Act (IDEA), provisions of Montana law, and the Americans with Disabilities Act.

5  
6    For students eligible for services under IDEA, the District will follow procedures for identification,  
7    evaluation, placement, and delivery of service to children with disabilities, as provided in the current  
8    *Montana State Plan under Part B of IDEA*.

9  
10   The District may maintain membership in one or more cooperative associations which may assist in  
11   fulfilling the District's obligations to its disabled students.

12  
13   **Legal Reference:**                **Americans with Disabilities Act, 42 U.S.C. § 12101, et seq.**  
14                                        **Individuals with Disabilities Education Act, 20 U.S.C. § 1400, et seq.**  
15                                        **§ 20-7-Part Four, MCA    Special Education for Exceptional Children**  
16  
17

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

10  
11    **Legal Reference:**    **Rehabilitation Act of 1973, Section 504, 29 U.S.C. § 794**  
12                                **34 C.F.R. 104.36    Procedural safeguards**  
13  
14



2    A student absent from school for more than two consecutive weeks because of health or physical  
3    impairment will be provided the services of a teacher or an aide in the home or hospital. Appropriate  
4    educational services may begin as soon as eligibility has been established with a written statement from a  
5    licensed medical examiner and a written parental or guardian request.

6  
7    **Legal Reference:**    10.16.1308, ARM    Services to Homebound and/or Hospitalized Students  
8

2    To the extent possible with available resources, all gifted and talented students will have the opportunity to  
3    participate in appropriate educational programs. “Gifted and talented students” are students of outstanding  
4    abilities, who are capable of high performance and who require differentiated educational programs beyond  
5    those normally offered in public schools, in order to fully achieve their potentials.  
6

7    The Board authorizes the Principal to provide a gifted and talented program which includes:  
8

- 9            1.    Expansion of academic attainments and intellectual skills;  
10  
11           2.    Stimulation of intellectual curiosity, independence, and responsibility;  
12  
13           3.    Development of positive attitudes toward self and others; and  
14  
15           4.    Development of originality and creativity.  
16

17    The Principal will establish procedures consistent with state guidelines for nominating, assessing, and  
18    selecting children of demonstrated achievement, or potential ability in terms of general intellectual ability  
19    and academic aptitude.  
20

21    **Legal References:**            §§ 20-7-901 - 904, MCA            Gifted and talented children  
22                                        10.55.804, ARM                Gifted and Talented  
23  
24

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

4  
5     The trustees may order the emergency closure of schools for one (1) school day each year, without the need  
6     to reschedule the lost pupil instruction time when the closure is the result of an emergency.

7  
8  
9     **Legal Reference:**            §§ 20-9-801 - 802, MCA     Emergency school closure  
10                                   §§ 20-9-806, MCA            School closure by declaration of emergency  
11  
12

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

6  
7    **Legal Reference:   20-7-703, MCA    Trustees' policies for adult education**  
8

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

6  
7    District residents and parents or guardians of non-resident students attending the District may be allowed  
8    use of library books, at the discretion of the building principal. However, such access shall not interfere  
9    with regular school use of those books. Use of library books outside of the District is prohibited except for  
10   inter-library loan agreements with other libraries.

11  
12   Any individual may challenge the selection of materials for the library/media center. The Uniform  
13   Complaint Procedure will be utilized to determine if challenged material is properly located in the library.

14  
15        In case a complaint about any piece of library materials is made the following routine should be  
16        followed:

- 17  
18            a.    Ask the complainant to fill out the Request for Reconsideration of Educational Materials,  
19                (Appendix C). The National Council of Teachers of English has developed the form.  
20  
21            b.    After the form has been filled out have a meeting with the complainant, the faculty member  
22                involved and the administrator.  
23  
24            c.    If this meeting still does not solve the situation then the matter shall be taken by the  
25                administrator to the school board members who shall have been given an opportunity to  
26                study the case before the board meets.

27  
28   **Cross Reference:**            [Uniform Complaint Procedure](#)  
29                                        [Learning Materials Review](#)

30  
31   **Legal Reference:**            § 20-7-203, MCA   Trustees' policies for school library  
32                                        § 20-7-204, MCA   School library book selection  
33  
34  
35

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

5  
6    The provision of a wide variety of library materials at all reading levels supports the District's basic  
7    principle that the school in a free society assists all students to develop their talents fully so that they  
8    become capable of contributing to the further good of that society.

9  
10   In support of these objectives, the Board reaffirms the principles of intellectual freedom inherent in the  
11   First Amendment of the Constitution of the United States and expressed in the School Library Bill of  
12   Rights, endorsed by the American Association of School Librarians in 1969.

13  
14   Although the Principal is responsible for selection of library materials, ultimate responsibility rests with the  
15   Board.

16  
17   The Board, acting through the Principal, thereby delegates authority for selection of library materials in the  
18   school. The principal further delegates that authority to the librarian in the school.

19  
20  
21   **Legal reference:**                § 20-7-203, MCA   Trustees' policies for school library  
22                                          § 20-7-204, MCA   School library book selection  
23  
24

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

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

13    Basic instructional course material in the fundamental skill areas of language arts, mathematics, science  
14    and social studies should be reviewed at intervals not exceeding five (5) years. All instructional materials  
15    must be sequential, and must be compatible with previous and future offerings. Deviations to the  
16    instructional courses must be first discussed with the Building Administrator and then, if applicable, be  
17    approved by the Board.

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

23    **Cross Reference:** 2314    [Learning Materials Review](#)

24    **Legal Reference:**        § 20-7-601, MCA    Free Textbook Provision  
25                                   § 20-7-602, MCA    Textbook Selection and Adoption

## 1    *2311P Selection, Adoption, and Removal of Textbooks and Instructional Materials*

---

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

### 7 8    Selection and Adoption

9  
10   Textbooks shall be selected by a curriculum committee representing the various staff who will likely be  
11   using the text. In most, but not all, cases an administrator will chair the committee. Each committee  
12   should develop, prior to selection, a set of selection criteria against which textbooks will be evaluated. The  
13   criteria should include the following, along with other appropriate criteria. Textbooks shall:

- 14  
15   •        Be congruent with identified instructional objectives;
- 16   •        Present more than one viewpoint on controversial issues;
- 17   •        Present minorities realistically;
- 18   •        Present non-stereotypic models;
- 19   •        Facilitate the sharing of cultural differences;
- 20   •        Be priced appropriately.

### 21 22   Removal

23  
24   Textbooks may be removed when they no longer meet the criteria for initial selection, when they are worn  
25   out, or when they have been judged inappropriate through the Learning Materials Review Process.  
26



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

6  
7    Under the "fair use" doctrine, unauthorized reproduction of copyrighted materials is permissible for such  
8    purposes as criticism, comment, news reporting, teaching, scholarship or research.

9  
10    While the District encourages its staff to enrich the learning programs by making proper use of  
11    supplementary materials, it is the responsibility of District staff to abide by the District's copying  
12    procedures and obey the requirements of the law. Under no circumstances shall it be necessary for District  
13    staff to violate copyright requirements in order to perform their duties properly. The District cannot be  
14    responsible for any violations of the copyright law by its staff.

15  
16    Any staff member who is uncertain as to whether reproducing or using copyrighted material complies with  
17    the District's procedures or is permissible under the law should contact the Building Administrator. The  
18    Administrator will assist staff in obtaining proper authorization to copy or use protected materials when  
19    such authorization is required.

20  
21    **Legal Reference: 17 USC 101 to 1010 Federal Copyright Law of 1976.**  
22  
23

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

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.

#### 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.

1  
2 Authorized Reproduction and Use of Copyrighted Materials in the Library  
3

4 A library may make a single copy of an unpublished work which is in its collection; and a published work  
5 in order to replace it because it is damaged, deteriorated, lost or stolen, provided the unused replacement  
6 cannot be obtained at a fair price.  
7

8 A library may provide a single copy of copyrighted material to a student or staff member at no more than  
9 the actual cost of photocopying. The copy must be limited to one (1) article of a periodical issue or a small  
10 part of other material, unless the library finds that the copyrighted work cannot be obtained elsewhere at a  
11 fair price. In the latter circumstance, the entire work may be copied. In any case, the copy shall contain the  
12 notice of copyright, and the student or staff member shall be notified that the copy is to be used only for  
13 private study, scholarship, or research. Any other use may subject the person to liability for copyright  
14 infringement.  
15

16 At the request of a teacher, copies may be made for reserve use. The same limits apply as for single or  
17 multiple copies designated in "Authorized Reproduction and Use of Copyrighted Material in Print."  
18

2    Citizens objecting to specific materials used in the District are encouraged to submit a complaint in writing  
3    and discuss the complaint with the building principal prior to pursuing a formal complaint.  
4

5    A formal request to remove an item from the school or limit its use must be in writing and will be acted  
6    upon by the County Superintendent. A spokesperson for each side of the issue will be heard by the County  
7    Superintendent if requested. A written decision will be delivered to the complainant within forty (40)  
8    school days. Any appeal of this decision must be delivered in writing to the Board within 14 calendar days.  
9    The Board will make the final decisions on appeals.  
10

11   Learning materials, for the purposes of this policy, shall be considered to be any material used in classroom  
12   instruction, library materials, or any materials to which a teacher might refer a student as part of the course  
13   of instruction.  
14  
15

Fortine School recognizes the educational value of field trips and agrees to support one long field trip and four short area trips yearly per classroom. Fortine School field trips are intended to allow students experiences that provide them with insight, information, or knowledge that might not be learned within the classroom. As it is widely acknowledged that not all children learn in the same way, field trips allow students the opportunity to expand their learning in ways different from those typically available inside the classroom.

All field trips should be planned well in advance and require approval prior to leaving the school grounds. Any field trip that extends beyond one school day will require board approval, submitted, by the staff or through the principal. All other field trips will be approved by the principal.

The Fortine School will strive to offer field trips with a minimum of expense to the individual student. If necessary, to defray some of the cost of the field trip, the classroom teacher will schedule fundraising events to cover the entire individual amount through fundraising activities. The fundraising activities shall be sufficient so that the entire individual amount needed can be raised between the time of approval and the time of departure for the trip. Any student who does not participate in the fundraising events, to cover the individual cost, will be required to pay their portion of the cost to cover their part of the actual field trip costs. The maximum a family may be required to pay one-fourth of the total cost, or \$250, whichever is less.

Field trips are a privilege and must be earned; no student has an absolute right to a field trip. If a student's behavior does not warrant field trips, a student will not be permitted to leave the building.

District policies and procedures pertaining to pupil conduct, discipline, and rights apply to pupils while on field trips, and that parents will be responsible for getting the student back home if the student breaks the rules or are involved with law enforcement. Rules on field trips are the same as required of students within the school confines although the level of expectation for student behavior rises when students are visiting sites away from school and representing our school to the community. Students violating school conduct rules on a field trip are subject to the same disciplinary action as would apply if they were on school property

- *Behavior:* In the event a student fails to meet expectations for appropriate conduct on a field trip, including but not limited to those set forth in the school's policy, school staff may contact the student's parents or guardian, and staff shall have the discretion to send the student home. The student's parents or guardian shall be responsible for any additional expense incurred in such circumstances. Students may also be disciplined in accordance with the school's policy.

- *We may recommend that the student, who has difficulty listening and/or following directions in the classroom, have a parent accompany them on field trips.*
- *If a student's behavior has been disruptive on past field trips, the child will only attend a field trip if accompanied by a parent.*

- *If no parent is available to attend the trip, the child will stay at school.*

Teachers are to notify the student, and parents, at least **one week** prior to the field trip date whether or not a student is eligible to participate in the field trip. The final decision on whether or not the student may participate shall be made by the principal with documentation and input from the affected staff.

## **Types of Field Trips**

**Curriculum-related:** a classroom-associated learning experience to afford students the opportunity to gain insight, information or knowledge, such as, but not limited to, a walk on adjacent land, a visit to a historic site or museum, or attendance at a cultural performance.

**Co-curricular:** school-sponsored experiences associated with school groups that normally meet outside regularly scheduled classes, such as, but not limited to, clubs, student organizations, or academic-related teams.

**Interscholastic:** in-district or out-of-district events in which students participate as representatives of the Fortine School, such as, but not limited to, athletics, cheerleading, and the arts.

## **Duration of Field Trips**

**Day Trips:** a one-way distance from the school that does not exceed 100 miles and overnight travel is not involved.

**Long-distance and Overnight Trips:** a one-way distance from the school that exceeds 100 miles or overnight travel is planned between the hours of midnight and six a.m. or an overnight stay is planned and the trip is within the continental United States

**International Trips:** a single or multi-day program beyond the borders of the continental United States

## **Inclusion**

Reasonable accommodations will be provided to allow eligible students with disabilities to participate in scheduled field trips.

2320  
Page 3 of 4

Each time students attend a field trip, a permission (Field Trip Consent Form on following page) slip from the parents is required authorizing the student to attend.

## **Distribution of medications**

Teachers should be aware of any health restrictions or allergies affecting the students attending and take all possible care to insure the safety and well-being of each student. At least one staff member on the trip will be assigned the responsibility to distribute, and secure, prescribed medications, according to school policy 3010, while on the trip. Over-the-counter medications (Ibuprofen, Kaopectate, Tylenol, Benadryl, Tums, etc.) also require a district medication form (3010.01--Authorization For Administration of Oral Medication at School) signed by both parent and physician and the medication must be properly labeled by the parent.

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**Cancellation/Exclusion from School Sponsored Trips**

The Principal has the authority to cancel any field trips up until the time of departure for any reason. In such event, school officials will make a reasonable effort to obtain a refund of monies paid by students and parents. However, such refunds are not guaranteed.

**PERMISSION FORMS FOR DISCRETIONARY MEDICATION ADMINISTRATION\***

**STUDENT NAME** \_\_\_\_\_

Certain activities involve travel away from school for overnight or longer periods. In these circumstances **only**, Fortine School staff will provide limited over-the-counter medications that they may give to your child. In order for the medication to be administered you must give written permission. This medication is for minor unforeseen ailments. If your student has a medical condition that requires routine use of these medications, you will need to supply the medication. **If your student has a condition for which he or she routinely takes prescription medicine, you must also have on file, with the school (a copy will be made for the trip) policy form 3010.01--Authorization For Administration of Oral Medication at School**

I give permission for a staff of the Fortine School to administer the following medication(s) to my student should he or she have symptoms that use of that medication may alleviate, e.g., Tylenol for a headache, Kaopectate for diarrhea, etc.

I understand that the medication will be administered according to the guidelines on the medication package. No medication will be given in doses exceeding the over-the-counter amount. The following medications can be administered. Please mark which medications you give permission for the school official to administer to your child.

- \_\_\_\_\_ **Benadryl** (for allergic reactions, e.g., bee stings)
- \_\_\_\_\_ **Ibuprofen (Advil, Motrin)** (menstrual cramps, headache)
- \_\_\_\_\_ **Kaopectate** (diarrhea)
- \_\_\_\_\_ **Tums** (indigestion, upset stomach)
- \_\_\_\_\_ **Tylenol (regular/ extra strength)** (headache fever)

**If a student carries any medication without signed permission or shares medication with another student, they will be subject to disciplinary actions under the Drug and Alcohol Policy of Fortine School.**

**Cell Phones**

**Please note that NO CELL PHONES or other electronic devices will be allowed any field trip.** If you need to get a hold of your student during our field trip, please call the school office. .

**Legal Reference:** ARM 37.111.825 Health Supervision and Maintenance



2  
3 **Fortine Elementary School**  
4 **Field Trip Consent Form**  
5

6 Your child's class is participating in an educational trip. It is the policy of the Fortine Elementary School  
7 to require parental permission before allowing a student to travel with members of the/her class. If you  
8 would like your child to participate, please carefully read and sign this document.  
9

10 I hereby give permission for my child, \_\_\_\_\_, to go with his/her class  
11 to \_\_\_\_\_. If you would like your child to participate, please carefully read and sign this  
12 document.  
13

14 As a parent or guardian, I understand that the school and the staff will do everything possible to prevent  
15 any accidents. However, I fully understand that some activities on field trips involve inherent risks to  
16 students regardless of all feasible safety measures that may be taken by the district. In consideration of the  
17 district's agreement to allow my child to participate in the referenced field trip, I agree to accept  
18 responsibility for any loss, damage, or injury to my child that occurs during my child's participation in this  
19 field trip that is not the result of fraud, willful injury to a person or property, or the willful or negligent  
20 violation of a law by a trustee, employee or agent of the Fortine Elementary School.  
21

22 In the event it become necessary for the district staff in charge to obtain emergency care for my child,  
23 neither he/she nor the school district assumes financial liability for expenses incurred because of an  
24 accident, injury, illness and/or unforeseen circumstances.  
25

26 I have been informed the class will leave on \_\_\_\_\_ at about \_\_\_\_\_ from the school and will  
27 return at approximately \_\_\_\_\_.  
28

29 Parent or Guardian: \_\_\_\_\_ Date: \_\_\_\_\_  
30

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

32 Phone Number: \_\_\_\_\_  
33

34 Does your child have a medical condition which the school should be aware of before allowing your child  
35 to participate on a field trip? Yes \_\_\_\_\_ No \_\_\_\_\_. If yes, please state the nature of the medical  
36 condition. \_\_\_\_\_  
37

38 \*\* In the event that unforeseen circumstances arise creating a need for you to contact your student or  
39 information to be relayed to you about an emergency, change in itinerary, etc., an information network has  
40 been established. Your contact person is \_\_\_\_\_ and their phone number is \_\_\_\_\_  
41 \_\_\_\_\_.

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

6  
7    Teachers shall guide discussions and procedures with thoroughness and objectivity to acquaint students  
8    with the need to recognize opposing viewpoints, importance of fact, value of good judgment, and the virtue  
9    of respect for conflicting opinions.

10  
11    The Board encourages and supports the concept of academic freedom, recognizing it as a necessary  
12    condition to aid in maintaining an environment conducive to learning and the free exchange of ideas and  
13    information.

14  
15    In the study or discussion of controversial issues or materials, however, the Board directs the teaching staff  
16    to take into account the following criteria:

- 17  
18        1.relative maturity of students;  
19        2.    district philosophy of education;  
20        3.    community standards, morals and values;  
21        4.    the necessity for a balanced presentation; and,  
22        5.    the necessity to seek prior administrative counsel and guidance in such matters.

23  
24    **Legal Reference:**                **Article X Sec.8 Montana Constitution**  
25                                        **§ 20-3-324 (16)(17), MCA   Powers and duties**  
26  
27

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 \$25.00 per student 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 from students. The District may not prefer the beliefs of some students over the beliefs of others, coerce dissenters or nonbelievers, or communicate any endorsement of religion.

#### Baccalaureate Ceremonies

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

## Assemblies, Extracurricular and Athletic Events

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

## Student Religious Expression and Assignments

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

## 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.

## Religious Holidays

1 Staff members may teach objectively about religious holidays and about religious symbols, music, art,  
2 literature, and drama which accompany the holidays. They may celebrate the historical aspects of the  
3 holidays but may not observe them as religious events.  
4

2    The Board believes that the cooperation of school and home is a vital ingredient in the growth and  
3    education of the student and recognizes the responsibility to keep parents informed of student welfare and  
4    progress in school.

5  
6    The issuance of grades and progress reports on a regular basis serves as the basis for continuous evaluation  
7    of the student's performance and determining changes that should be made to effect improvement. These  
8    reports shall be designed to provide information that will be helpful to the student, teacher, counselor and  
9    parent.

10  
11    The Board directs the School Administrator to establish a system of reporting student progress and shall  
12    require all staff members to comply with such a system as part of their teaching responsibility. Staff  
13    members, parents and teachers shall be involved.

14  
15

2    The Board recognizes that students of the same age are at many intellectual and developmental levels and  
3    that these differences are a normal part of human development. Because of these differences, the  
4    administration and teaching staff are directed to make every effort to develop curricula and programs,  
5    which meet the individual and unique needs of all students and allow them to remain with their age cohorts.

6  
7    It is the philosophy of the District that students thrive best when placed or promoted to grade levels with  
8    other students who have compatible age, physical, and social/emotional status. It is our philosophy to  
9    promote students who demonstrate effort within those compatibilities. It is equally our philosophy and  
10   practice to retain students who do not make a reasonable effort to meet grade level expectations, as long as  
11   those expectations are commensurate with the individual student's ability and rate of learning.

12  
13   If a parent insists on the child being retained or promoted, a notice will be placed in the child's file that the  
14   retention or promotion was a parent decision and not recommended by the school.

15  
16   **Cross Reference: 3013 [Retention](#)**

2    Homework is a constructive tool in the teaching/learning process when geared to the needs and abilities of  
3    students. Purposeful assignments not only enhance student achievement, but also develop self-discipline  
4    and associated good working habits. As an extension of the classroom, homework must be planned and  
5    organized, must be viewed as purposeful to the students; and should be evaluated and returned to students  
6    in a timely manner.

7    Teachers may give homework to students to aid in the student's educational development. Homework  
8    should be an application or extension of the classroom experience, and should not be assigned for  
9    disciplinary purposes.

10  
11    The National Education Association recommends 10 minutes of homework a night for each grade level a  
12    student is in, for example a second grade student should have 20 minutes of homework and an 8<sup>th</sup> grade  
13    student should have 80 minutes of homework.  
14  
15



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

4  
5     In furtherance of the District’s educational goals, the District is committed to:

- 6
- 7        • working cooperatively with Montana Tribes that are in close proximity to the District, when  
8        providing instruction, when implementing educational goals or adopting rules relating to the  
9        education of the students in the District;
  - 10
  - 11        • periodically reviewing its curriculum to ensure the inclusion of cultural heritage of Native  
12        Americans, which will include, but not necessarily be limited to:
    - 13            ○ considering methods by which to provide books and materials which reflect authentic  
14            historical and contemporary portrayals of Native Americans;
  - 15
  - 16
  - 17        • taking into account individual and cultural diversity and differences among students.
  - 18
  - 19        • providing the necessary training to school personnel, with the objective of gaining an understanding  
20        and awareness of Native American culture which will assist the District’s staff in its relations with  
21        Native American students and parents.
  - 22

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

25  
26     **Legal Reference:   Art. X, Sec. 1(2), Montana Constitution**

27

28                    §§ 20-1-501, et seq., MCA	<b>Recognition of American Indian cultural heritage - legislative intent</b>
29                    10.55.603 ARM	<b>Curriculum Development and Assessment</b>
30                    10.55.701 ARM	<b>Board of Trustees</b>
31                    10.55.803 ARM	<b>Learner Access</b>

32  
33

2  
3  
4  
5 The Fortine Elementary School District is committed to providing school environments that promote and  
6 protect children's health, well-being, and ability to learn by supporting healthy eating and physical activity.  
7 Therefore, it is the policy of the District that:

8  
9 The development of the school wellness policy, at a minimum, will include:

- 10  
11 1. *Community involvement*, including input from parents, students, school food service, the school  
12 Board, school administrators, educators, and the public, in the development of the school wellness  
13 policy. Training of this team of people on the components of a healthy school nutrition  
14 environment is recommended.  
15  
16 2. *Goals for nutrition education, physical activity, and other school-based activities* that are designed  
17 to promote student wellness in a manner that the local education agency determines appropriate.  
18  
19 3. *Nutrition guidelines* for all foods available on each school campus under the local education agency  
20 during the school day, with the objectives of promoting student health and nutrient-rich meals and  
21 snacks. This includes food and beverages sold in a la carte sales, vending machines, and student  
22 stores; and food and beverages used for classroom rewards and fundraising efforts.  
23  
24 4. *Guidelines for reimbursable school meals* to ensure that the District offers school meal programs  
25 with menus meeting the meal patterns and nutrition standards established by the U.S. Department of  
26 Agriculture.  
27  
28 5. *A plan for measuring implementation* of the local wellness policy, including designation of one or  
29 more persons within the local education agency or at each school, as appropriate, charged with  
30 operational responsibility for ensuring that each school fulfills the District's local wellness policy.  
31

32 The suggested guidelines for developing the wellness policy include:

### 33 34 **Nutrition Education**

35 All students K-8 shall receive nutrition education that teaches the knowledge and skills needed to adopt  
36 healthy eating behaviors and is aligned with the *Montana's Health Enhancement and National Association*  
37 *of Sport and Physical Activity/American Alliance of Health, Physical Education, Recreation and Dance*  
38 *Physical Education Content Standards and Benchmarks*. Nutrition education shall be integrated into the  
39 curriculum. Nutrition information and education shall be offered throughout the school campus and based  
40 on the U.S. Dietary Guidelines for Americans. Staff who provide nutrition education shall have the  
41 appropriate training, such as in health enhancement or family and consumer sciences.  
42

### 43 **Health Enhancement and Physical Activity Opportunities**

44 All K-8 students of the District shall have the opportunity to participate regularly in supervised, organized  
45 or unstructured, physical activities, to maintain physical fitness, and to understand the short- and long-term  
46

benefits of a physically active and healthy lifestyle.

### **Nutrition Standards**

The District shall ensure that reimbursable school meals meet the program requirements and nutrition standards found in federal regulations. The District shall encourage students to make nutritious food choices through accessibility and marketing efforts of healthful foods.

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, and fundraising efforts). The District shall consider nutrient density and portion size before permitting food and beverages to be sold or served to students. The District shall continually evaluate vending policies and contracts. Vending contracts that do not meet the intent and purpose of this policy shall be modified accordingly or not renewed.

### **Other School-Based Activities Designed to Promote Student Wellness**

The District may implement other appropriate programs that help create a school environment that conveys consistent wellness messages and is conducive to healthy eating and physical activity, such as staff wellness programs, non-food reward system and fundraising efforts.

### **Maintaining Student Wellness**

The District shall develop and implement administrative rules consistent with this policy. Input from teachers, parents/guardians, students, school food service program, the Principal, and the public shall be considered before implementing such rules. A sustained effort is necessary to implement and enforce this policy. The Principal shall measure how well this policy is being implemented, managed, and enforced. The Principal shall report to the Board, as requested, on the District's programs and efforts to meet the purpose and intent of this policy.

**Legal Reference: PL 108-265      The Child Nutrition and WIC Reauthorization Act of 2004**

3000 Series  
Board of Trustees

STUDENTS

[Click Here to Return to Main Index](#)

TABLE OF CONTENTS

**3000 STUDENTS**

---

3001	<a href="#">Closed Campus</a>
3002	<a href="#">Telephone</a>
3003	<a href="#">Bus Students</a>
3004	<a href="#">Bicycles</a>
3110	<a href="#">Entrance, Placement, and Transfer</a>
3011	<a href="#">Entrance, Placement, and Transfer Grades 1-8</a>
3012	<a href="#">Analysis of Needs of New Admissions</a>
3012F	<a href="#">Analysis of Needs for New Admissions</a>
3013	<a href="#">Retention</a>
3014	<a href="#">Notification Process</a>
3015	<a href="#">Absence</a>
3016	<a href="#">Complaints</a>
3017	<a href="#">Assignments</a>
3110	<a href="#">Entrance, Placement, and Transfer</a>
3111	<a href="#">Entrance, Placement, and Transfer Grades K-12</a>
3120	<a href="#">Compulsory Attendance</a>
3121	<a href="#">Enrollment and Attendance Records</a>
3122	<a href="#">Attendance Policy</a>
3125	<a href="#">Education of Homeless Children</a>
3141	<a href="#">Discretionary Nonresident Student Attendance Policy</a>
3200	<a href="#">Student Rights and Responsibilities</a>
3210	<a href="#">Equal Education, Nondiscrimination and Sex Equity</a>
3222	<a href="#">Distribution and Posting of Materials</a>
3224	<a href="#">Student Dress</a>
3225	<a href="#">Sexual Harassment/Intimidation of Students</a>
3225F	<a href="#">Harassment Reporting Form for Students</a>
3226	<a href="#">Bullying/Harassment/Intimidation/Hazing/Menacing</a>
3231	<a href="#">Searches and Seizure</a>
3300	<a href="#">Suspension and Expulsion</a>
3300P	<a href="#">Corrective Actions and Punishment</a>
3310	<a href="#">Student Discipline</a>
3311	<a href="#">Firearms and Weapons</a>
3312	<a href="#">Detention</a>
3312F	<a href="#">Notice of Detention</a>
3314	<a href="#">Discipline in the Classroom</a>
3315	<a href="#">Administrative Discipline</a>

1	3320	<a href="#"><u>Extra-Curricular Activities</u></a>
2	3320F	<a href="#"><u>Extra Curricular Activities Participation Form</u></a>
3	3345	<a href="#"><u>Gambling</u></a>
4	3413	<a href="#"><u>Student Immunization</u></a>
5	3416	<a href="#"><u>Administering Medicines to Students</u></a>
6	3416F	<a href="#"><u>Authorization for Administration of Oral Medication at School</u></a>
7	3416F1	<a href="#"><u>Montana Authorization to Possess or Self-Administer Medication</u></a>
8	3420	<a href="#"><u>Medical Release</u></a>
9	3431	<a href="#"><u>Emergency Treatment</u></a>
10	3431F	<a href="#"><u>Accident Report</u></a>
11	3440	<a href="#"><u>Removal of Student During School Day</u></a>
12	3440P	<a href="#"><u>Removal of Student During School Day</u></a>
13	3441	<a href="#"><u>Natural Disaster/Emergency Plans</u></a>
14	3510	<a href="#"><u>School-Sponsored Student Activities</u></a>
15	3520	<a href="#"><u>Student Fees, Fines, and Charges</u></a>
16	3600	<a href="#"><u>Student Records</u></a>
17	3606	<a href="#"><u>Transfer of Records</u></a>
18	3606F	<a href="#"><u>Records Certification</u></a>
19	3608	<a href="#"><u>Receipt of Confidential Records</u></a>
20	3612	<a href="#"><u>District-Provided Access to Electronic Information, Services, and Networks</u></a>
21	3612F	<a href="#"><u>Acceptable User Policy--Internet</u></a>
22	3620	<a href="#"><u>Copies of Records</u></a>
23	3621	<a href="#"><u>Parent Request to Amend Records</u></a>
24	3623	<a href="#"><u>Informal Resolution of Record Disputes</u></a>
25	3625	<a href="#"><u>Employee and Third Party Access to Records</u></a>
26	3630	<a href="#"><u>Cell Phones and Other Electronic Equipment</u></a>
27		

**FORTINE SCHOOL POLICY**  
**FORTINE, MT**  
**DISTRICT #14**

***3001 Closed Campus***

[Return to 3000 Students](#)

---

The Fortine School has a closed campus policy. All students who live within the town of Fortine will be allowed to go to their place of residence during lunch period. Any student who rides the bus is under the control and authority of the school and will be required to at school and will remain on the school grounds, with the exception of those students who have written permission from their parent/guardian allowing them leave. When and if a student has permission to leave the school grounds it will only be allowed once a day.

- 2    The telephone is in the building principally for the convenience of the administration and faculty members.
- 3    Any student who wishes to use it must first receive permission. Students will be called to the phone during
- 4    class time only in the case of an emergency. The nature of the emergency is to be determined before the
- 5    student will be summoned.

2     Bus students are permitted to leave the school grounds only by written permission from their parent, or in  
3     an emergency by the principle. Student must unload at their normal stop unless written permission from  
4     parents stipulates otherwise.

5  
6     **BUS BEHAVIOR RULES FOR STUDENTS**

- 7  
8     1. No sharp instruments such as knives, pencils, etc. shall be carried where they might cause damage or injury to  
9     students on the bus.
- 10  
11    2. Property of other students shall be strictly left alone.
- 12  
13    3. Any damage to the bus must be paid for by the individual responsible for causing it. Any damage to a bus should  
14    be reported to the driver at once.
- 15  
16    4. Pupils should stay off the road at all times while waiting for the bus. Pupils should cross in front of the bus when  
17    crossing a highway, not in back of the bus, and look both ways before crossing the highway. **WAIT UNTIL THE**  
18    **BUS LIGHTS ARE FLASHING RED!**
- 19  
20    5. Regular bus students must have a note from their parents/guardians if planning on getting off the bus at other than  
21    regular loading and /or unloading area or stop. Additional riders must receive advance permission from the driver  
22    to ride.
- 23  
24    6. Outside of ordinary conversation, classroom conduct is to be observed by students. Any student who is guilty of  
25    unbecoming conduct or using inappropriate language, or abusing or casting reflections upon the driver or other  
26    students, may forfeit the privilege to ride on the bus.
- 27  
28    7. Upon being seated, changing of seats before the end of the trip is not allowed. Bus drivers may assign seats.
- 29  
30    8. Students must be on time; the bus cannot wait for those who are tardy. Students shall be received and discharged  
31    by the designated stops for their home and school.
- 32  
33    9. Students shall help to keep the bus clean and free from wastepaper. Eating on the bus is prohibited.
- 34  
35    10. Students must not, under any circumstances, open or close bus window or doors without the permission of the  
36    driver. No student will at any time extend arms or head out of the bus window.
- 37  
38    11. Students must keep their hands off other students and not trip them or molest them or interfere with them in any  
39    way.

40  
41     **THE ABOVE RULES ARE TO PROTECT YOU!**



- 2    No bicycles are allowed on the school grounds.

2 The goal of the Fortine School is to improve pupil performance. To meet this goal the district has  
3 developed this policy that will capitalize on the students' strengths and strengthen their weaknesses. By  
4 developing this plan the school is able to provide meaningful instruction for all students.  
5 The school also feels that each individual student should be evaluated in comparison with him or herself  
6 rather than with his or her peers. What parents should be encouraged to look for is the individual growth of  
7 their child, rather than a comparison of other students.

#### 8 9 Entrance, Date and Age

10  
11 No pupil may be enrolled in the kindergarten or first grade whose fifth or sixth birthday does not occur on or before  
12 the tenth (10th) day of September of the school year in which the child registers to enter school. A student who  
13 meets the six-year-old requirement, but who has not completed a kindergarten program, will be tested and placed at  
14 the discretion of the administration. A birth certificate and an immunization record are required for admission to the  
15 Fortine School.

#### 16 17 School Entrance

- 18  
19 1. The District requires that a child's parents, legal guardian, or legal custodian present to the school,  
20 within forty (40) days of enrollment, proof of identity of the child. (Birth certification or certified  
21 transcript).  
22  
23 2. In accordance with the Montana Immunization Law, a student will not be admitted who has not been  
24 immunized against diphtheria, pertussis, tetanus, poliomyelitis, rubella, mumps, and measles (except  
25 that pertussis vaccination is not required for person seven [7] years or older). If the student qualifies  
26 for conditional attendance or an exemption is filed as defined by Montana law, immunization may not  
27 be required.  
28

#### 29 Placement

30  
31 The goal of Fortine School shall be to place students at levels and in settings that will enhance the probability of  
32 student success. Developmental testing, together with other relevant criteria including, but not limited to, health,  
33 maturity, emotional stability, and developmental disabilities may be considered in the placement of all students. If  
34 required, upon completion of all assessment a conference involving all persons involved, including parents or  
35 guardians, will be held to determine the correct and appropriate placement. Final disposition of all placement  
36 decisions rest with the Principal, subject to review by the Board.  
37

#### 38 Transfer:

39  
40 District policies regulating pupil enrollment from other accredited elementary and secondary schools are  
41 designed to protect the educational welfare of the child and of other children enrolled in the Fortine School  
42 system.  
43

3 Elementary Grades (K-8)

4  
5 Any student transferring into the District will be admitted and placed on a probationary basis for a period of  
6 two weeks. Should any doubt exist with teacher and/or Principal, as to grade and level placement of the  
7 student, the student shall be subject to an educational assessment to determine appropriate grade and level  
8 placement. During the two-week probationary period, the student will be subject to observation by the  
9 teacher and Principal.

10  
11 Requests from parents of students in non-accredited non-public schools for placement in the Fortine school  
12 system will be evaluated by an assessment for placement team. That team will consist of:

- 13  
14 1. the school administrator;  
15  
16 2. the teacher of the grade in which the student is being considered for enrollment;  
17  
18 3. one counselor (grades 6-8 only) (optional)  
19

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

- 23  
24 1. documentation that the non-accredited non-public school has provided a comparable number  
25 of hours as the child would have attended in a public or private school;  
26  
27 2. that the child followed a similar curriculum as would have been provided in an accredited public  
28 or private school;  
29  
30 3. that the result of the end of the year test indicates the student has mastered most  
31 prerequisite skills;  
32  
33 4. testing results for the MAP (Measure of Academic Progress) and or DIBELS assessment.  
34

35 Parents of students in elementary or home schools are encouraged to maintain a log which documents dates  
36 of instruction, content of instruction, amount of time spent on that instruction, scores on tests, and the  
37 grades in all activities.

38  
39 The District is not obligated to provide instructional materials for other public or private schools.  
40  
41  
42  
43  
44  
45  
46  
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48

1 If a parent or guardian of a child is not in agreement with the placement of the child, he/she may request a  
2 hearing before the Board.  
3  
4  
5 **Legal Reference:** § 20-5-101, MCA **Admittance of child to school**  
6 § 20-5-403, MCA **Immunization required – release and acceptance of**  
7 **immunization records**  
8 § 20-5-404, MCA **Conditional attendance**  
9 § 20-5-405, MCA **Medical or religious exemption**  
10 § 20-5-406, MCA **Immunization record**  
11 § 44-2-511, MCA **School enrollment procedure**  
12 10.55.601, et seq., ARM **Accreditation Standards: Procedures**  
13  
14

- 2    During the initial week, you will be expected to diagnose the student's needs in a range of areas, and  
3    indicate the results of that diagnosis on the following form. The preliminary diagnosis will be the MAP or  
4    DIBELS assessment.

1

2

3

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3012F

ANALYSIS OF NEEDS FOR NEW ADMISSIONS

(Return to administrator within one week)

Student’s Name: Grade: Date:

Date of Birth:

Check the appropriate box:

A. Problem	Concern		Initial
	Yes	No	
Non - English Language			
Spoken			
Reading			
Mathematics			
Learning Disability			
Behavior			
Speech			
Other			
None			

If yes is checked in any above box, evaluation will be considered.

B. Action	Evaluat e	Results
Language		
Reading		
Mathematics		
Learning Disability		
Speech		
Emotional Needs		
Other		

Comments:

Decisions concerning student retention are always difficult and painful. No one really wants to have their child lose a year in the natural progression of his or her education. The decision to retain a student will be based upon the following criteria:

1. Current level of achievement. A student who is considerably behind (more than one year in reading and mathematics) will find the work increasingly more difficult in the succeeding grades. Such a student usually falls further and further behind, so retention in the early grades, usually gives this child a greater chance of catching up to the grade norm.
2. Ability to deal effectively with the content of the next grade. Does the child have the potential to deal with the concepts that will be presented in all the content areas determined by the current curriculum.
3. Age
4. Social and emotional makeup. Children who are involved in family crises, such as divorce, are sometimes unable to give their full attention to their school work, which will add more pressure. Retention may cause tremendous emotional blows to the egos of some children and cause them to feel inferior. Such children would suffer emotional damage greater than any academic gain.
5. Physical growth in comparison with others of his/her age.
6. Availability of supportive services.
7. Parent's cooperation.
7. Student's decision to make a personal commitment.

a. Decisions on academic promotion/retention for grades 6-8 are made on the basis of each individual student's progress. The student will pass the grade when the total number of performance points is equal to or greater than 28.6. The points will be computed, every quarter, in the following fashion:

Letter Grade	Core Class		Non-Core Class
A+	4.0		2.0
A	3.6		1.8
A-	3.3		1.65
B+	3.0		1.5
B	2.6		1.3
B-	2.3		1.15
C+	2.0		1.0
C	1.6		0.8
C-	1.3		0.65
D+	1.0		0.5
D	0.6		0.3
D-	0.3		0.15

Only core classes will be used to determining a student's status based on the above point values:

- English / Language Arts
- Math

- Social Studies
- Science

9. Attendance Record

10. Teacher's evaluation of the quality and quantity of work throughout the year.

**Cross Reference:** [2412 Promotion and Retention](#)



2    Frequent communications and conferences with the parents throughout the school year are extremely  
3    important for the good of the child.

4  
5    First, the teacher needs to inform the parents about the work and progress of their child. In regard to  
6    possible retention, the teacher needs to express specific concerns regarding homework that has not been  
7    completed, class work that is neglected, level of child, test scores that are poor, etc. which may justify  
8    retention of the student. (The more information given to the parents, the better informed they become  
9    about the child's ongoing performance in class.)

10  
11    Second, frequent communications helps parents understand the efforts that the teacher and the school are  
12    making toward helping the child to achieve. The parents should be informed of any special programs or  
13    support services that might be available to the child.

14

2    It is the responsibility of the parents to contact the school in case of student absence. This should be  
3    accomplished by phone, prior to 8:30 A.M. Alternate phone numbers will be required for families without  
4    phones.

5  
6    School personnel will contact a parent whose child is not in attendance and the parents have not called to  
7    notify the school of the absence.  
8

2    The parents and students of Fortine School will be guaranteed due process.  
3

4    1.   Parents or citizens should make an appointment to discuss the issue or problem with the teacher. No  
5       parent or citizen shall approach a classroom teacher in the performance of his/her duty unless given  
6       permission from the Principal or unless the Principal accompanies the citizen or parent.  
7

8    2.   If the complaint is not resolved through discussion with the teacher and /or Principal, the complaint can  
9       then be referred to the Board of Trustees, IN WRITING, and put on the agenda at a regular or special  
10      Board meeting. No action can be taken by a Board member except at a Board meeting.  
11

2    The board feels that the responsibility to do the assigned work in each classroom is a necessity for each  
3    student to pass the current grade. If a student misses an assignment he/she will be required to turn in  
4    assignment by the next morning. The exception to this is an excused absence due to illness or a pre-  
5    excused absence for family reasons. In this case a student will usually be given one day to make-up work  
6    for each day missed, with a maximum of 5 days to make up all work.  
7

2     To reach the goal of maximum educational benefits for every child requires a regular continuity of  
3     instruction, classroom participation, learning experiences, and study. Regular interaction of students with  
4     one another in classrooms and their participation in instructional activities under the tutelage of competent  
5     teachers are vital to the entire process of education. This established principle of education underlies and  
6     gives purpose to the requirement of compulsory schooling in every state in the nation. A student's regular  
7     attendance also reflects dependability and is a significant component of a student's permanent record.  
8

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

- 11       1.     Child's sixteenth (16<sup>th</sup>) birthday; or
- 12       2.     Completion date of the work of eighth (8<sup>th</sup>) grade.

13  
14  
15  
16    Compulsory attendance stated above will not apply when children:

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

24  
25  
26  
27  
28  
29

30 <b>Legal Reference:</b>	§ 20-1-308, MCA	<b>Religious instruction</b>
31	§ 20-5-101, MCA	<b>Admittance of child to school</b>
32	§ 20-5-103, MCA	<b>Compulsory attendance and excuses</b>
33	§ 20-5-104, MCA	<b>Attendance officer</b>
34	§ 20-5-106, MCA	<b>Truancy</b>
35	§ 20-5-107, MCA	<b>Incapacitated and indigent child attendance</b>
36	§ 20-5-108, MCA	<b>Tribal agreement with district for Indian child compulsory attendance</b>
37		<b>and other agreements</b>

38  
39  
40

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

5  
6 A district may only include, for ANB purposes, an enrolled student who is:

- 7
- 8 • A resident of the district or a nonresident student admitted by trustees under a student attendance agreement  
9 and who is attending a school of the district;
  - 10
  - 11 • Unable to attend school due to a medical reason certified by a medical doctor and receiving individualized  
12 educational services supervised by the district, at district expense, at a home or facility that does not offer an  
13 educational program;
  - 14
  - 15 • Unable to attend school due to the student's incarceration in a facility, other than a youth detention center,  
16 and who is receiving individualized educational services supervised by the district, at district expense, at a  
17 home or facility that does not offer an educational program;
  - 18
  - 19 • Living with a caretaker relative under § 1-1-215, MCA;
  - 20
  - 21 • Receiving special education and related services, other than day treatment, under a placement by the trustees  
22 at a private nonsectarian school or private program if the student's services are provided at the district's  
23 expense under an approved individual education plan supervised by the district;
  - 24
  - 25 • Receiving education services, provided by the district, using appropriately licensed district staff at a private  
26 residential program or private residential facility licensed by the Department of Public Health and Human  
27 Services;
  - 28
  - 29 • Enrolled in an educational program or course provided at district expense using electronic or offsite delivery  
30 methods, including but not limited to tutoring, distance learning programs, online programs, and technology  
31 delivered learning programs, while attending a school of the district or any other nonsectarian offsite  
32 instructional setting with the approval of the trustees of the district.
  - 33

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

39		
40	<b>Legal Reference:</b>	<b>§ 1-1-215, MCA</b>
41		<b>§ 20-9-706, MCA</b>
42		<b>Residence – rules for determining</b>
43		<b>Running start program – authorizing class credits at</b>
44		<b>postsecondary institution – eligibility – payment for</b>
45	<b>§ 20-9-707, MCA</b>	<b>credits</b>
46	<b>29 U.S.C. 794</b>	<b>Agreement with Montana youth challenge program or accredited</b>
47		<b>Montana job corps program</b>
48	<b>34 CFR 300.1, et seq.</b>	<b>Nondiscrimination under Federal grants</b>
		<b>and programs</b>
		<b>Assistance to states for the education of children with disabilities</b>

2 Average Number Belonging  
3

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

10 For a child to be counted for ANB purposes:

- 11
- 12 a) The child must meet the definition of pupil as found in § 20-1-101(11), MCA;
  - 13
  - 14 b) Attending 181 to 359 aggregate hours = One-quarter time enrollment
  - 15
  - 16 c) Attending 360 to 539 aggregate hours = One-half time enrollment
  - 17
  - 18 d) Attending 540 to 719 aggregate hours = Three-quarter time enrollment
  - 19
  - 20 e) Attending 720 aggregate hours or more = Full-time enrollment
  - 21

22 Enrollment in a program for fewer than 180 aggregate hours of pupil instruction per school year may not be  
23 included for ANB purposes.  
24

25 Homebound Students  
26

27 Students who are receiving instructional services, who were in the education program and, due to medical  
28 reasons certified by a medical doctor, are unable to be present for pupil instruction, may be counted as  
29 enrolled for ANB purposes, if the student:  
30

- 31 • Is enrolled and is currently receiving organized and supervised pupil instruction;
- 32
- 33 • Is in a home or facility which does not offer a regular educational program; and
- 34
- 35 • Has instructional costs during the absence, which are financed by the District’s general fund.
- 36

37 If a homebound student does not meet the criteria set forth above, the District may request a variance  
38 through the Office of Public Instruction, for consideration of the student in the enrollment count for ANB  
39 purposes beyond the tenth (10<sup>th</sup>) day of absence.  
40

41 Attendance Accounting  
42

43 Days present and absent for every student are to be recorded in each building, for the purpose of informing  
44 parents of a student’s attendance record.  
45

46 On the first (1<sup>st</sup>) Monday in October and on February 1<sup>st</sup> (or the next school day if those dates do not fall on  
47 a school day), the number of all enrolled students (whether present or absent) by grade level and class will

1 be recorded on the forms provided by the District. Special education children who are enrolled in special  
2 programs sixteen (16) hours or more a week will be listed separately. The Director of Special Education  
3 should be contacted to verify this count. Monthly student counts of enrolled children by grade and  
4 classroom will be provided by the office.  
5  
6  
7

8 **Legal Reference:**            **10.20.102, ARM**            **Calculation of Average Number Belonging (ANB)**  
9                                    **§ 20-1-101, MCA**            **Definitions**  
10



2  
3 To reach the goal of maximum educational benefits for each child requires a regular continuity of  
4 instruction, classroom participation, learning experiences, and study. Regular interaction of students with  
5 one another in the classroom and their participation in instructional activities under the tutelage of  
6 competent teachers are vital to the entire process of education. This established principle of education  
7 underlies and gives purpose to the requirement of compulsory schooling in every state in the nation. The  
8 good things schools have to offer can only be presented to students in attendance.  
9

10 A student's regular school attendance also reflects dependability and is a significant component on a  
11 student's permanent record. Future employers are as much concerned about punctuality and dependability  
12 as they are about academic record. School success, scholarship, and job opportunity are greatly affected by  
13 a good attendance record.  
14

2 Every child of a homeless individual and every homeless child are entitled to equal access to the same free,  
3 appropriate public education as provided to other students. The District will assign and admit a child who  
4 is homeless to the school regardless of residence and irrespective of whether the homeless child is able to  
5 produce records normally required for enrollment. Fortine School not require an out-of-District attendance  
6 agreement or tuition for a homeless child.

7  
8 Should a child become homeless over the course of the school year, the child must be able to remain at the  
9 school of origin, or be eligible to attend another school in the district.

10  
11 The Principal will review and revise as necessary rules or procedures that may be barriers to enrollment of  
12 homeless children and youths. In reviewing and revising such procedures, the Principal will consider  
13 issues of transportation, immunization, residence, birth certificates, school records, and other  
14 documentation.

15  
16 Homeless students will have access to services comparable those offered to other students, including but  
17 not limited to:

- 18  
19 1. Transportation services;  
20 2. Educational services for which a student meets eligibility criteria (e.g., Title I);  
21 3. Educational programs for children with disabilities and limited English proficiency;  
22 4. Programs in vocational and technical education;  
23 5. Programs for gifted and talented students; and  
24 6. School nutrition program.

25  
26 The Principal will give special attention to ensuring the enrollment and attendance of homeless children  
27 and youths not currently attending school. The Principal will be a liaison for homeless children.

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

29  
30 Anyone having a concern or complaint regarding placement or education of a homeless child will first  
31 present it orally and informally to the Principal. Thereafter, a written complaint must be filed in  
32 accordance with the District Uniform Complaint Procedure.

33  
34  
35 **Cross Reference:** [Uniform Complaint Procedure](#)

36  
37 **Legal Reference:** 42 U.S.C. § 11431, et seq. McKinney Homeless Assistance Act  
38 § 20-5-101, MCA Admittance of child to school

39  
40 **Policy History:**  
41 **Adopted on:**  
42 **Reviewed on:**  
43 **Revised on: 12-21-2015**

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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 Principal will recommend to the Board any nonresident student admission in accordance with this policy, with the Board making the final decision on admission.
3. Usually, nonresident students who do not qualify for mandatory attendance will not be admitted to District schools. Exceptions are children in the immediate family of nonresident District employees. The District, at its discretion, also may consider for admission other nonresident students.
4. The District 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 June 15. 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 expelled from another school district.

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

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

7  
8  
9  
10   Cross Reference:        3231    [Searches and Seizure](#)  
11                                3310    [Student Discipline](#)

12  
13   Legal Reference: § 20-4-302, MCADiscipline and punishment of pupils – definition of corporal punishment – penalty – defense  
14                                § 20-5-201, MCADuties and sanctions  
15                                *Tinker v. Des Moines Ind. Sch. Dist.*, 89 S.Ct. 733 (1969)  
16

The District will make equal educational opportunities available for all students without regard to race, color, national origin, ancestry, sex, ethnicity, language barrier, religious belief, physical or mental handicap or disability, economic or social condition, or actual or potential marital or parental status.

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

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

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

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

**Cross Reference:** [Uniform Complaint Procedure](#)

<b>Legal Reference:</b>	<b>Art. X, Sec. 7, Montana Constitution-</b>	<b>Nondiscrimination in education</b>
	<b>§ 49-2-307, MCA</b>	<b>Discrimination in education</b>
	<b>24.9.1001, et seq., ARM</b>	<b>Sex discrimination in education</b>

2    District policy allows distribution of materials of parent and student organizations sponsored by the District  
3    or other governmental agencies. The District also may allow distribution of materials that provide  
4    information valued or needed by the District.

5  
6    The Principal must approve all materials before they may be distributed by any organization.  
7



2     Students are reminded that their appearance significantly affects the way others respond to them. Matters of  
3     dress remain the primary responsibility of students, in consultation with their parents. Nevertheless, certain  
4     minimum standards shall be observed by all students. Student dress shall not be regulated except when  
5     there is a reasonable expectation that:

- 6                    1. The student's dress or appearance may create a health or safety hazard;
- 7                    2. Damage to school property may result from the student's dress; or
- 8                    3. The student's dress or appearance is immodest and may create a material or substantial disruption of  
9                    the education process at the school.
- 10                   4. Dress that contains printed material must not contain text which promotes unhealthy behaviors  
11                   and/or attitudes.

12                   The classroom teacher shall monitor student dress in school and at activities in accordance with these  
13                   policies.

14                   If the student's dress or grooming violates the provisions of this policy, his/her teacher shall request the  
15                   student to make appropriate corrections. If the student refuses, the Principal shall notify the parents and  
16                   request that the parent and the student make the appropriate necessary corrections. If both the student and  
17                   the parent refuse, the Principal shall take the appropriate action.

3  
4     The Fortine School District is committed to a positive working and learning environment free of  
5     discrimination. Discrimination adversely affects morale and interferes with employee and student ability to  
6     work and learn. The District prohibits sexual harassment or intimidation of its employees or students,  
7     whether committed by a co-worker, supervisor, subordinate, contractor, volunteer or student, and finds  
8     such behavior just cause for disciplinary action. Whereas sexual harassment substantially compromises the  
9     attainment of educational excellence, the District will not tolerate such behavior between members of the  
10    same or opposite sex.

11    Furthermore, the District prohibits retaliation against any employee or student because he or she has made a  
12    report of alleged sexual harassment or against any employee or student who has testified, assisted, or  
13    participated in the investigation of a report. Retaliation is itself a violation of federal and state regulations  
14    prohibiting discrimination and will lead to disciplinary action against the offender.

15  
16    This policy applies to individuals attending any events on District property, whether or not District-  
17    sponsored, and to any school-sponsored events, regardless of location.

## 18     DEFINITIONS

19  
20  
21    Sexual harassment is generally defined as unwelcome sexual advances, requests for favors and other  
22    verbal, physical and/or visual contact of a sexual nature when:

- 23  
24       a.   submission is made either explicitly or implicitly a term or condition of an individual's employment or  
25           education;
- 26  
27       b.   submission to or refection of that conduct or communication by an individual is used as a factor in decisions  
28           affecting that individual's employment or education; or
- 29  
30       c.   that conduct or communication has the purpose or effect of substantially or unreasonable interfering with an  
31           individual's employment or education, or of creating an intimidating, hostile of offensive employment or  
32           educational environment.

33  
34    An "intimidating, hostile or offensive employment or educational environment" means an environment in  
35    which:

- 36  
37       ➤    unwelcome sexually-oriented jokes, innuendoes, obscenities, pictures/posters or any action with sexual  
38           connotation makes a student or employee feel uncomfortable, or
- 39  
40       ➤    any aggressive, harassing behavior in the workplace or school that affects working or learning, whether or  
41           not sexual in connotation, is directed toward and individual based on their sex.

42  
43    The following are examples of sexual harassment or intimidation:

- sexual advances which are unwanted (this may include situations which began as reciprocal attraction, but later ceased to be reciprocal).
- sexual gestures, verbal abuse, sexually-oriented jokes, innuendo or obscenities.
- displaying of sexually suggestive objects, pictures, cartoons, or posters.
- sexually suggestive letters, notes or invitations.
- employment or educational benefits affected in exchange for sexual favors.
- physical conduct such as assault, attempted rape, impeding or blocking movement, or unwelcomed touching.
- hazing, or daring to perform in unsafe work or learning practices, particularly directed toward students or employees in nontraditional settings.

## **PREVENTION**

It is the policy of this District to provide regular in-service education and training about sexual harassment and intimidation for employees and students including:

- definitions of sexual harassment and intimidation, and overview of relevant state and federal laws.
- identification of harassing behaviors by students and/or staff.
- age-specific prevention techniques.
- coping techniques for self and others.
- training in positive, age-appropriate communication alternatives to harassment.
- grievance procedures available to employees and students.

Sexual harassment prevention shall be included in staff and student orientation, and students, employees, parents, and caretakers shall be actively involved in the development of the district's sexual harassment prevention program.

## **REPORTING**

Students or employees who believe they may have been harassed or intimidated should contact the Title IX Coordinator, the Equal Employment Opportunity Officer, or the first level supervisor who is not involved in the alleged harassment. Persons who feel they are being harassed or intimidated should take the following steps:

- a. inform the individual that his/her behavior is unwelcome, offensive or inappropriate. DO NOT assume or hope that the problem will go away.

3225

Page 3 of 5

- b. notify the Title IX Coordinator or an administrator right away. Early reporting assists any investigation.
- c. request a copy of the District's sexual harassment policy so that reporting processes are clear.

- 1  
2 d. keep notes. Keep a record of dates, times, places, witnesses and descriptions of each incident. Save all notes  
3 or records in a safe place. Complainants are permitted and encouraged to have a friend or advisor present  
4 with them for moral support during any stage of the investigation of the report.

5  
6 All employees and students have a responsibility to maintain a positive work and learning environment by  
7 reporting all incidents or rumors of harassment or intimidation involving themselves or others. Students  
8 and staff are encouraged to use the reporting procedure set forth in this policy.

9  
10 Once a report has been filed with the administrator, Title IX Coordinator or authorized person, a  
11 confidential and expeditious investigation shall begin following the procedures as outlined in the  
12 INVESTIGATION AND ACTION PROCEDURE listed below, with strict observance of the specific  
13 protections provided above. An inquiry may be initiated by the district without a written complaint if there  
14 is reasonable suspicion of illegal behavior.

### 15 16 **CONFIDENTIALITY**

17  
18 A report of sexual harassment or intimidation, and the investigation are to be kept in strictest confidentiality  
19 for the protection of all parties involved.

20  
21 The party's right to privacy will be protected. The District has a compelling interest to provide educational  
22 programs in an environment free from sexual discrimination. Sex discrimination includes sexual  
23 harassment. Therefore, the District's obligation to investigate and take corrective action may supersede an  
24 individual's right to privacy.

### 25 26 **INVESTIGATION AND ACTION PROCEDURE**

- 27  
28 a. After receiving a report or grievance, the Title IX Coordinator shall conduct an investigation and make  
29 written recommendation within thirty (30) day to the Principal. In determining whether alleged conduct  
30 constitutes sexual harassment, the Coordinator will consider the facts of the allegation, case law, state  
31 and federal laws and regulations, and the District's policy prohibiting sexual harassment and  
32 intimidation.
- 33  
34 b. On receipt of a recommendation from the Coordinator that probable cause exists to credit the allegations  
35 of sexual harassment or intimidation, the Principal may take action based on the report/recommendation  
36 or the Principal may conduct his or her own investigation into the
- 37  
38 c. charges. The Principal may appoint an outside investigator to conduct the investigation of the  
39 recommendation
- 40  
41 d. Such investigation must be completed within thirty (30) days of receipt by the Principal from the  
42 Coordinator.

43  
44 3225

Page 4 of 5

- 45  
46 e. Pending such an investigation, the Principal may take any action necessary to protect the alleged victim,  
47 other employees or students consistent with requirements of applicable regulations and statutes, if any.
- 48  
49 f. Consistent with the requirements of applicable regulations or statutes, the Principal may take such action  
50 deemed necessary and appropriate after the completion of the investigation.

g. The final disposition of the case will be by action of the Board of Trustees.

## **SUPPORT SERVICES**

A plan will be developed to provide students and staff victims of harassment with counseling and other support services to help them cope with the effects of harassment or intimidation.

## **SANCTIONS**

A substantiated charge against an employee of the District shall subject the employee to disciplinary action in accordance with any appropriate employee contract, up to and including discharge.

A Substantiated charge against a student shall subject that student to student disciplinary action including suspension or expulsion, consistent with the District's student discipline policy.

## **NOTIFICATION**

Notice of the existence of this policy, prevention plan and procedures shall be posted in prominent locations in all District buildings, including information on how to receive a copy. Notice shall also be included in student, parent and staff handbooks annually.

## **SEXUAL HARASSMENT AS SEXUAL CHILD ABUSE**

Under certain circumstances, sexual harassment may constitute sexual child abuse. The Board of Trustees, recognizing the harmful effects of sexual child abuse, do emphatically and enthusiastically support those sections of Montana law concerned with the reporting of suspected cases of child abuse and neglect perpetrated by persons within or outside District employment.

Cross Reference: [Uniform Complaint Procedure](#)

Legal References: Art. X, Sec. 1, Montana Constitution

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

Title IX of the Educational Amendments, 20 U.S.C. § 1681, et seq.

34 CFR Part 106 Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance

2 Date \_\_\_\_\_

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

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

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

8 \_\_\_\_\_

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

10 \_\_\_\_\_

11 \_\_\_\_\_

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

13 \_\_\_\_\_

14 \_\_\_\_\_

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

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

17 \_\_\_\_\_

18 \_\_\_\_\_

19 \_\_\_\_\_

20 \_\_\_\_\_

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

22 If so, name the witnesses.

23 \_\_\_\_\_

24 \_\_\_\_\_

25 \_\_\_\_\_

26 \_\_\_\_\_

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

28 If yes, what action did you take?

29 \_\_\_\_\_

30 \_\_\_\_\_

31 \_\_\_\_\_

32 \_\_\_\_\_

33 Were there any prior incidents? ☐ yes ☐ no

34

35 If so, describe any prior incidents.

36 \_\_\_\_\_

37 \_\_\_\_\_

38 \_\_\_\_\_

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

40

41 Signatures of parents/legal guardian's

42 \_\_\_\_\_

3  
4 The Board will strive to provide a positive and productive learning and working environment. Bullying,  
5 harassment, intimidation, or hazing, by students, staff, or third parties is strictly prohibited and shall not be  
6 tolerated.

7  
8 Definitions  
9

- 10 • “Third parties” include, but are not limited to, coaches, school volunteers, parents, school visitors,  
11 service contractors or others engaged in District business, such as employees of businesses or  
12 organizations participating in cooperative work programs with the District and others not directly  
13 subject to District control at inter-District and intra-District athletic competitions or other school  
14 events.  
15
- 16 • “District” includes District facilities, District premises, and non-District property if the student or  
17 employee is at any District-sponsored, District-approved, or District-related activity or function,  
18 such as field trips or athletic events, where students are under the control of the District or where the  
19 employee is engaged in District business.  
20
- 21 • “Hazing” includes, but is not limited to, any act that recklessly or intentionally endangers the mental  
22 or physical health or safety of a student for the purpose of initiation or as a condition or  
23 precondition of attaining membership in or affiliation with any District-sponsored activity or grade-  
24 level attainment, including, but not limited to, forced consumption of any drink, alcoholic beverage,  
25 drug, or controlled substance, forced exposure to the elements, forced prolonged exclusion from  
26 social contact, sleep deprivation, or any other forced activity that could adversely affect the mental  
27 or physical health or safety of a student; requires, encourages, authorizes, or permits another to be  
28 subject to wearing or carrying any obscene or physically burdensome article, assignment of pranks  
29 to be performed, or other such activities intended to degrade or humiliate.  
30
- 31 • “Harassment, intimidation, or bullying” means any act that substantially interferes with a student’s  
32 educational benefits, opportunities, or performance, that takes place on or immediately adjacent to  
33 school grounds, at any school-sponsored activity, on school-provided transportation, or at any  
34 official school bus stop, and that has the effect of:  
35
- 36 a. Physically harming a student or damaging a student’s property;
  - 37 b. Knowingly placing a student in reasonable fear of physical harm to the student or damage to  
38 the student’s property.
  - 39 c. Creating a hostile educational environment.  
40

41 Reporting  
42

43 All complaints about behavior that may violate this policy shall be promptly investigated. Any student,  
44 employee, or third party who has knowledge of conduct in violation of this policy or feels he/she has been a  
45 3226

46  
47 victim of hazing, harassment, intimidation, or bullying, in violation of this policy is encouraged to

1 immediately report his/her concerns to the District Administrator, who have overall responsibility for such  
2 investigations. This report may be made anonymously. A student may also report concerns to a teacher or  
3 counselor, who will be responsible for notifying the appropriate District official. Complaints against the  
4 District Administrator shall be filed with the Board.

5  
6 The complainant shall be notified of the findings of the investigation and, as appropriate, that remedial  
7 action has been taken.

8  
9 Responsibilities

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

13  
14 Consequences

15  
16 Students whose behavior is found to be in violation of this policy will be subject to discipline up to and  
17 including expulsion. Staff whose behavior is found to be in violation of this policy will be subject to  
18 discipline up to and including dismissal. Third parties whose behavior is found to be in violation of this  
19 policy shall be subject to appropriate sanctions as determined and imposed by the District Administrator or  
20 the Board. Individuals may also be referred to law enforcement officials.

21  
22 Retaliation and Reprisal

23  
24 Retaliation is prohibited against any person who reports or is thought to have reported a violation, files a  
25 complaint, or otherwise participates in an investigation or inquiry. Such retaliation shall be considered a  
26 serious violation of Board policy, whether or not a complaint is substantiated. False charges shall also be  
27 regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

28  
29 **Cross Reference:** [Harassment Reporting Form for Students](#)

30  
31 **Legal Reference:** 10.55.701(1) (g), ARM Board of Trustees  
32 10.55.801(1) (d), ARM School Climate  
33  
34



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

8  
9     The search of a student, by authorized school authorities, is reasonable if it is both: (1) justified at its inception, and  
10    (2) reasonably related in scope to the circumstances which justified the interference in the first place.

11  
12    School authorities are authorized to utilize any reasonable means of conducting searches, including but not limited to  
13    the following:

- 14  
15            1.    A “pat down” of the exterior of the student’s clothing.  
16            2.    A search of the student’s clothing including pockets;  
17            3.    A search of any container or object used by, belonging to or otherwise in the possession or control of a  
18                    student; and/or  
19            4.    Devices or tools such as breath-test instruments, saliva test strips, etc.

20  
21    School Property and Equipment and Personal Effects of Students

22  
23    School authorities may inspect and search school property and equipment owned or controlled by the District (such  
24    as lockers, desks, and parking lots).

25  
26    The Principal may request the assistance of law enforcement officials, including their use of specially trained dogs, to  
27    conduct inspections and searches of lockers, desks, parking lots, and other school property and equipment for illegal  
28    drugs, weapons, or other illegal or dangerous substances or material.

29  
30    Students

31  
32    School authorities may search a student or a student’s personal effects, when reasonable grounds suggest a search  
33    will produce evidence that the particular student has violated or is violating a law or District student conduct rules.  
34    The search must be conducted in a manner that is reasonably related to its objectives and not excessively intrusive in  
35    light of age and sex of a student and the nature of the suspected infraction.

36    Students may not use, carry, or possess illegal drugs or any weapons on school property.

37    Seizure of Property

38  
39    When a search produces evidence that a student has violated or is violating either a law or  
40    District policies or rules, such evidence may be seized and impounded by school authorities and disciplinary action  
41    may be taken. As appropriate, such evidence may be transferred to law enforcement authorities.

42  
43    **Legal Reference:**        *Redding v. Safford Unified School District,*  
44                                    *---F.3d---, 2007 WL 2743594(C.A. 9 (Ariz.))*  
45                                    *Terry v. Ohio, 392 U.S. 1, 20 (1968)*

The following definitions apply for purposes of this policy:

“Expulsion” means the exclusion of a student from attending school and participating in school activities for a specified period of time not to extend beyond one (1) calendar year. Expulsion is a disciplinary action available only to the Board.

The Board authorizes the Principal to order an emergency long-term suspension pending due process, if a student's presence in school poses a danger to the student, other persons, or property or poses disruption of education. The District must afford the student appropriate due process as soon as possible following suspension of the student.

<b>Legal Reference:</b>	<b>20 U.S.C. 1400, et seq.</b>	<b>Individuals with Disabilities Education Act</b>
	<b>34 CFR 300.519-521</b>	<b>Procedural Safeguards</b>
	<b>§ 20-4-302, MCA</b>	<b>Discipline and punishment of pupils –definition of corporal punishment – penalty – defense</b>
	<b>§ 20-4-402, MCA</b>	<b>Duties of district superintendent or county high school principal</b>
	<b>§ 20-5-105, MCA</b>	<b>Attendance officer – powers and duties</b>
	<b>§ 20-5-106, MCA</b>	<b>Truancy</b>
	<b>§ 20-5-201, MCA</b>	<b>Duties and sanctions</b>
	<b>§ 20-5-202, MCA</b>	<b>Suspension and expulsion</b>
	<b>ARM 10.16.3346</b>	<b>Aversive Treatment Procedures</b>
	<b><i>Goss v. Lopez, 419 US 565 (1975)</i></b>	

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

### Suspension

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, the principal will meet with a student to explain charges of misconduct, and the student will be given 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, Principal will provide notice of and schedule a conference as soon as practicable following the suspension.

The Principal will report any suspension immediately to a student's parent or legal guardian. The Principal 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.

The Principal 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 Principal to discuss suspension. After the meeting and after concluding a review, the Principal will take such final action as appropriate.

Students who are suspended from any class or from school entirely do not have the right to make up any work missed.

### Expulsion

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 Principal at least two (2) school days before a hearing date as originally scheduled. The Principal will determine if a request shows good cause to reschedule a hearing.

3300P

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

1 examine witnesses. The Board is not bound by formal rules of evidence in conducting the hearing.

2  
3 Procedures for Suspension and Expulsion of Students With Disabilities  
4

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

11  
12 The Principal may suspend a child with a disability from the child's current placement for not more than  
13 ten (10) consecutive school days for any violation of school rules, and additional removals of not more than  
14 ten (10) consecutive school days in that same school year for separate incidents of misconduct, as long as  
15 those removals do not constitute a change of placement under 34 CFR 300.519(b), whether or not a  
16 student's gross disobedience or misconduct is a manifestation of a student's disabling condition. Any  
17 special education student who has exceeded or who will exceed ten (10) days of suspension may  
18 temporarily be excluded from school by court order or by order of a hearing officer, if the District  
19 demonstrates that maintaining the student in the student's current placement is substantially likely to result  
20 in injury to the student or to others. After a child with a disability has been removed from his or her  
21 placement for more than ten (10) school days in the same school year, during any subsequent days of  
22 removal the public agency must provide services to the extent required under 34 CFR 300.121(d).  
23

24 The Principal may remove from current placement any special education student who has carried a weapon  
25 to school or to a school function or who knowingly possesses or uses illegal drugs or sells or solicits the  
26 sale of a controlled substance while at school or a school function. The District will place such student in  
27 an appropriate interim alternative educational setting for no more than forty-five (45) school days in  
28 accordance with the IDEA.

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

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

- Using, possessing, distributing, purchasing, or selling tobacco products.
- Using, possessing, distributing, purchasing, or selling alcoholic beverages. Students who may be under the influence of alcohol will not be permitted to attend school functions and will be treated as though they had alcohol in their possession.
- Using, possessing, distributing, purchasing, or selling illegal drugs or controlled substances, look-alike drugs, and drug paraphernalia. 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 a Weapon in a School Building” section of this policy.
- Using, possessing, controlling, or transferring any object that reasonably could be considered or used as a weapon.
- Using and/or possessing any type of electronic signaling device while at school or on a district owned vehicle.
- 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 include but are not limited to:

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

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

### Gun-Free Schools

The Board will expel any student who uses, possesses, controls, or transfers a firearm or any object that can reasonably be considered or looks like a firearm, for a definite period of time of at least one (1) calendar year. The Board may modify an expulsion period on a case-by-case basis. A building administrator will notify the criminal justice or juvenile delinquency system of any student who brings a firearm to school.

When a student violating this gun-free policy is identified as disabled, either under the IDEA or Section 504 of the Rehabilitation Act of 1973, a building administrator must determine whether a student's conduct is related to disability. If a violation of policy is owing to a disability recognized by the IDEA or Section 504, lawful procedures for changes in placement must be followed.

The Board will grant a hearing for any student subject to an expulsion in accordance with § 20-5-202, MCA, and Policies—[Suspension and Expulsion](#) and [Corrective Actions and Punishment](#).

### Possession of a Weapon in a School Building

The District will refer to law enforcement for immediate prosecution any person who possesses, carries, or stores a weapon in a school building, except as provided below, 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.

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; "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 any firearm, whether loaded or unloaded; air guns; pellet guns; BB guns; fake (facsimile) weapons; all knives; blades; clubs; metal

Page 3 of 3

knuckles; numchucks; 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

1 weapons listed above which are broken or non-functional, look-alike guns; toy guns; and any object that is  
2 a facsimile of a real weapon.

3  
4 No person shall use articles designed for other purposes (i.e., lasers or laser pointers, belts, combs, pencils,  
5 files, scissors, etc.) to inflict bodily harm and/or intimidate, and such use will be treated as the possession  
6 and use of a weapon.

7  
8 The Board may grant persons and entities advance permission to possess, carry, or store a weapon in a school  
9 building. All persons who wish to possess, carry, or store a weapon in a school building must request permission of  
10 the Board at a regular meeting. The Board has sole discretion in deciding whether to allow a person to possess,  
11 carry, or store a weapon in a school building.

12  
13 This policy does not apply to on-duty law enforcement personnel.

14  
15 Delegation of Authority

16  
17 The Board grants authority to any teacher and to any other school personnel to impose on students under their charge  
18 any disciplinary measure, other than suspension or expulsion, corporal punishment, or in-school suspension, that is  
19 appropriate and in accordance with policies and rules on student discipline. The Board authorizes teachers to remove  
20 students from classrooms for disruptive behavior.

21  
22 **Cross Reference: 3300 Corrective Actions and Punishment**

23		
24	<b>Legal Reference:</b>	<b>§ 20-4-302, MCA</b>
25		<b>Discipline and punishment of pupils – definition of corporal punishment –</b>
26		<b>penalty – defense</b>
27		<b>Suspension and expulsion</b>
28		<b>Possession or allowing possession of weapon in school building – exceptions –</b>
29		<b>penalties – seizure and forfeiture or return authorized – definitions</b>
30		<b>Gun Free Schools Act of 1994</b>
		<b>Rehabilitation Act of 1973</b>

**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 Fortine 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; numchucks (also known as nunchucks); throwing stars; explosives; fireworks; mace or other propellants; stun guns; ammunition; poisons; chains; arrows; and objects that have been modified to serve as a weapon.

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

The District will refer to law enforcement for immediate prosecution any person who possesses, carries, or

stores a weapon **in a school building**, and the District may take disciplinary action as well in the case of a



student. In addition the District will refer for possible prosecution a parent or guardian of any minor violating this policy on grounds of allowing a minor to possess, carry, or store a weapon in a school building. (45-8-361 (1) (2))

For the purposes of this section only, “school building” means all buildings owned or leased by a local school district that are used for instruction or for student activities. (45-8-361 (5a))

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

This policy does not apply to law enforcement officers acting in his or her official capacity. (45-8-361 (3a))

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

*(2) The trustees of a district shall adopt a policy for the expulsion of a student who is determined to have brought a firearm, as defined in 18 U.S.C. 921, to school and for referring the matter to the appropriate local law enforcement agency. A student who is determined to have brought a firearm to school under this subsection must be expelled from school for a period of not less than 1 year, except that the trustees may authorize the school administration to modify the requirement for expulsion of a student on a case-by-case basis. So, Montana schools are required, by state law, to expel a student from school for a period of not less than 1 year if it is determined that the student brought a firearm to school, subject to the case-by-case exception noted in the statute. Based upon the exception noted in federal law and in circumstances where a student is found to have a firearm on school property in a locked vehicle, Montana schools should be citing state law (20-5-202, MCA) and district policy to support any recommendation for expulsion.*

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

**Cross Reference:**

**Policy 3310  
Policy 4332**

**Student Discipline  
Conduct of School Property**

**Legal Reference:**

**§ 20-5-202, MCA  
§ 45-8-361, MCA  
  
20 U.S.C. § 7151, et seq.  
18 U.S.C. § 921  
NCLB, Section 4141**

**Suspension and expulsion  
Possession or allowing possession of  
a weapon in a school building  
Gun Free Schools Act of 1994  
Definitions  
Gun Free Requirements**

2 Teachers may choose to assign detention when they believe that the student needs to be redirected, for  
3 missed or incomplete homework and for inappropriate behavior. **The teacher must contact the parent,**  
4 **and complete the Notice of Detention** form to discuss the student issue(s) prior to assigning a detention.  
5 Detentions are to be served on the assigned day. One exception will be made due to family obligations. A  
6 note must be sent in by the parent stating the family emergency.

7 **(The following offenses might warrant giving a detention)**

- 8
- 9 1. Incomplete/missing work
  - 10 2. Food/drink in classroom
  - 11 3. Talking/disruptive behavior
  - 12 4. Inappropriate language (not directed at teacher/ student)
  - 13

14 Before a student is assigned detention for incomplete or missing work, the student shall receive three (3)  
15 written notices of warning that have been sent home and returned to the school with parent/guardian  
16 signature. Once a student has received these notices, and is to be given a detention, a phone call notifying  
17 the parents of the detention will be made prior (at least 24 hour notice) to the student serving the detention.  
18 If the parent/guardian cannot be reached by phone, a certified letter to the parents/guardian will be sent and  
19 the school will have in place, proof of delivery and acceptance prior to the student serving detention.

20  
21 Students will report to assigned classroom for after school detention. Students will be supervised and will  
22 be required to sit quietly and study during the time they are there.

### 23 24 **Guidelines for After School Detention**

- 25
- 26 • Students will be expected to report for detention on time, unless other arrangements have been made. It will
  - 27 be the student's responsibility to make arrangements for transportation home.
  - 28 • Students will sit quietly completing schoolwork and will remain on task.
  - 29 • Students will not communicate with each other in any way – NO TALKING.
  - 30 • Candy, beverages, or food items are not allowed.
  - 31 • Students will not leave detention until permission to do so is granted by the monitoring teacher.
  - 32 • Students will be allowed only one warning to cooperate while in detention. Failure to cooperate will result in
  - 33 the student reserving the detention time the following day and the parent/guardian will be contacted by the
  - 34 monitoring teacher.
  - 35 • "No shows" for detention will result in parental contact. Failure to serve within two days will result in a day
  - 36 of ISS.
  - 37

38 If for some reason a student does not follow the guidelines set forth they will be asked to leave. The student  
39 will still owe for this time plus additional detention will be served the following day.

40

## NOTICE OF DETENTION

Any time a detention is given to any student, the teacher must fill out this form and submit it to the principal of the school immediately upon assigning detention to the student. Detentions will not be served by any student until this form is completed and approved by the administrator and the parents have been notified as stated in policy 3004.01.

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

Grade Level: \_\_\_\_\_ Teacher: \_\_\_\_\_

Date Detention Given: \_\_\_\_\_

Purpose for Detention: \_\_\_\_\_

---

Length of time given for the detention; \_\_\_\_\_

Date detention is to be served: \_\_\_\_\_

What goal do you hope to achieve by giving this detention? \_\_\_\_\_

Has detention been successful with this student in the past? If so, please explain. \_\_\_\_\_

Communication with the parent. (Attach to this form a copy of the note (with signature of receipt by parent/guardian), letter (showing proof of delivery), or summary of phone call discussing with the parent the reason for the detention and what comments or concerns the parent may have had.

The Fortine School Board believes that in a time where education is a priority for the (well-being of our youth) a classroom that is well-managed and well-disciplined is not an issue left to discussion. It is imperative that all students are responsible for their actions and will be held accountable for those actions. The Board also believes that it is the responsibility of the school to provide assistance to any student who is having difficulty meeting the standards set by the school. But, at the same time the student and parents must make the necessary changes in their child's behavior allowing the classroom teacher to provide a learning environment that is conducive to a quality education. A student that is disruptive to the class takes away from the teacher's ability to teach, the student's ability to learn, and the rights of all. The disruptive child is the single most frustrating element in the teacher's day, so the establishment of a specific process for dealing with this student has been developed. If the student does not want to make the necessary changes, or accept help offered that will help the student become a more productive member of the class, disciplinary action will be taken according to policy.

Each teacher will develop a classroom discipline plan specific to the age group they are working with. The system will be based on a name, check warning with each step progressing towards parent notification. The following steps will be implemented by each classroom teacher.

#### **1st Occurrence**

A. Communication with the parent either by phone or letter.

1. Specifying the disruption and send home Behavior Notification (Rural Handbook).

#### **2nd Occurrence**

B. Involve the Guidance Counselor

1. Using form "Brief Report on Pupil Progress" (Rural Handbook)
2. Will contact parents to establish In-person Conference
3. Begin completion of "Daily Report" (Rural Handbook)

#### **3rd Occurrence**

C. Advisory Committee

1. Teacher will notify the Advisory Committee and students of meeting. The problem will be discussed with possible recommendations being made. A letter will be sent home to the parents advising them of the meeting and the decision(s) made.
2. Letter home from Principal.

#### **4th Occurrence**

D. Involves Principal

1. Letter to Parent - initial warning of suspension requesting conference (Rural Handbook)

- 1 a. A letter will be sent to the parents via certified mail with return receipt  
2 requested upon delivery.  
3
- 4 b. The pre-suspension conference, involving the teacher, the guidance counselor, and the Principal,  
5 has two objectives: (1) to inform the parent that this is the last step before a formal suspension,  
6 and (2) to plan a course of action that will eliminate the need for suspension.  
7
- 8 c. At the conference the following documentation should be provided.  
9 - a record of the meeting between parent and teacher  
10 - a copy of the "Brief Report on Pupil Progress" (Rural Handbook)  
11 - any records of referral for psychological evaluation or work with any outside agency  
12 - the copies of letters sent to parents  
13  
14

Discipline in the school environment is a necessity to the prerequisite of education and to maintain order in the school. Students are reminded that they must adhere to a code of good conduct not only for their own benefit, but for the benefit of others as well. Students are responsible for their actions and will be held accountable. Students that do not abide by this policy could be subject to disciplinary action, to include detention, suspension, and/or expulsion.

All students shall:

1. Comply with the policies of the Fortine School.
2. Pursue the required course of instruction.
3. Submit to the authority of the teacher and supervising teachers of the school.
4. Be subject to the control and authority of the staff while he/she is in school, on school premises, on the way to and from school, in a vehicle operated by a school employee and at school functions.

Any student who continually and willfully disobeys the provisions of this policy, shows open defiance of the authority vested in school personnel, defaces school property, harms or threatens to harm another individual shall be liable for punishment, suspension, or expulsion.

Other offenses could result in disciplinary action. Each offense will be analyzed on its own merit to determine the degree of discipline required. The following are general guidelines which show what a student might expect to have happen for the listed infraction.

1. Bring or carrying a weapon on the school grounds.

**Action: Automatic expulsion for a period of one year.**

a. In accordance with the provisions of the Gun-Free School Zones Act, 18 USC 922 students may bring unloaded firearms onto school property for use in an approved program with the prior written permission from the building administrator or the Board of Trustees.

b. The Administrator may allow authorized persons to display firearms or other dangerous objects for educational purposes. Advance written permission must be received before such objects may be brought onto school property. The firearm must be unloaded and in a condition which renders it incapable of being fired. No ammunition for the firearm may be on school property concurrently with the firearm. At the conclusion of the display, the firearm must be immediately removed from school property.

2. Criminal act, assault, use of dangerous objects.

**Action: Emergency expulsion. Parents/guardian, administrator, involved party, and board to confer to determine student status.**

3315

Page 2 of 2

3. Vandalism, theft, extortion.

**Action: Immediate suspension from school until conference with parent/guardian and board can meet to determine student status and restitution.**

4. Gross disrespect to staff, or repeated failure to comply with the directions of a staff member.

**Action: Immediate suspension from school until conference with parent/guardian and board can meet to determine student status.**

5. Illegal substances: (Alcohol, drugs, tobacco)

**Action: Refer to policy relating to substance.**

6. Disruptive Conduct: (Fighting during school hours or at school sponsored events)

**Action: 1st offense; 3 day suspension**

**2nd offense; 5 day suspension**

**3rd offense; expulsion**

Other disciplinary offenses will be reviewed on an individual basis and assessed. Disciplinary action may be in the form of verbal warning, contracting student behavior, detention, in-school suspension, campus clean-up etc.

If a student violating this policy is identified as a child with disabilities either under the IDEA, or Section 504, a determination must be made whether the child's conduct is related to the disability. If the violation of the policy is due to a disability recognized by the IDEA or Section 504, lawful procedures for changes in placement must be followed for suspensions of greater than ten days. The IEP Team shall meet to determine whether an alternative placement is appropriate.

All infractions of policy will be documented and kept in student files. This documentation will be used to determine severity of consequence.

2    **Philosophy**  
3

4    The main objective of the Fortine School Basketball Program is to encourage student participation. Not all  
5    students will become an outstanding athlete, but all students should have the opportunity to explore the  
6    possibilities of what they might become. It should be a time for a student to be able to participate in an  
7    athletic program that teaches basic skills, sportsmanship, team play, and fundamentals of the game. It will  
8    require good academic performance and citizenship as essential for participation.

9  
10    **Sports Eligibility**  
11

12    Realizing that sports is an integral part of any educational facility in conjunction with the regular educational  
13    programs the Board feels that before a student may participate in any sporting program, whether at the Fortine School  
14    or in another school, if the student is enrolled at the Fortine Elementary School they are responsible for meeting the  
15    guideline established by the Fortine School Board.

16  
17    Any student participating in any athletic program while attending Fortine Elementary School must maintain a "C"  
18    average. Eligibility will be on a weekly basis, meaning that a student may not be eligible one week but may be  
19    eligible the following week. Due to the hardships on the team and the problems with the inconsistencies of players  
20    being eligible one week and not the next, a player may be ineligible only twice during the seasons. If a student is  
21    ineligible more than twice during the regular season they will not be allowed to participate in the sport.

22  
23    Eligibility requirements will also be based on the individual teacher recommendations regarding the student's ability.

24  
25    Any student who is participating in extracurricular activities, who misses any part of the school day will be unable to  
26    participate in practice, or in a game, unless they have written note from a doctor stating why they were absent.

27  
28    **Medical Policy**  
29

30    All prospective athletes must have a physical examination before participating in the basketball program. The  
31    potential athlete must present a Pre-Participation Physical Examination Form signed by the examining physician  
32    indicating the student has passed a physical examination within the past year. The parent must also sign a parent  
33    consent form before student will be allowed to participate. Emergency Care forms must also be completed and  
34    signed by the parent and given to the coach by the parent prior to the student's participation. In addition, any  
35    prospective athlete will be required to submit proof of insurance before participation will be allowed.

36  
37    I have read and discussed the Basketball Program with the Principal and agree to follow the policies set by the  
38    Fortine School Board.

39  
40  
41    \_\_\_\_\_  
42    Coach

\_\_\_\_\_

43    \_\_\_\_\_  
44    Administrator



**Fortine Elementary School  
Extra Curricular Activity Consent Form**

It is the policy of the Fortine Elementary School to require parental permission before allowing a student to travel to and from practice for a school sponsored sport or game alone or with members of his/her class or team. This travel may be by a non-school owned vehicle or a school owned vehicle. If you would like your child to participate, please carefully read and sign this document.

I hereby give permission for my child, \_\_\_\_\_, to go to and from school sponsored activities including sporting events and practices. Transportation may or may not be supplied by the district.

As a parent or guardian, I understand that the school and the staff will do as much as possible to prevent accidents. However, I fully understand that some travel and activities involve inherent risks to students regardless of all feasible safety measures that may be taken by the district. In consideration of the district's agreement to allow my child to participate in these extracurricular activities, I agree to accept responsibility for any loss, damage, or injury to my child that occurs during my Child's participation that is not the result of fraud, willful injury to a person or property or the willful or negligent violation of a law by a trustee, employee or agent of the Fortine Elementary School.

In the event it becomes necessary for the district staff in charge to obtain emergency care for my child, neither he/she nor the school district assumes financial liability for expenses incurred because of an accident, injury, illness and/or unforeseen circumstances.

Please provide the following information:

Insurance Company: \_\_\_\_\_

Insured's Name: \_\_\_\_\_ Policy Number: \_\_\_\_\_

**Emergency Contacts:**

Parent's Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

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

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

Parent or Guardian: \_\_\_\_\_ Date \_\_\_\_\_

(Please Print)

(Signature) \_\_\_\_\_

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

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

Does your child have a medical condition that the school should be aware of before allowing your child to participate? Yes \_\_\_\_\_ No \_\_\_\_\_. If yes, please state the nature of the medical condition.

2     Students are not permitted to gamble for money while in school, on school property, in school vehicles,  
3     while on school-sponsored trips, or when representing the school during activity or athletic functions.  
4     Students who are found to be betting, playing cards, rolling dice for money, playing keno or poker  
5     machines, gambling on the Internet, or involved in any other form of gambling shall be reported to the  
6     principal. Appropriate discipline will be administered in accordance with the District’s student discipline  
7     policies.

8  
9

10

11	<b>Legal Reference:</b>	<b>§ 23-5-112, MCA</b>	<b>Definitions</b>
12		<b>§ 23-5-158, MCA</b>	<b>Minors not to participate – penalty – exception</b>
13			

2 The Board requires all students to present evidence of their having been immunized against the following  
3 diseases: diphtheria, pertussis (whooping cough), poliomyelitis, measles (rubeola), mumps, rubella, and  
4 tetanus. Pertussis immunization is not required for students who are seven (7) years or older. Haemophilus  
5 influenza type “b” immunization is required for students under age five (5).

6  
7 Upon initial enrollment, an immunization status form shall be completed by the student’s parent or  
8 guardian. The certificate shall be made a part of the student’s permanent record.

9  
10 A student who transfers into the District may photocopy immunization records in the possession of the  
11 school of origin. The District will accept the photocopy as evidence of immunization. Within thirty (30)  
12 days after a transferring student ceases attendance at the school of origin, the school shall retain a certified  
13 copy for the permanent record and send the original immunization records for the student to the school  
14 district to which the student transfers. Exemptions from one or more vaccines shall be granted for medical  
15 reasons upon certification by a physician indicating the specific nature and probable duration of the medical  
16 condition for not administering the vaccine(s). Exemptions for religious reasons must be filed annually.  
17 The statement for an exemption shall be maintained as part of the student’s immunization record. The  
18 permanent file of students with exemptions shall be marked for easy identification, should the Department  
19 of Public Health and Human Services order that exempted students be excluded from school temporarily  
20 when the risk of contracting or transmitting a disease exists. Exclusion shall not exceed thirty (30) calendar  
21 days.

22  
23 The Principal may allow the commencement of attendance in school by a student who has not been  
24 immunized against each disease listed in § 20-5-403, MCA, if that student has received one or more doses  
25 of polio, measles (rubeola), mumps, rubella, diphtheria, pertussis, Haemophilus influenza type “b”, and  
26 tetanus vaccine.

27  
28 The District shall exclude a student for noncompliance with the immunization laws and properly notify the  
29 parent or guardian. The local health department may seek an injunction requiring the parent to submit an  
30 immunization status form, take action to fully immunize the student, or file an exemption for personal or  
31 medical reasons.

32  
33 **Legal Reference:** § 20-3-324(20), MCA **Powers and duties**  
34 § 20-5-402 - 410, MCA **Health**  
35 § 20-5-403, MCA **Immunization required – release and acceptance of immunization records**  
36 § 20-5-405, MCA **Medical or religious exemption**  
37

2    Medications are rarely necessary for pupils during the school day. They are justified only in chronic health  
3    conditions or short-term acute health conditions.

4    If under exceptional circumstances a student is required to take oral medication during school hours and the  
5    parent cannot be at school to administer medications, only the administrator or designee will administer the  
6    medication in compliance with the following regulations.

- 7
- 8            1. Written orders (see attached) must be on file in the school.
  - 9            2. The medication must be brought to school in a container appropriately labeled by the pharmacy  
10           or physician.
  - 11           3. An individual record will be kept of such prescription medication administered by school  
12           personnel.
  - 13           4. Medication will be stored in a clean, locked cabinet or container. Any exceptions (asthma  
14           inhalers, etc.) to this provision must be specifically stated by the physician on the written form.
- 15

16    Unless these requirements can be met, medications will not be administered at school.

17

18    The school will not administer any medicines to any student unless it is in a prescription container and  
19    follows the same rules that would apply to other prescription medications. Please do not ask that school to  
20    give your child Tylenol as we are not allowed.

21

22

1 **3416F** *Authorization for Administration of Oral Medication at School*

2 Student's Name: \_\_\_\_\_ Birth date: \_\_\_\_\_ Grade: \_\_\_\_\_

3  
4 **THIS SECTION TO BE COMPLETED BY THE PHYSICIAN**

5

Name of Medication	Dosage	Methods of Administration	Time of Day to be Taken

6  
7 Reason for medication to be given during school hours:

8  
9 Anticipated action:

10 Possible side effects of medication:

11 Emergency procedure in case of serious side effects:

12  
13 I request and authorize that the above named student be administered the above identified medication in accordance  
14 with the instructions indicated above for the period commencing with the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, as there  
15 exists a valid health reason which makes administration of the medication advisable during school hours or during  
16 such time that the student is under the supervision of school officials. Such medication may be administered by  
17 medically untrained school personnel.

18  
19 Date of Signature: \_\_\_\_\_ Physician's/Dentist's Signature: \_\_\_\_\_

20 Telephone Number: \_\_\_\_\_ Printed Name: \_\_\_\_\_

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

22  
**THIS SECTION TO BE COMPLETED BY THE PARENT / GUARDIAN**

I certify that I am the parent, legal guardian, or other person in legal control of the above identified student and request and authorize the school to administer the above identified medication to the above identified student in accordance with the prescription or doctor's instructions for the period beginning the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_, through the \_\_\_\_ day of \_\_\_\_\_, 19 \_\_ (not to exceed one school year).

Medication will be supplied to the school in the original container.

\_\_\_\_\_  
Date of Signature

\_\_\_\_\_  
Signature

Telephone Number: Home--\_\_\_\_\_ Work--\_\_\_\_\_

23 **3 COPIES: STUDENT FILE, TEACHER, AND ADMINISTRATOR**

3416F1

**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.

2     If a student has an injury or medical condition, which the school is aware of; a broken arm or other injury  
3     for instance, the school must ask for a medical release from the student's physician prior to allowing the  
4     student to participate in any activity that may place the student at risk.

5  
6     **Head Lice**

7  
8     The Board recognizes its responsibility to all students enrolled in the Fortine School to provide a safe and  
9     healthy environment in which they may attend school. One inhibitor to a healthy environment is the head  
10    louse (*Pediculus capitis*). Head lice infestations must be addressed in public schools if a healthy  
11    environment is to be maintained. Every attempt will be made to educate students and parents on the  
12    prevention and eradication of head lice before and after infestation is detected.

13  
14    The innocent desire of children to be social and the communicable nature of lice requires preventive  
15    measures by the school district and the public health agency to contain infestations. The Fortine School  
16    will work cooperatively with the public health agency to insure that infestations of head lice are contained  
17    and eradicated in the school.

18  
19    In the interest of health and welfare of students enrolled in the Fortine School, no student will be permitted  
20    to attend classes with the general population if they are infested with head lice.

21  
22    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  
23    eggs. Although eggs (nits) cannot spread to other children, they may hatch in 2 – 3 days and would  
24    immediately become communicable. A child may return to school after being successfully treated so that  
25    no live lice are present.

26  
27    Parents or guardians will be informed of lice infestation by a letter that explains the problem, lists the  
28    procedures for treatment and requirements for reentering school. Every attempt will be made to contact  
29    parents or guardian immediately upon discovery of head lice. Parents will be asked to come to school to  
30    pick up the student and begin treatment immediately.

31  
32    **Adopted on: 12/12/2016**

33  
34  
35  
36

2     The Board recognizes that schools are responsible for providing first aid or emergency treatment to a  
3     student in case of sudden illness or injury; however, further medical attention is the responsibility of a  
4     parent or guardian.  
5  
6     The District requires that every parent or guardian provide a telephone number where a parent or designee  
7     of a parent may be reached in case of an emergency.  
8  
9     When a student is injured, staff will provide immediate care and attention until relieved by a superior, a  
10    nurse, or a doctor. The District will employ its normal procedures to address medical emergencies without  
11    regard to the existence of a do not resuscitate (DNR) request, as such DNR requests do not apply to school-  
12    based programming or eventualities attendant thereto. A principal or designated staff member will  
13    immediately call a parent or parental designee so that the parent may arrange for care or treatment of an  
14    injured student.  
15  
16    When a student develops symptoms of illness while at school, a responsible school official will do the  
17    following:  
18  
19           Immediately isolate the student from other children to a room or area segregated for that purpose;  
20  
21           Inform a parent or guardian as soon as possible about the illness and request a parent or guardian to  
22           pick up the child; and  
23  
24           Report each case of suspected communicable disease the same day by telephone to a local health  
25           authority or as soon as possible thereafter if a health authority cannot be reached the same day.  
26  
27    When a parent or guardian cannot be reached, and it is the judgment of a principal or other person in charge  
28    that immediate medical attention is required, an injured student may be taken directly to a hospital and  
29    treated by a physician on call. Once located, a parent or a guardian is responsible for continuing treatment  
30    or for making other arrangements.

31  
32    **Legal Reference:** ARM 37.111.825 Health Supervision and Maintenance  
33  
34



**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***

<input type="checkbox"/> Scratch	<input type="checkbox"/> Concussion
<input type="checkbox"/> Fracture	<input type="checkbox"/> Head Injury
<input type="checkbox"/> Bruise	<input type="checkbox"/> Sprain/Strain
<input type="checkbox"/> Burn	<input type="checkbox"/> Cut/Puncture
<input type="checkbox"/> Dislocation	<input type="checkbox"/> Bite
<input type="checkbox"/> Other _____	

***Place of Accident***

<input type="checkbox"/> Classroom	<input type="checkbox"/> Gymnasium
<input type="checkbox"/> Hallway	<input type="checkbox"/> Parking Lot
<input type="checkbox"/> Bathroom	<input type="checkbox"/> Sidewalk
<input type="checkbox"/> Cafeteria	<input type="checkbox"/> Stairs
<input type="checkbox"/> Playground	<input type="checkbox"/> Athletic Field
<input type="checkbox"/> Other _____	

***Body Part Injured***

<input type="checkbox"/> Ankle	<input type="checkbox"/> Foot	<input type="checkbox"/> Leg
<input type="checkbox"/> Arm	<input type="checkbox"/> Face	<input type="checkbox"/> Nose
<input type="checkbox"/> Back	<input type="checkbox"/> Finger	<input type="checkbox"/> Teeth
<input type="checkbox"/> Neck	<input type="checkbox"/> Hand	<input type="checkbox"/> Wrist
<input type="checkbox"/> Eye	<input type="checkbox"/> Knee	<input type="checkbox"/> Shoulder
<input type="checkbox"/> Other _____		

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

\_\_\_\_\_

\_\_\_\_\_

Were efforts made to contact the parent/guardian about the accident? ☐ Yes ☐ NoWas first aid administered? ☐ Yes ☐ No By whom? \_\_\_\_\_Was the student ☐ Sent home ☐ Sent to physician ☐ Sent to hospitalIs 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 &amp; Phone) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

2    The Board recognizes its responsibility for the proper care of students during a school day. In accordance  
3    with District procedures, only a duly authorized person may remove a student from school grounds, any  
4    school building, or school function during a school day. A person seeking to remove a student from school  
5    must present evidence satisfactory to the Principal of having proper authority to remove the student. A  
6    teacher should not excuse a student from class to confer with anyone, unless a request is approved by a  
7    principal.  
8

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

- 4
- 5     1.     Law enforcement officers, upon proper identification, may remove a student from school as  
6           provided in Policies 4410 and 4411.
  - 7
  - 8     2.     Any other agencies must have a written administrative or court order directing the District to give  
9           custody to them. However, employees of the Department of Public Health and Human Services may  
10          take custody of a student under provisions of § 41-3-301, MCA, without a court order. Proper  
11          identification is required before the student shall be released.
  - 12
  - 13    3.     A student shall be released to the custodial parent. When in doubt as to custodial rights, school  
14          enrollment records must be relied upon, as the parents (or guardians) have the burden of furnishing  
15          schools with accurate, up-to-date information.
  - 16
  - 17    4.     The school should always check with the custodial parent before releasing the student to a non-  
18          custodial parent.
  - 19
  - 20    5.     Prior written authorization from the custodial parent or guardian is required before releasing a  
21          student into someone else's custody, unless an emergency situation justifies a waiver.
  - 22
  - 23    6.     Police should be called if a visitor becomes disruptive or abusive.
  - 24

25

26

27     **Cross Reference:**     **4410**     ***Relations with the Law Enforcement and Child Protective Agencies***  
28     **4411**     ***Investigations and Arrests by Police***  
29

2    When a building is in jeopardy, the students will be sent to the bus barn and loaded onto the buses and  
3    transported to another location based upon the situation, or to the Fortine Community Church, which has  
4    been determined as safe. Parents will be contacted as soon as possible.  
5

2  
3 1. Student Organizations:  
4

- 5 a. All student organizations must be approved by the administration. Secret or clandestine
- 
- 6 organizations or groups will not be permitted.
- 
- 7 b. Bylaws and rules of student organizations must not be contrary to Board policy or to
- 
- 8 administrative rules and regulations.
- 
- 9 c. Procedures in student organizations must follow generally accepted democratic practices in
- 
- 10 the acceptance of members and nomination and election of officers.
- 
- 11

12 2. Social Events  
13

- 14 a. Social events must have prior approval of the administration.
- 
- 15 b. Social events must be held in school facilities unless approved by the Board.
- 
- 16 c. Social events must be chaperoned at all times.
- 
- 17 d. Attendance at middle school social events and dances shall be limited to middle school
- 
- 18 students, unless prior permission is received from the principal.
- 
- 19

20 3. Extracurricular Activities  
21

- 22 a. In establishing an interscholastic program, the Board directs the administration to:
- 
- 23 i. Open all sports to all students enrolled in the District, with an equal opportunity for
- 
- 24 participation.
- 
- 25 ii. Recommend sports activities based on interest inventories completed by the students.
- 
- 26

27  
28 Legal Reference: § 20-5-203, MCASecret Organization Prohibited  
29

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

4  
5     The Board may charge a student a reasonable fee for any course or activity not reasonably related to a  
6     recognized academic and educational goal of the District or for any course or activity taking place outside  
7     normal school functions. The Board may waive fees in cases of financial hardship.

8  
9     The Board will establish appropriate fees and procedures governing collection of fees and asks the  
10    Principal to make annual reports to the Board regarding fee schedules. The Board also may require fees for  
11    actual cost of breakage and for excessive supplies used in commercial, industrial arts, music, domestic  
12    science, science, or agriculture courses.

13  
14    The District holds a student responsible for the cost of replacing materials or property that are lost or  
15    damaged because of negligence. The Principal will notify a student and parent regarding the nature of  
16    violation or damage, how restitution may be made, and how an appeal may be instituted. The District may  
17    withhold a student's grades or diploma until restitution is made. A student or parent may appeal the  
18    imposition of a charge for damages to the Board.

19  
20    **Legal reference:**                      § 20-5-201, MCA    **Duties and sanctions**  
21    § 20-7-601, MCA    **Free textbook provisions**  
22    § 20-9-214, MCA    **Fees**

23  
24

2    It is essential that up-to-date and accurate records of all phases of a student's activities while attending  
3    school be maintained. To this end, the following records shall be kept for all students:

- 4
- 5        • Permanent Record Cards
  - 6        • Cumulative Record Folders
  - 7        • Health and Immunization Records
  - 8        • Grades and Standardized Test Scores
- 9

10   Any individual records needed by the school will be completed by the teacher. Any records and/or forms  
11   designated by the County Superintendent or the State shall be completed as directed.

12

13   Parents must be notified of the types and locations of these records if requested. Such records must be kept  
14   in the school building. Parents are permitted to inspect and review these records. The school will provide  
15   copies of any desired records and will give explanations concerning any records that the parent finds  
16   confusing.

17

18   At any time a parent requests access to the pupil record, qualified school personnel shall be present to  
19   interpret the record.

20

2    School records will not be given to parents or pupils when transferring to school outside of Fortine School  
3    District. However they will be given the opportunity to inspect the records and challenge the content of the  
4    records if they wish.

5  
6    Parents need to advise the teacher and/or the Principal of the name and address of the school the student is  
7    transferring to when a student checks out of the Fortine District. School records can be forwarded by mail  
8    when requested by the school.

9  
10   If a student transfers to another school, records will be kept by the Fortine School for a period of one (1)  
11   school year (180 days). If no record request has been received within this time all records will be sent to  
12   the County Superintendents Office.  
13



**RECORDS CERTIFICATION**

I, principal of Fortine School, the duly appointed custodian of records for the Fortine School District No. 14, Lincoln County, State of Montana, pursuant to § 20-1-213, MCA, do hereby certify that the attached is a true and correct copy of the student records of (name of student), maintained in my possession

Policy History:

Adopted on:

Reviewed on:

Revised on: January 14, 2015

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

6  
7    The Board authorizes the individuals listed below to receive information with respect to a District student  
8    who is a client of the Department of Public Health and Human Services:

- 9  
10    •        District Clerk of Fortine School, District 14  
11    •        Principal of Fortine School, District 14

12  
13    When the District receives information pursuant to law, the Principal will prevent unauthorized  
14    dissemination of that information.

15  
16  
17  
18    **Cross Reference:**        3600                    [Student Records](#)

19  
20    **Legal Reference:**        § 41-3-205, MCA            **Confidentiality – disclosure exceptions**

21  
22  
23        Policy History:

24    Adopted on:

25    Reviewed on:

26    Revised on: January 14, 2015

27

2    After interpretation, parents shall have the right to request copies of the records or portions of the records.  
3    Except as provided in the procedures, a reasonable charge shall be made to defray copying costs. Copies of  
4    restricted test protocol such as the Intelligence shall not be made available to parents; provided that samples  
5    of some test items shall be shown to parents, if requested.  
6

2    Each parent shall have the right to request the amendment of that portion of the pupil's records which the  
3    parent believes to be inaccurate, misleading or otherwise in violation of the privacy rights of the pupil or  
4    parent. If the records are deemed to be such, the parent shall have the right to have the improper contents  
5    corrected or deleted. The parent shall have the right to have reasonable statement added to the record to  
6    explain its contents.  
7

2    The Principal shall first meet informally with the parent in an effort to resolve the dispute over the  
3    challenged content of the records. If the parents' challenge is substantially correct or otherwise reasonable,  
4    the Principal shall have the authority to change the record. Such informal conference shall not be used for  
5    the purpose of delaying a parent's right to a hearing.  
6

2     Information contained in students' educational records shall be disclosed to persons, agencies, institutions  
3     and organizations only without the prior written consent of the parent, except as follows:  
4

- 5           a. Educational Studies - Student record information shall be released to organizations conducting  
6           studies for educational agencies for the purpose of developing, validating or administering  
7           predictive tests, administering student aid programs, or improving instruction provided that such  
8           studies are conducted in a manner that will not permit the personal identification of students and  
9           their parents by persons other than the representatives of such organizations and that such  
10          information will be destroyed when no longer needed for the purpose of which it has been  
11          gathered.  
12
- 13          b. Educational Studies - Student record information shall be released to organizations conducting  
14          studies for educational agencies for the purpose of developing, validating or administering  
15          predictive tests, administering student aid programs, or improving instruction provided that such  
16          studies are conducted in a manner that will not permit the personal identification of students and  
17          their parents by persons other than the representatives     of such organizations and that such  
18          information will be destroyed when no longer needed for the purpose of which it has been  
19          gathered.  
20
- 21          c. Representatives from the Office of Education or the Montana State Supervising Teacher of Public  
22          Instruction - Information from students' records shall be released to authorized representatives of  
23          the Comptroller General of the United States; the Secretary of Health, Education and Welfare; the  
24          Commissioner of Education; the Director of the   National Institute of Education; or the Montana  
25          Supervising Teacher of Public Instruction in connection with the audit and evaluation of federally  
26          supported education programs or in connection with the enforcement of legal requirements which  
27          relate to them.  
28
- 29          d. Montana State Statute - Student record information shall be released to state and local officials to  
30          whom such information is specifically required to be reported or disclosed pursuant to Montana  
31          State Statute adopted prior to November 19, 1974.  
32

4 General

5 The District makes Internet access and interconnected computer systems available to District students and  
6 faculty. The District provides electronic networks, including access to the Internet, as part its instructional  
7 program and to promote educational excellence by facilitating resource sharing, innovation, and  
8 communication.

9  
10 The District expects all students to take responsibility for appropriate and lawful use of this access,  
11 including good behavior on-line. The District may withdraw student access to its network and to the  
12 Internet when any misuse occurs. District teachers and other staff will make reasonable efforts to supervise  
13 use of network and Internet access; however, student cooperation is vital in exercising and promoting  
14 responsible use of this access.

15 Curriculum

16  
17 Use of District electronic networks will be consistent with the curriculum adopted by the District, as well  
18 as with varied instructional needs, learning styles, abilities, and developmental levels of students and will  
19 comply with selection criteria for instructional materials and library materials. Staff members may use the  
20 Internet throughout the curriculum consistent with the District's educational goals.

21  
22 Acceptable Uses

- 23
- 24 • Educational Purposes Only. All use of the District's electronic network must be: (1) in support of  
25 education and/or research, and in furtherance of the District's stated educational goals; or (2) for a  
26 legitimate school business purpose. Use is a privilege, not a right. Students and staff members have no  
27 expectation of privacy in any materials that are stored, transmitted, or received via the District's  
28 electronic network or District computers. The District reserves the right to monitor, inspect, copy,  
29 review, and store, at any time and without prior notice, any and all usage of the computer network and  
30 Internet access and any and all information transmitted or received in connection with such usage.  
31
  - 32 • Unacceptable Uses of Network. The following are considered unacceptable uses and constitute a  
33 violation of this policy:  
34
    - 35 A. Uses that violate the law or encourage others to violate the law, including but not limited to  
36 transmitting offensive or harassing messages; offering for sale or use any substance the possession  
37 or use of which is prohibited by the District's student discipline policy; viewing, transmitting, or  
38 downloading pornographic materials or materials that encourage others to violate the law;  
39 intruding into the networks or computers of others; and downloading or transmitting confidential,  
40 trade secret information, or copyrighted materials.  
41
    - 42 B. Uses that cause harm to others or damage to their property, including but not limited to  
43 engaging in defamation (harming another's reputation by lies); employing another's password  
44 or some other user identifier that misleads message recipients into believing that  
45

1 someone other than you is communicating, or otherwise using his/her access to the network or  
2 the Internet; uploading a worm, virus, other harmful form of programming or vandalism;  
3 participating in “hacking” activities or any form of unauthorized access to other computers,  
4 networks, or other information.

5  
6 C. Uses that jeopardize the security of student access and of the computer network or other  
7 networks on the Internet.

8  
9 D. Uses that are commercial transactions. Students and other users may not sell or buy anything  
10 over the Internet. Students and others should not give information to others, including credit  
11 card numbers and social security numbers.

#### 12 13 Warranties/Indemnification

14  
15 The District makes no warranties of any kind, express or implied, in connection with its provision of access  
16 to and use of its computer networks and the Internet provided under this policy. The District is not  
17 responsible for any information that may be lost, damaged, or unavailable when using the network or for  
18 any information that is retrieved or transmitted via the Internet. The District will not be responsible for any  
19 unauthorized charges or fees resulting from access to the Internet. Any user is fully responsible to the  
20 District and will indemnify and hold the District, its trustees, administrators, teachers, and staff harmless  
21 from any and all loss, costs, claims, or damages resulting from such user’s access to its computer network  
22 and the Internet, including but not limited to any fees or charges incurred through purchase of goods or  
23 services by a user. The District expects a user or, if a user is a minor, a user’s parents or legal guardian to  
24 cooperate with the District in the event of its initiating an investigation of a user’s use of access to its  
25 computer network and the Internet.

#### 26 Violations

27  
28 If a student violates this policy, the District will deny the student access or will withdraw access and may  
29 subject the student to additional disciplinary action. The Principal will make all decisions regarding  
30 whether or not a user has violated this policy and any related rules or regulations and may deny, revoke, or  
31 suspend access at any time, with that decision being final.  
32



2     The Internet is a worldwide network of computers all linked together. In the past several years millions of  
3     new users have gotten “on line” to do everything from conduct research to communicate with others with  
4     similar interests.

5  
6     The Internet is wide open, there is no company controlling the system. This being the case, anyone, with  
7     any interest, can put something on the Internet for others to read and see. It must be understood that a very  
8     small minority of information on the Internet is not appropriate for students to be looking at.

9  
10    It is the intent of the Fortine School to advance and promote education by assisting in the collaboration and  
11    exchange of information. Successful operation of Internet and other related technological service requires  
12    that all users regard the system as a shared resource. Users must cooperate to form a community of diverse  
13    interests with common purpose of advancing education. It is, therefore, imperative that all users conduct  
14    themselves in a responsible, ethical, and polite manner.

15  
16            The purposes of our Internet Information Services are:

- 17  
18            1. To facilitate the gathering of information from other sites and the Internet.  
19            2. To facilitate the collaborations with other schools and organizations.  
20            3. To facilitate the sharing of information within the community.

21  
22    Code of Conduct: Each student is held responsible for his/her actions. Unacceptable uses of the network  
23    will result in the suspension or revoking of these privileges. Some examples of such unacceptable use are:

- 24  
25            1. Using the network for any illegal activity, including violation of copyright or other contracts.  
26            2. Using the network for financial or commercial gain.  
27            3. Degrading or disrupting equipment or system performance.  
28            4. Vandalizing the data of another user.  
29            5. Wastefully using finite resources.  
30            6. Gaining unauthorized access to resources or entities.  
31            7. Invading the privacy of individuals.  
32            8. Using the account owned by another user.  
33            9. Posting personal communications without the author’s consent.  
34            10. Posting anonymous messages.  
35            11. Hate mail, harassment, discriminatory remarks, and other antisocial behaviors are prohibited.  
36            12. Use of network to access obscene or pornographic material is prohibited.  
37            13. Use of the network to transmit material likely to be offensive or objectionable to recipients is  
38            prohibited.  
39            14. Subscriptions to Listservs must be pre-approved by the Internet coordinator.  
40            15. Diligent effort must be made to delete mail daily.

41    The school considers accounts the property of the school district. Since accounts have real value, attempts  
42    to sidestep the account system, to use the accounts of others without authorization, or to use accounts for  
43    other than their intended purposes, are all forms of attempted theft. A user who has been authorized to use  
44    an account may not disclose its password or otherwise make the account available to others who have not  
45    been authorized to use the account. Public users will be limited to 30-minute blocks of time and be  
46    required to sign up for time slots.

1    ***Consequences of Inappropriate Use of the Internet***  
2

3    The School shall develop rules/consequences and have readily available for review and posted where  
4    appropriate.  
5

6    Any infraction of this policy will result in notification of parent/guardian.  
7

8    NOTE: A student may put him/herself in the position of “obscene or illegal offense” on his/her first  
9    infraction. On the other hand, a third “minor” infraction will have the same consequences as an “obscene  
10   or illegal” infraction. The teacher will consult with the Supervising to determine if an offense is minor,  
11   major, or obscene.  
12

13   Any infraction of this policy by the general public will result in loss of use privileges.

14   ***Acknowledgment and Agreement of Internet Use Policy***  
15

16   The Internet is a very valuable resource for students to have access to. It is an important skill to learn in an  
17   ever-increasing technological world. By signing below the student and his/her parent or guardian  
18   acknowledges that they have read and understand the rules and consequences of this policy.  
19  
20  
21

22    _____	_____	23    _____	_____
24    Student's Signature	Date	Parent's/Guardian's Signature	Date

2     The District acknowledges the importance of electronic communication between students and  
3     parents, particularly in school-wide emergency situations. Further, the District recognizes that  
4     instructional time is precious and must be protected from unnecessary disruption.

5     Student possession and use of cellular phones, pagers, and other electronic signaling devices on school  
6     grounds, at school-sponsored activities, and while under the supervision and control of District employees  
7     is a privilege which will be permitted only under the circumstances described herein.

8     Students shall be permitted to have in their possession a privately owned electronic  
9     signaling/recording device on campus during the school day, while attending school-sponsored  
10    activities, or while under the supervision and control of a school district employee. Such devices  
11    shall be deactivated and remain out of sight. Their use shall be strictly prohibited on campus during  
12    the instructional day and/or in district owned vehicles except:

- 13            • during an emergency affecting the school or community;  
14            • upon direction from a licensed physician and surgeon, if carrying such a device is  
15            essential to, and the use is limited specifically to, the health of the student;  
16            • within a classroom environment where the teacher gives specific permission to use a  
17            specific capability of a device.

18    Electronic signaling devices and recording devices include any device that operates through the  
19    transmission or receipt of radio or infrared waves, or has the ability to record and store electronic  
20    pictures including, but not limited to pagers, cellular telephones, two-way radios, PDAs, iPods, and  
21    cameras (still or video).

22    In permitting student possession of such devices, the District assumes no liability for the loss of the device  
23    or its misuse by another person.

24    Students who act in violation of this policy shall be subject to the District's progressive discipline as  
25    follows:

- 26            1) Initial violation – electronic signaling device will be confiscated by school staff and secured in a  
27            safe location. The electronic listening device will be returned to student at the conclusion of the  
28            staff work day;  
29            2) Second violation – electronic signaling device will be confiscated and secured in a safe location.  
30            The electronic listening device will not be returned to the student unless and until the student's  
31            parent or guardian meets with school administrative staff for the purpose of clarifying this policy;  
32            3) Third violation – the electronic signaling device will be confiscated and secured in a safe  
33            location. The student will be subject to suspension;  
34            4) Fourth violation – Any further violations will subject the student to disciplinary action as set  
35            forth in Board Policy 3236  
36

4000 Series  
Board of Trustees

COMMUNITY RELATIONS  
[Click Here to Return to Main Index](#)

TABLE OF CONTENTS

*4000 COMMUNITY RELATIONS*

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4000		<a href="#">Goals</a>
R	4120	<a href="#">Public Relations</a>
R	4301	<a href="#">Visitors to Schools</a>
R	4310	<a href="#">Public Complaints and Suggestions</a>
	4313	<a href="#">Disruption of School Operations</a>
	4315	<a href="#">Spectator Conduct and Sportsmanship for Athletic and Co-Curricular Events</a>
R	4316	<a href="#">Accommodating Individuals With Disabilities</a>
	4320	<a href="#">Contact With Students</a>
R	4330	<a href="#">Community Use of School Facilities</a>
	4330P	<a href="#">Gymnasium Policy</a>
	4330F	<a href="#">Facilities Use Application</a>
	4331	<a href="#">Use of School Property for Posting Notices</a>
	4332	<a href="#">Conduct on School Property</a>
	4335	<a href="#">District Equipment Use</a>
	4340	<a href="#">Public Access to District Records</a>
	4410	<a href="#">Relations With Law Enforcement and Child Protective Agencies</a>
	4411	<a href="#">Investigations and Arrests by Police</a>
	4520	<a href="#">Cooperative Programs With Other Districts and Public Agencies</a>
	4550	<a href="#">Registered Sex Offenders</a>
R	4600	<a href="#">Notice to Parents Required by No Child Left Behind Act of 2001 ("NCLB")</a>

**Legal Reference:** 10.55.701, ARM Board of Trustees  
10.55.801, ARM School Climate

2     The District will strive to maintain effective two-way communications with the public to enable the Board  
3     and staff to interpret schools' needs to the community and provide a means for citizens to express their  
4     needs and expectations to the Board and staff.  
5

6     The Principal will establish and maintain a communication process within the school system and between it  
7     and the community. Such public information program will provide for news releases at appropriate times,  
8     arrange for media coverage of District programs and events, provide for regular direct communications  
9     between individual schools and the citizens they serve, and assist staff in improving their skills and  
10    understanding in communicating with the public.  
11

12    The District may solicit community opinion through parent organizations, parent-teacher conferences, open  
13    houses, and other events or activities which may bring staff and citizens together.  
14  
15  
16

17    **Legal Reference:**                      **Art. II, Sec. 8, Montana Constitution - Right of participation**  
18    **Art. II, Sec. 9, Montana Constitution - Right to know**

2     The District encourages visits by Board members, parents, and citizens to all District buildings. All visitors  
3     shall report to the principal's office on entering any District building. Conferences with teachers should be  
4     held outside school hours or during the teacher's conference or preparation time.  
5

6  
7  
8     **Cross Reference:**                     [\*\*4313     Disruption of School Operations\*\*](#)

2    The Board is interested in receiving valid complaints and suggestions. Public complaints and suggestions  
3    shall be submitted by the Uniform Complaint Procedure to the appropriate-level staff member or District  
4    administrator. Each complaint or suggestion shall be considered on its merits.

5  
6    Unless otherwise indicated in these policies or otherwise provided for by law, no appeal may be taken from  
7    any decision of the Board.

8  
9

10

11    **Cross Reference:**                      **1700**    [Uniform Complaint Procedure](#)



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

6  
7     The staff member in charge will make a written report detailing the incident no later than twenty-four (24)  
8     hours after the incident occurs. A copy of the report will be given to the staff member's immediate  
9     supervisor.

10  
11  
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13  
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16  
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18

**Cross Reference:**                     [4301](#)     [Visitors to Schools](#)

<b>Legal Reference:</b>	§ 20-1-206, MCA	Disturbance of school - penalty
	§ 20-5-201, MCA	Duties and sanctions
	§ 45-8-101, MCA	Disorderly conduct

19

[Return to 4000 Community Relations](#)

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

- I. using vulgar or obscene language or gestures;
- II. possessing or being under the influence of any alcoholic beverage or illegal substance;
- III. possessing a weapon;
- IV. fighting or otherwise striking or threatening another person;
- V. failing to obey the instructions of a school district employee; and
- VI. engaging in any activity which is illegal or disruptive.

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

- I. The date, time, and place of a Board hearing;
- I. A description of the unsportsmanlike conduct;
- I. The proposed time period that admission to school events will be denied.

<b>Legal Reference:</b>	§ 20-1-206, MCA	<b>Disturbance of school – penalty</b>
	§ 20-4-303, MCA	<b>Abuse of teachers</b>
	§ 45-8-101, MCA	<b>Disorderly conduct</b>

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

5  
6     The District may provide auxiliary aids and services when necessary to afford individuals with disabilities  
7     equal opportunity to participate in or enjoy the benefits of a service, program, or activity.

8  
9     The Principal is designated the Americans with Disabilities Act Title II Coordinator and, in that capacity, is  
10    directed to:

11  
12    1.     Oversee District compliance efforts, recommend necessary modifications to the Board, and  
13           maintain the District's final Title II self-evaluation document and keep it available for public  
14           inspection for at least three (3) years after its completion date (*for districts having fifty (50) or more*  
15           *full- or part-time employees*).

16  
17    2.     Institute plans to make information regarding Title II protection available to any interested party.

18  
19    An individual with a disability should notify the Principal if they have a disability which will require  
20    special assistance or services and what services are required. This notification should occur as far as  
21    possible before the school-sponsored function, program, or meeting.

22  
23    Individuals with disabilities may allege a violation of this policy or of federal law by reporting it to the  
24    Principal, as the Title II Coordinator, or by filing a grievance under the Uniform Complaint Procedure.

25  
26  
27  
28    **Cross Reference:**     [1700     Uniform Complaint Procedure](#)

29  
30    **Legal Reference:**     Americans with Disabilities Act, 42 U.S.C. §§ 12111, et seq., and 12131, et seq.; 28 C.F.R. Part  
31                                     35.  
32

2     Students are entrusted to the schools for educational purposes. Although educational purposes encompass a  
3     broad range of experiences, school officials must not assume license to allow unapproved contact with  
4     students by persons not employed by the District for educational purposes. Teachers may arrange for guest  
5     speakers on appropriate topics relative to the curriculum. Principals may approve school assemblies on  
6     specific educational topics of interest and relevance to the school program. The District normally does not  
7     permit other types of contact by non-school personnel.  
8  
9     The District will not allow access to the schools by outside organizations desiring to use the captive  
10    audience in a school for information, sales material, or special interest purposes.  
11

1. Application requesting the use of the school facility must be presented to the Building Administrator at least 10 days in advance of the time desired and it must be signed by the President, Secretary or qualified representative of the organization desiring the use of the building.
2. Rental Fees are as follows: (Examples)  
Elementary Gym      \$100.00 + custodian  
  
Fees (will) (may) be waived for private non-profit groups that do not charge admission fees. Additional maintenance costs of \$14.00 per hour will be charged for maintenance above what is considered normal maintenance to be determined by the Administrator.
3. The use of the school premises will be denied, when in the opinion of the Administrator, such use may be construed to be solely for commercial purposes, there is a probability of damage or injury to school property or if the activity is deemed to be improper to hold in school buildings.
4. In case of loss or damage to school property, the organization and/or individual signing the request shall be fully responsible and liable.
5. The Fortine School reserves the right to require a certificate of insurance from the renting agency. If a certificate is required, said certificate requirements are specified on the accompanying page.
6. No furniture or apparatus shall be moved or displaced without permission.
7. No access to other rooms in the building shall be permitted unless designated by agreement.
8. There shall be no smoking within the school buildings. There shall be no narcotics, drugs, stimulants or alcohol used or sold in or about school buildings and premises, nor shall profane language, quarreling, fighting, or gambling be permitted. Violations of this rule by any organization during occupancy shall be sufficient cause for denying further use of school premises to the organization.
9. Wax or other preparations ordinarily used on dance floors is not to be used on gymnasium floors.
10. The administration may require a school employee to be present during use of the building by the non-school organization. In such case, the requesting organization will pay for the employee expense.(i.e. custodians, overtime)
11. When the school official finds it necessary that police or other security personnel be retained for crowd control, such requirements may be added as a condition of the facility use contract.

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. Activities and materials used in the facility must comply with reasonable community standards and conform to all legal and fire regulations.

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 Principal 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 Principal's approval and is subject to the procedures.

Administration will approve and schedule various uses of school facilities. It is necessary that the use of any school area be limited to short periods of time: 7 P.M. - 9 P.M. or with administrative approval. 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 Principal's office in advance of the event.

All facilities will be closed on Saturday for cleaning except under special circumstances which will require pre-approval by the building administrator.

The key to the facility will be the sole responsibility to the person making the arrangements to use the facility. Under no circumstances will any key to the facility be copied or duplicated.

### **Responsibility**

1. The person granted permission to use the facility is responsible for supervision, clean-up, turning off the lights, proper use of facility (e.g., no street shoes, no alcoholic beverages, etc.) and making sure all doors are secured
2. The key to the facility is to be used only by the person granted permission to use the facility. Transfer of the key to another individual for any purpose will result in the loss of the facility use. No person(s) other than the Board or the School Administrator has the authority to authorize use of the facilities. **A deposit of \$20.00 will be charged at the time the key is checked out and will be refunded when the key is checked back in to the school. The person responsible for making arrangements to use the facility must return the key prior to the end of May or will forfeit their key deposit.**
3. The person granted permission to use the facility is responsible for ensuring that no one with their group or activity uses tobacco anywhere on the school property according to Montana State law.
4. Any violation of this policy will result in immediate loss of facility use for a period of one year.

Supervision is the responsibility of the group or organization that has made arrangements to use the facility.

1. All activities must be supervised, by an adult (defined as a person over the age of 21), at all times.
2. If police supervision is anticipated or advisable for the activity planned, arrangements for and the cost of will be made by party requesting the use of the facilities.
3. It is the responsibility of the person supervising the activities to have, at the least, one person who has current 1<sup>st</sup> aid certification. A copy of the 1<sup>st</sup> aid certification will be submitted and kept on file with the district.

#### Insurance Requirements

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

**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

- Advance arrangements must be made with the School Administrator.
- Minimum group size will be six.
- Organized sport use only (basketball, volleyball etc.).
- Furnish own equipment
- School activities take priority.
- No street shoes allowed on gym floor. No black marks. Keep the floor cleaned up.
- Floor is to be swept after each use.
- Leave in clean, orderly condition.
- No drinking or eating on gym floor.
- Key must be turned in and gym closed at 9 P.M.
- Charges for damages will be assessed and privileges of use lost.
- Any damage is to be reported to the Custodian or Principal immediately. (Within one working day)
- Make sure facilities are secured. Double check all doors.
- No children left unattended or unsupervised.
- If another group is using the facilities after you, it is your responsibility to make sure the building is secured. Do not let anyone in after you've left.
- No tobacco or alcohol use on school grounds.
- **Any violation of this policy will result in immediate loss of privileges for a period of one year.**



**Fortine Elementary School**

Organization requesting facility use: \_\_\_\_\_

Facility requested: \_\_\_\_\_

Date of Use: \_\_\_\_\_

Hours of Use: \_\_\_\_\_ Purpose of Use: \_\_\_\_\_

Will there be an admission fee? \_\_\_\_\_ If so, how much? \_\_\_\_\_

Organization Representative: \_\_\_\_\_

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

Equipment or apparatus needed by user: \_\_\_\_\_

The Fortine Elementary School encourages the use of its facilities by the public. However, it is district policy to give priority to the student use of the facilities. In this request, the right to cancel a facility use is reserved by the school district.

The use of the property shall be supervised by an adequate number of adult sponsors to assure proper care and use of the facility. It is agreed that all rules and regulations for the use of the facility will be reimbursed to the district at the actual cost of repair or replacement.

The undersigned organization, by signature of its authorized representative, hereby guarantees that the organization shall indemnify, defend, and hold harmless the Fortine Elementary School and any of its employees or agents from any liability, expenses, costs (including attorney fees), damages and/or losses arising out of injuries or death to any person or persons or damage to any property of any kind in connection with the organization's use of the aforementioned school facility which are not the result of fraud, willful injury to a person or property or the willful or negligent violation of a law. The undersigned further agrees to abide by non-discrimination clauses as contained in the Montana Human Rights Act and the Governmental Code of Fair Practices.

I have been fully instructed on school policy "4330 School Facilities & All Relating Policies" and I agree to abide by all parts of the policy. I also understand that any violation of the policy may result in the loss of the facility by the group/organization requesting the use of the facility for a one year period.

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

---

**School Use Only**

Circle one:    Approved    Denied

Signature of School Official \_\_\_\_\_ Date \_\_\_\_\_

Copy sent to:            Custodian            Applicant            Principal

2 Non-school-related organizations may request permission of the building principal to display posters in the  
3 area reserved for community posters or to have flyers distributed to students.

4  
5 Posters and/or flyers must be student oriented and have the sponsoring organization's name prominently  
6 displayed. The District will not permit the posting or distribution of any material that would:

7  
8 b. Disrupt the educational process;

9  
10 c. Violate the rights of others;

11  
12 d. Invade the privacy of others;

13  
14 e. Infringe on a copyright;

15  
16 f. Be obscene, vulgar, or indecent; or

17  
18 F. Promote the use of drugs, alcohol, tobacco, firearms, or certain products that create community  
19 concerns.

20  
21 No commercial publication shall be posted or distributed unless the purpose is to further a school activity,  
22 such as graduation, class pictures, or class rings. No information from any candidates for non-student  
23 elective offices shall be posted in the school, except on Election Day, or distributed to the students.

24  
25 If permission is granted to distribute materials, the organization must arrange to have copies delivered to  
26 the school. Distribution of the materials will be arranged by administration.

27

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

- 3
- 4 • Injure or threaten to injure another person;
- 5
- 6 • Damage another’s property or that of the District;
- 7
- 8 • Violate any provision of the criminal law of the state of Montana or town or county ordinance;
- 9
- 10 • Smoke or otherwise use tobacco or nicotine products;
- 11
- 12 • Consume, possess, or distribute alcoholic beverages, illegal drugs, or possess weapons
- 13 (as defined in Policy 3310) at any time;
- 14
- 15 • Impede, delay, or otherwise interfere with the orderly conduct of the District’s educational program
- 16 or any other activity occurring on school property;
- 17
- 18 • Enter upon any portion of school premises at any time for purposes other than those which are
- 19 lawful and authorized by the Board; or
- 20
- 21 • Willfully violate other District rules and regulations.
- 22

23 “School property” means within school buildings, in vehicles used for school purposes, or on owned or

24 leased school grounds. District administrators will take appropriate action, as circumstances warrant.

25

26

27

28 **Cross Reference:** [3310 Student Discipline](#) (*Possession of a Weapon in a School Building*)

29

30 **Legal Reference:** Pro-Children Act of 1994, 20 U.S.C. § 6081

31 Smoke Free School Act of 1994

32 § 20-1-220, MCA Use of tobacco product in public school building or on public school

33 property prohibited

34 § 20-5-410, MCA Civil penalty

35

2     ***Copy Machine***

3     The copy machine is available for public use at \$.25 a copy. Machine is to be operated by staff members  
4     only, and at the discretion of Principal. Non-profit organizations (i.e. fire hall, scouts) will not be charged  
5     for any copies. The maximum number of copies to be made for any non-profit group will be 100.

6  
7     ***Fax Machine***

8     The fax machine is available for public use at a cost of \$2.00 for the first page and \$1.00 for all other pages.  
9     The machine will be operated by authorized staff only and at the discretion of the Supervising Teacher.  
10    Non-profit organizations will not be charged for use.

11  
12    ***Lamination***

13    The Fortine School will make laminations, at our convenience, for \$1.00 per foot. The laminator will be  
14    operated by staff members only and at the discretion of the Principal.

15

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, 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 remains in the sole possession of the maker and which are not generally accessible or revealed to other persons.

The Principal 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 Principal will authorize the inspection and copying of District records only in accordance with the criteria set forth in this policy.

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

1. Personal information in any file maintained for students. Information in student records will be disclosed only in accordance with requirements of the Family Educational Rights and Privacy Act of 1974 and adopted District policy.
2. Personal information in files maintained for staff, to the extent that disclosure will violate their right to privacy.
3. Test questions, scoring keys, or other examination data used to administer academic tests.
4. The contents of real estate appraisals made for or by the District relative to the acquisition of property, until the project is abandoned or until such time as all of the property has been acquired, but in no event will disclosure be denied for more than three (3) years after appraisal.
5. Preliminary drafts, notes, recommendations, and intra-District memoranda in which opinions are expressed or policies formulated or recommended, except a specific record shall not be exempt when publicly cited by the District in connection with any District action.
6. Records relevant to a controversy to which the District is a party, but which would not be available to another party under the rules of pretrial discovery, for cases pending resolution.
7. Records or portions of records, the disclosure of which would violate personal rights of privacy.
8. Records or portions of records, the disclosure of which would violate governmental interests.

If the District denies any request, in whole or in part, for inspection and copying of records, the District will

1 provide the requesting party with reasons for denial.  
2

3 If the record requested for inspection and/or copying contains both information exempted from disclosure  
4 and non-exempt information, the District shall, to the extent practicable, produce the record with the  
5 exempt portion deleted and shall provide written explanation for the deletion.  
6

7 The District will not provide access to lists of individuals, which the requesting party intends to use for  
8 commercial purposes or which the District reasonably believes will be used for commercial purposes if  
9 such access is provided.  
10

11 The coordinator is authorized to seek an injunction to prevent disclosure of records otherwise suitable for  
12 disclosure, when it is determined reasonable cause exists to believe disclosure would not be in the public  
13 interest and would substantially or irreparably damage any person or would substantially or irreparably  
14 damage vital governmental functions.  
15

16

17		
18	<b>Legal Reference:</b>	<b>Title 20, Ch. 6, MCA</b>
19		<b>School districts</b>
20		<b>Prohibition on distribution or sale of mailing lists – exceptions</b>
21		<b>– penalty</b>

2 [Return to 4000 Community Relations](#)

3  
4 The staff is primarily responsible for maintaining proper order and conduct in the schools. Staff shall be  
5 responsible for holding students accountable for infractions of school rules, which may include minor  
6 violations of the law, occurring during school hours or at school activities. When there is substantial threat  
7 to the health and safety of students or others, such as in the case of bomb threats, mass demonstrations with  
8 threat of violence, individual threats of substantial bodily harm, trafficking in prohibited drugs, or the  
9 scheduling of events where large crowds may be difficult to handle, the law enforcement agency shall be  
10 called upon for assistance. Information regarding major violations of the law shall be communicated to the  
11 appropriate law enforcement agency.

12  
13 The District will strive to develop and maintain cooperative working relationships with the law  
14 enforcement agencies. Procedures for cooperation between law enforcement, child protective, and school  
15 authorities will be established. Such procedures will be made available to affected staff and will be  
16 periodically revised.

17  
18  
19  
20 **Cross Reference:** [4313 Disruption of School Operations](#)

21  
22 **Legal Reference:** § 20-1-206, MCA      Disturbance of school – penalty

2 The school is concerned on behalf of the rights and best interests of all students. At the same time, school  
3 personnel shall cooperate with law enforcement officers.  
4

5 Said individuals are required to check in with the school administration at the office and proceed with their  
6 cooperation in contacting students.  
7

8 The parent is to be notified prior to any interrogation except in the case of suspected child abuse or neglect.  
9 A parent, guardian, legal representative, counselor, or school administrator will be present during  
10 questioning except in cases of suspected child abuse or neglect.  
11

12 No student will be removed from the school building without:  
13

- 14 a. a warrant;
- 15 b. a court order;
- 16 c. an arrest;
- 17 d. written permission of the parent or legal guardian.  
18

19 The only exception to this rule will be in cases of suspected abuse where the child is deemed to be at risk.  
20



[Return to 4000 Community Relations](#)

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 Principal 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 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  
§§ 20-7-451 through 456, MCA  
§§ 20-7-801, et seq., MCA

**Interlocal Cooperation Act**  
**Authorization to create full service education**  
**cooperatives**  
**Public recreation**

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 Fortine School District declares that, except in limited circumstances, the 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 District. However, the Principal 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 Principal 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.

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

6  
7 To facilitate voluntary compliance with this policy, administrators are encouraged to speak with any  
8 affected parents upon learning of their status as registered sex offenders to communicate the restrictions of  
9 this policy. At all times, the administrator shall endeavor to protect the privacy of the offender's child.

10  
11 In the event of a truly exceptional situation such as graduation, a parent on the Sex Offender Registry may  
12 ask the Principal for a waiver of this policy to permit the parent to attend these special events. It is the  
13 intent of the Board, however, that these special circumstances be truly unusual and infrequent occurrences.

14  
15  
16  
17 **Legal Reference:**            **§ 46-23-501, MCA**                            **Sexual or Violent Offender Registration Act**  
18                                    **[www.doj.mt.gov/svor/](http://www.doj.mt.gov/svor/)**                            **Sexual or Violent Offender Registry**  
19

4 Improving Basic Programs Operated by Local Educational Agencies

- 5
- 6 • As required by NCLB § 1111(h)(6)(A): At the beginning of each school year, a district that receives  
7 Title I funds shall notify the parents of each student attending any school receiving Title I funds that  
8 the parents may request, and the district will provide the parents on request, information regarding  
9 the professional qualifications of the student's classroom teachers, including, at a minimum, the  
10 following:
    - 11 a. Whether the teacher has met the state qualifications and licensing criteria for the  
12 grade levels and subject areas in which the teacher provides instruction.
    - 13 b. Whether the teacher is teaching under emergency or other provisional status.
    - 14 c. The teacher's baccalaureate degree major and any other graduate certifications or  
15 degrees.
    - 16 d. Whether paraprofessionals provide services to the student and, if so, their  
17 qualifications.
  - 18
  - 19 • As required by NCLB § 1111(h)(6)(B)(i): Districts must provide parents information on the level of  
20 achievement of the parent's child in each of the state academic assessments.
  - 21
  - 22 • As required by NCLB § 1111(h)(6)(B)(ii): Districts must provide parents timely notice that the  
23 parent's child has been assigned, or has been taught for four (4) or more consecutive weeks by, a  
24 teacher who is not highly qualified.
  - 25

26 Limited English Proficient Students

- 27
- 28 1. As required by NCLB § 1112(g)(1)(A) and (g)(2) and § 3302(a): Districts must inform a parent of a  
29 limited English proficient child identified for participation or participating in such a program, of the  
30 reasons for their child being identified, their child's level of English proficiency, instructional  
31 method, how their child's program will meet the child's needs, how the program will help the child  
32 learn English, exit requirements for the program to meet the objectives of any limited English  
33 proficiency, and information regarding parental rights.
  - 34
  - 35 2. As required by NCLB § 1112(g)(1)(B) and § 3302(b): Each district using Title I funds to provide a  
36 language instruction educational program, that has failed to make progress on the annual  
37 measurable achievement objectives described in § 3122 for any fiscal year for which part A is in  
38 effect, shall separately inform the parents of a child identified for participation or participating in  
39 such a program, of such failure not later than thirty (30) days after such failure occurs.
  - 40

41 As required by NCLB § 1112(g)(4) and § 3302(e): Each district shall implement an effective means of  
42 outreach to parents of limited English proficient students to inform the parents regarding how they can  
43 be involved in their child's education and be active participants in assisting their child to attain English  
44 proficiency, achieve at high levels in core academic subjects, and meet challenging state academic

45 4600

page 2 of 5

46 achievement standards and state academic content standards expected of all students. In addition, the  
47 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;
  - d. 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
  - e. 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.
2. As required by NCLB § 1116(e)(2)(A): The district shall provide annual notice to parent 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.
- 4600
- page 3 of 5
3. 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

- 1 participation and to explain the requirements of the NCLB and the right of the parents to be  
2 involved;
- 3 b. Offer a flexible number of meetings;
- 4 c. Involve parents, in an organized, ongoing, and timely way, in the planning, review, and  
5 improvement of programs, including the planning, review, and improvement of the school  
6 parental involvement policy and the joint development of the school-wide program plan  
7 under § 1114(b)(2);
- 8 d. Provide parents of participating children:
- 9 • Timely information about programs under this part;
  - 10 • A description and explanation of the curriculum in use at the school, the forms of  
11 academic assessment used to measure student progress, and the proficiency levels  
12 students are expected to meet; and
  - 13 • If requested by parents, opportunities for regular meetings to formulate suggestions  
14 and to participate, as appropriate, in decisions relating to the education of their  
15 children, and respond to any such suggestions as soon as practicably possible.

#### 16 Education of Homeless Children and Youths

- 17
- 18
- 19 1. As required by NCLB § 722(e)(3)(C): The district shall provide written notice, at the time any  
20 homeless child or youth seeks enrollment in the school and at least twice annually while the child or  
21 youth is enrolled in the school, to the parent or guardian of the child or youth (or, in the case of an  
22 unaccompanied youth, the youth) that:
- 23 a. Shall be signed by the parent or guardian;
- 24 b. Sets forth the general rights provided under this subtitle;
- 25 c. Specifically states:
- 26 • The choice of schools homeless children and youths are eligible to attend;
  - 27 • That no homeless child or youth is required to attend a separate school for homeless  
28 children or youths;
  - 29 • That homeless children and youths shall be provided comparable services, including  
30 transportation services, educational services, and meals through school meals  
31 programs;
  - 32 • That homeless children and youths should not be stigmatized by school personnel;
- 33
- 34 d. Includes contact information for the local liaison for homeless children and youths.
- 35
- 36 2. As required by NCLB § 722(g)(2)(B)(iii): In the case of an unaccompanied homeless youth, the  
37 district shall ensure that the homeless liaison assists in placement or enrollment decisions, considers  
38 the views of such unaccompanied youth, and provides notice to such youth of the right to appeal.
- 39
- 40 4600 page 4 of 5
- 41
- 42 3. As required by NCLB § 722(g)(6)(A)(iv): Each district shall ensure that public notice of the  
43 educational rights of homeless children is disseminated where such children and youths receive  
44 services under this Act, such as schools, family shelters, and soup kitchens.
- 45

#### 46 Persistently Dangerous Schools

- 47
- 48 If the district is identified as a persistently dangerous school,<sup>1</sup> the district must, in a timely manner:

1. Notify parents of each student attending the school that the state has identified the school as persistently dangerous.
2. Offer all students the opportunity to transfer to a safe public school within the district. If there is not another school in the district, the district is encouraged, but not required, to explore other options such as an agreement with a neighboring district to accept transfer students.
3. For those students who accept the offer, complete the transfer.

In addition a district must also:

1. Develop a corrective action plan; and
2. Implement the plan in a timely manner.

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

---

<sup>1</sup>“**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. 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:

4600

page 5 of 5

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.*”

1 [\* This list of parental notice requirements may not be exhaustive. The only notices applying to districts  
2 that do **not** receive Title I funds are those regarding student privacy. The notices described in this  
3 administrative procedure are paraphrased; please see the specific NCLB section cited for the exact  
4 requirements.]  
5



5000 Series  
Board of Trustees

PERSONNEL  
[Click Here to Return to Main Index](#)

TABLE OF CONTENTS

*5000 PERSONNEL*

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10			<a href="#">Board Goal/Personnel</a>
11		5000	
12	R	5002	<a href="#">Accommodating Individuals With Disabilities</a>
13	R	5010	<a href="#">Equal Employment Opportunity and Non-Discrimination</a>
14	R	5012	<a href="#">Sexual Harassment/Sexual Intimidation in the Workplace</a>
15		5015	<a href="#">Bullying/Harassment/Intimidation</a>
16		5120	<a href="#">Hiring Process and Criteria</a>
17		5122	<a href="#">Fingerprints and Criminal Background Investigations</a>
18		5140	<a href="#">Classified Employment and Assignment</a>
19		5210	<a href="#">Assignments, Reassignments, Transfers</a>
20		5213	<a href="#">Vacancies</a>
21		5221	<a href="#">Work Day</a>
22	R	5222	<a href="#">Evaluation of Non-Administrative Staff</a>
23		5223	<a href="#">Personal Conduct</a>
24		5226	<a href="#">Drug-Free Workplace</a>
25		5227	<a href="#">Drug Education Program</a>
26	R	5228	<a href="#">Drug and Alcohol Testing for School Bus Drivers</a>
27		5229P	<a href="#">Drug and Alcohol Testing for School Bus Drivers</a>
28		5231-5231P	<a href="#">Personnel Records</a>
29		5232	<a href="#">Abused and Neglected Child Reporting</a>
30		5232F	<a href="#">Report of Suspected Child Abuse or Neglect</a>
31	R	5240	<a href="#">Resolution of Staff Complaints/Problem-Solving</a>
32		5250	<a href="#">Non-Renewal of Employment/Dismissal From Employment</a>
33		5253	<a href="#">Retirement Programs for Employees</a>
34		5255	<a href="#">Disciplinary Action</a>
35		5256	<a href="#">Reduction in Force</a>
36		5314	<a href="#">Substitutes</a>
37		5321	<a href="#">Leaves of Absence</a>
38		5329-5329P	<a href="#">Long-Term Illness/Temporary Disability/Maternity Leave</a>
39		5331	<a href="#">Insurance Benefits for Employees</a>
40		5333	<a href="#">Holidays</a>
41		5334-5334P	<a href="#">Vacations</a>
42		5337	<a href="#">Workers' Compensation Benefits</a>
43		5430	<a href="#">Volunteers</a>
44		5450	<a href="#">Employee Electronic Mail and On-Line Services Usage</a>
45		5500	<a href="#">Payment of Wages Upon Termination</a>

2     District staff are invaluable in creating an effective educational program and vibrant learning environment.  
3     The Board seeks always to employ highly qualified individuals for all positions in the District. The Board  
4     realizes opportunities for staff development should be provided periodically.

5  
6     The Board expects supervision and evaluation of staff to be conducted in a positive and helpful manner,  
7     with the intent of improving staff performance. The Board looks to staff to promote a positive school  
8     climate in all educational endeavors, so students may work toward their greatest potential, and the  
9     community will be proud of its investment.

10  
11     Nothing contained in the policies or administrative procedures included herein is intended to limit the legal  
12     rights of the Board or its agents except as expressly stated.

13  
14     Should any provision of Board policy or administrative procedure be held to be illegal by a court of  
15     competent jurisdiction, all remaining provisions shall continue in full force and effect.  
16

Individuals with disabilities shall 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.

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 Principal 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.

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

An individual with a disability should notify the 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](#)

**Legal Reference:** Americans with Disabilities Act, 42 U.S.C. §§ 12111, et seq., and 12131, et seq.; 28 C.F.R. Part 35.

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

6  
7     The District will make reasonable accommodation for an individual with a disability known to the District,  
8     if the individual is otherwise qualified for the position, unless the accommodation would impose undue  
9     hardship on the District.

10  
11     A person with an inquiry regarding discrimination should direct their questions to the Title IX Coordinator.  
12     A person with a specific written complaint should follow the Uniform Complaint Procedure.

13  
14  
15  
16     **Cross Reference:**             [1700     Uniform Complaint Procedure](#)

17  
18     **Legal Reference:**         Age Discrimination in Employment Act, 29 U.S.C. §§ 621, et seq.  
19                                   Americans with Disabilities Act, Title I, 42 U.S.C. §§ 12111, et seq.  
20                                   Equal Pay Act, 29 U.S.C. § 206(d)  
21                                   Immigration Reform and Control Act, 8 U.S.C. §§ 1324(a), et seq.  
22                                   Rehabilitation Act of 1973, 29 U.S.C. §§ 791, et seq.  
23                                   Title VII of the Civil Rights Act, 42 U.S.C. §§ 2000(e), et seq., 29 C.F.R.,  
24                                   Part 1601  
25                                   Title IX of the Education Amendments, 20 U.S.C. §§ 1681, et seq., 34  
26                                   C.F.R., Part 106  
27                                   Montana Constitution, Art. X, § 1 - Educational goals and duties  
28  
29                                   § 49-2-101, et. al., MCA                     Human Rights Act  
30                                   § 49-3-102, MCA                                What local governmental units affected  
31

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

5  
6     The District prohibits its employees from making sexual advances or requesting sexual favors or engaging  
7     in any conduct of a sexual nature when:

- 8  
9     •        Submission to such conduct is made either explicitly or implicitly a term or condition of an  
10        individual's employment;  
11  
12     •        Submission to or rejection of such conduct by an individual is used as a basis for employment  
13        decisions affecting that individual; or  
14  
15     •        Such conduct has the purpose or effect of substantially interfering with the individual's work  
16        performance or creating an intimidating, hostile, or offensive work environment.  
17

18     Sexual harassment prohibited by this policy includes verbal or physical conduct. The terms "intimidating,"  
19     "hostile," or "offensive" include but are not limited to conduct that has the effect of humiliation,  
20     embarrassment, or discomfort. The District will evaluate sexual harassment in light of all circumstances.  
21

22     A violation of this policy may result in disciplinary action, up to and including discharge. Any person who  
23     knowingly makes false accusation regarding sexual harassment will likewise be subject to disciplinary  
24     action, up to and including discharge.  
25

26     An aggrieved person who feels comfortable doing so should directly inform the person engaging in  
27     sexually harassing conduct or communication that such conduct or communication is offensive and must  
28     stop.  
29

30     Employees who believe they may have been sexually harassed or intimidated should contact the Title IX  
31     Coordinator or an administrator, who will assist them in filing a complaint. An individual with a complaint  
32     alleging a violation of this policy shall follow the Uniform Complaint Procedure.  
33

34  
35     **Cross Reference:**        [1700     Uniform Complaint Procedure](#)

36  
37     **Legal Reference:**        Title VII of the Civil Rights Act, 42 U.S.C. §§ 2000(e), et seq., 29 C.F.R.  
38        § 1604.11  
39        Title IX of the Education Amendments, 20 U.S.C. §§ 1681, et seq.  
40        Montana Constitution, Art. X, § 1 - Educational goals and duties  
41        § 49-2-101, MCA        Human Rights Act  
42        *Harris v. Fork Lift Systems*, 114 S.Ct. 367 (1993)  
43

The Board will strive to provide a positive and productive working environment. Bullying, harassment, 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 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:
  - f. Physically harming an employee or damaging an employee’s property;
  - g. Knowingly placing an employee in reasonable fear of physical harm to the employee or damage to the employee’s property; or
  - h. 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 Principal, who has overall responsibility for such investigations. Complaints against the building principal 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.

1   Responsibilities

2  
3   The Principal shall be responsible for ensuring that notice of this policy is provided to staff and third parties  
4   and for the development of administrative regulations, including reporting and investigative procedures, as  
5   needed.

6  
7   Consequences

8  
9   Staff whose behavior is found to be in violation of this policy will be subject to discipline up to and  
10   including dismissal. Third parties whose behavior is found to be in violation of this policy shall be subject  
11   to appropriate sanctions as determined and imposed by the Principal or the Board. Individuals may also be  
12   referred to law enforcement officials.

13  
14   Retaliation and Reprisal

15  
16   Retaliation is prohibited against any person who reports or is thought to have reported a violation, files a  
17   complaint, or otherwise participates in an investigation or inquiry. Such retaliation shall be considered a  
18   serious violation of Board policy, whether or not a complaint is substantiated. False charges shall also be  
19   regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

20  
21  
22  
23   **Legal Reference:**                    **10.55.701(1)(g), ARM    Board of Trustees**  
24    **10.55.801(1)(d), ARM    School Climate**  
25

2 The Principal is responsible for recruiting personnel, in compliance with Board policy, and for making  
3 hiring recommendations to the Board. The principal will initially screen applicants for educational support  
4 positions. The District will hire highly qualified personnel consistent with budget and staffing  
5 requirements and will comply with Board policy and state law on equal employment opportunities and  
6 veterans' preference. All applicants must complete a District application form to be considered for  
7 employment.

8  
9 Every applicant must provide the District with written authorization for a criminal background  
10 investigation. The Principal will keep any conviction record confidential as required by law and District  
11 policy. Every newly hired employee must complete an Immigration and Naturalization Service form, as  
12 required by federal law.

13  
14 Every newly hired employee must provide the District documentation of the results of a tuberculin skin test  
15 done within the year prior to initial employment, along with the name of the tester and the date and type of  
16 test administered, unless the person provides written medical documentation that he/she is a known  
17 tuberculin reactor.

#### 18 Certification

19  
20  
21 The District requires its contracted certified staff to hold valid Montana teacher or specialist certificates  
22 endorsed for the roles and responsibilities for which they are employed. Failure to meet this requirement  
23 shall be just cause for termination of employment. No salary warrants may be issued to a staff member,  
24 unless a valid certificate for the role to which the teacher has been assigned has been registered with the  
25 county superintendent within sixty (60) calendar days after a term of service begins. Every teacher and  
26 administrator under contract must bring their current, valid certificate to the personnel office at the time of  
27 initial employment, as well as at the time of each renewal of certification.

28  
29 The office will register all certificates, noting class and endorsement of certificates, and will update  
30 permanent records as necessary. The office also will retain a copy of each valid certificate of a contracted  
31 certified employee in that employee's personnel file.

32  
33 **Cross Reference:** 5122 [Fingerprints and Criminal Background Investigations](#)

34  
35 **Legal Reference:** § 20-4-202, MCA Teacher and specialist certification registration  
36 § 39-29-102, MCA Point preference



2 Board policy requires that any finalist recommended to be employed in a paid or volunteer position with  
 3 the District, involving regular unsupervised access to students in schools, as determined by the Principal,  
 4 shall submit to a name-based and fingerprint criminal background investigation conducted by the  
 5 appropriate law enforcement agency before consideration of the recommendation for employment or  
 6 appointment by the Board. The results of the name-based check will be presented to the Board, concurrent  
 7 with the recommendation for employment or appointment. Any subsequent offer of employment or  
 8 appointment will be contingent on results of the fingerprint criminal background check, which must be  
 9 acceptable to the Board, in its sole discretion.

10  
 11 The following applicants for employment, as a condition for employment, will be required, as a condition  
 12 of any offer of employment, to authorize, in writing, a name-based and fingerprint criminal background  
 13 investigation:

- 14
- 15 • A certified teacher seeking full- or part-time employment with the District;
- 16 • An educational support personnel employee seeking full- or part-time employment with the District;
- 17 • An employee of a person or firm holding a contract with the District, if the employee is assigned to the
- 18 District
- 19 • A volunteer assigned to work in the District, who has regular unsupervised access to students
- 20

21 Any requirement of an applicant to submit to a fingerprint background check will be in compliance with the  
 22 Volunteers for Children Act of 1998 and applicable federal regulations. If an applicant has any prior record  
 23 of arrest or conviction by any local, state, or federal law enforcement agency for an offense other than a  
 24 minor traffic violation, the facts must be reviewed by the Board, who will decide whether the applicant will  
 25 be declared eligible for appointment or employment. Arrests resolved without conviction will not be  
 26 considered in the hiring process, unless the charges are pending.

31	<b>Legal Reference:</b>	<b>§ 44-5-301, MCA</b>	<b>Dissemination of public criminal justice information</b>
32		<b>§ 44-5-302, MCA</b>	<b>Dissemination of criminal history record information that is not public</b>
33			<b>criminal justice information</b>
34		<b>§ 44-5-303, MCA</b>	<b>Dissemination of confidential criminal justice information – procedure</b>
35			<b>for dissemination through court</b>
36		<b>ARM 10.55.716 Substitute Teachers</b>	
37		<b>Public Law 105-251, Volunteers for Children Act</b>	

2     Each classified employee will be employed for the 180 day school year unless the job description requires  
3     additional time, as determined by the District. The employee must first satisfy the requisite probationary  
4     period of six (6) months.\* Should the employee satisfy the probationary period, such employee shall have  
5     no expectation of continued employment beyond the current school year.

6  
7     The District reserves the right to change employment conditions affecting an employee's duties,  
8     assignment, supervisor, or grade.

9  
10    The Board will determine salary and wages for classified personnel.

11  
12  
13    \* *By statute the probationary period is six (6) months.*  
14

2     The Board may assign, reassign, and/or transfer positions and duties of all staff. Teachers will be assigned  
3     at the levels and in the subjects for which their certificates are endorsed. The Principal will provide for a  
4     system of assignment, reassignment, and transfer of classified staff, including voluntary transfers and  
5     promotions. Nothing in this policy prevents reassignment of a staff member during a school year.

6  
7     Classified Staff

8  
9     The District retains the right of assignment, reassignment, and transfer. Written notice of reassignment or  
10    involuntary transfer will be given to the employee. The staff member will be given opportunity to discuss  
11    the proposed transfer or reassignment with the Principal.

12  
13    Teaching

14  
15    Notice of their teaching assignments relative to grade level, building, and subject area will be given to  
16    teachers before the beginning of the school year. All District employees assigned extracurricular activities  
17    as a contract obligation must honor this obligation as a condition of employment unless released from this  
18    responsibility by the Board.

19  
20  
21  
22    Legal Reference:     *Bonner School District No. 14 v. Bonner Education Association, MEA-*  
23                                *MFT, NEA, AFT, AFL-CIO, (2008) 2008 MT 9*  
24

2    When the District determines that a vacancy exists, that vacancy may be posted in every school building or,  
3    during the summer, outside the office.

4  
5    Vacancies may be advertised in-District only or they may be advertised in-District and through job service,  
6    Career Services at a college or university, local public advertising, and, where appropriate and if time  
7    permits, through a broader regional and/or national basis. A vacancy need not be advertised, as determined  
8    by the Board.  
9

2 **Length of Work Day - Certified Staff**  
3

4 The length of a work day for a certified employee shall be a minimum of seven and one-half (7½) hours for  
5 a full-time certified employee. The work day is generally exclusive of lunch and extracurricular  
6 assignments but inclusive of preparation time and assigned duties. Arrival time shall generally be one-half  
7 (½) hour before classes begin and one-half (½) after classes are dismissed or as directed by the Principal.  
8

9 **Length of Work Day - Classified Staff**  
10

11 The length of a work day for classified staff is governed by the number of hours for which the employee is  
12 assigned. A “full-time” employee shall be considered to be an eight-(8)-hour-per- day/forty-(40)-hour-per-  
13 week employee. The work day is exclusive of lunch but inclusive of breaks unless otherwise and  
14 specifically provided for by an individual contract. Supervisors will establish schedules. Normal office  
15 hours in the District will be 8:00 a.m. to 4:00 p.m.  
16

17 **Breaks**  
18

19 The District may make available daily morning and afternoon rest periods of fifteen (15) minutes to all full-  
20 time, classified employees. Hourly personnel may take one (1) fifteen-(15)-minute rest period for each four  
21 (4) hours worked in a day. Breaks normally are to be taken approximately mid-morning and mid-afternoon  
22 and should be scheduled in accordance with the flow of work and with approval of the employee’s  
23 supervisor.  
24

25 <b>Legal Reference:</b>	26 <b>29 USC 201 to 219</b>	<b>Fair Labor Standards Act of 1985</b>
	27 <b>29 CFR 516, et seq.</b>	<b>Records to be kept by employers</b>
	28 <b>§ 39-3-405, MCA</b>	<b>Overtime compensation</b>
	29 <b>§ 39-4-107, MCA</b>	<b>State and municipal governments, school districts, mines,</b>
	30 <b>10.65.103(2), ARM</b>	<b>mills, and smelters</b>
	31 <b>24.16.101, et seq., ARM</b>	<b>Program of Approved Pupil Instruction-Related Days</b>
32		<b>Wages and Hours</b>

2    Each non-administrative staff member's job performance will be evaluated by the staff member's direct  
3    supervisor. The evaluation process includes scheduled annual evaluations using forms applicable to the job  
4    classification and description, and day-to-day appraisals.

5  
6    The supervisor will provide a copy of the completed evaluation to the staff member and will provide  
7    opportunity to discuss the evaluation. The original should be signed by the staff member and filed with the  
8    Principal. If the staff member refuses to sign the evaluation, the supervisor should note the refusal and  
9    submit the evaluation to the Principal.

10

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

4  
5     In accordance with state law, an employee should not dispense or utilize any information gained from  
6     employment with the District, accept gifts or benefits, or participate in business enterprises or employment  
7     that creates a conflict of interest with the faithful and impartial discharge of the employee's District duties.  
8     A District employee, before acting in a manner which might impinge on any fiduciary duty, may disclose  
9     the nature of the private interest which would create a conflict. Care should be taken to avoid using or  
10    avoid the appearance of using official positions and confidential information for personal advantage or  
11    gain.

12  
13    Further, employees are expected to hold confidential all information deemed not to be for public  
14    consumption as determined by state law and Board policy. Employees also will respect the confidentiality  
15    of people served in the course of an employee's duties and use information gained in a responsible manner.  
16    The Board may discipline, up to and including discharge, any employee who discloses confidential and/or  
17    private information learned during the course of the employee's duties or learned as a result of the  
18    employee's participation in a closed (executive) session of the Board. Discretion should be used even  
19    within the school system's own network of communication.

20  
21  
22  
23    **Legal Reference:**            § 20-1-201, MCA            **School officers not to act as agents**  
24

Students have a right to attend school in an environment conducive to learning. The use of controlled drugs, alcohol and other intoxicants is illegal for students. These substances and tobacco are addictive and they interfere with the healthy development of children and adolescents. Drug and alcohol use are incompatible with effective learning and teaching. The school district hereby establishes a policy to prevent the use of illicit drugs and alcohol by students and staff and to maintain a drug-free and tobacco-free educational environment.

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, including termination.

Alternatively, the Board may require an employee to successfully complete an appropriate drug- or alcohol-



abuse, employee-assistance rehabilitation program.

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

Should District employees be engaged in the performance of work under a federal contract or grant, or under a state contract or grant, the Principal 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.

<b>Legal Reference:</b>	<b>41 USC 702, 703, 706</b>	<b>Drug-free workplace requirements for Federal grant recipients</b>
	<i>Johnson v. Columbia Falls Aluminum Company LLC</i> , 2009 MT 108N.	
	<b>§ 50-46-205(20(b), MCA</b>	<b>Limitations of Medical Marijuana Act</b>

2            Substance abuse education is integral to an overall drug and alcohol use policy and will involve not  
3            only students, but also teachers, parents, and the community.

4  
5            The educational program will be age-appropriate and sequential and will include all children served  
6            by this school district. The instruction will include 1) basic explicit information on the health  
7            effects and the legal and social consequences of alcohol, tobacco and other drug use and 2) general  
8            preventive education. Students will be involved in activities which assist in developing and  
9            reinforcing their skills for understanding and managing peer pressure, for making informed and  
10           responsible decisions, and for adopting positive attitudes toward their own health and welfare.

11  
12           The curriculum will be available for parents and others to consult. An ongoing assessment will  
13           attempt to determine the effectiveness of the curriculum.

14  
15           Additional drug prevention programs such as the Feelings Like Yours, Personal Safety, and  
16           speakers will supplement the comprehensive curriculum.  
17

2    The District will adhere to federal law and regulations requiring a drug and alcohol testing program for  
3    school bus drivers.

4  
5    The program will comply with requirements of the Code of Federal Regulations, Title 49, §§ 382, *et seq.*

6  
7  
8  
9            **Legal Reference:**            **49 U.S.C. § 45101, Alcohol and Controlled Substances Testing (Omnibus Transportation**  
10    **Employee Testing Act of 1991)**  
11    **49 C.F.R. Parts 40 (Procedures for Transportation Workplace Drug and Alcohol**  
12    **Testing Programs), 382 (Controlled substance and alcohol use and testing), and 395**  
13    **(Hours of service of drivers)**  
14

3  
4 School bus and commercial vehicle drivers shall be subject to a drug and alcohol testing program that  
5 fulfills the requirements of the Code of Federal Regulations, Title 49, Part 382.

6  
7 Other persons who drive vehicles designed to transport sixteen (16) or more passengers, including the  
8 driver, are likewise subject to the drug and alcohol testing program.

9  
10 Testing procedures and facilities used for the tests shall conform with the requirements of the Code of  
11 Federal Regulations, Title 49, §§ 40, et seq.

12  
13 Pre-Employment Tests

14  
15 Tests shall be conducted before the first time a driver performs any safety-sensitive function for the  
16 District.

17  
18 Safety-sensitive functions include all on-duty functions performed from the time a driver begins work or is  
19 required to be ready to work, until he/she is relieved from work and all responsibility for performing work.  
20 It includes driving; waiting to be dispatched; inspecting and servicing equipment; supervising, performing,  
21 or assisting in loading and unloading; repairing or obtaining and waiting for help with a disabled vehicle;  
22 performing driver requirements related to accidents; and performing any other work for the District or paid  
23 work for any entity.

24  
25 The tests shall be required of an applicant only after he/she has been offered the position.

26  
27 Exceptions may be made for drivers who have had the alcohol test required by law within the previous six  
28 (6) months and participated in the drug testing program required by law within the previous thirty (30)  
29 days, provided that the District has been able to make all verifications required by law.

30  
31 Post-Accident Tests

32  
33 Alcohol and controlled substance tests shall be conducted as soon after an accident as practicable on any  
34 driver:

- 35  
36 • Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved  
37 loss of human life; or  
38  
39 • Who receives a citation under state or local law, for a moving traffic violation arising from the  
40 accident.

41  
42 Drivers shall make themselves readily available for testing, absent the need for immediate  
43  
44  
45

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.

5228P

page 3 of 5

#### Enforcement

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

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

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

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

#### Return-to-Duty Tests

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

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

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

#### Follow-Up Tests

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

#### Records

Employee drug and alcohol test results and records shall be maintained under strict confidentiality and released only in accordance with law. Upon written request, a driver shall receive copies of any records

5228P

page 4 of 5

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

1 Regulations, Title 49, Part 382, together with a copy of the District's policy and regulations for meeting  
2 these requirements. Representatives of employee organizations shall be notified of the availability of this  
3 information. The information shall identify:

- 4
- 5 1. The person designated by the District to answer driver questions about the materials;
- 6
- 7 2. The categories of drivers who are subject to the Code of Federal Regulations, Title 49, Part 382;
- 8
- 9 3. Sufficient information about the safety-sensitive functions performed by drivers to make clear what period of  
10 the work day the driver is required to comply with Part 382;
- 11
- 12 4. Specific information concerning driver conduct that is prohibited by Part 382;
- 13
- 14 5. The circumstances under which a driver will be tested for drugs and/or alcohol under Part 382;
- 15
- 16 6. The procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the  
17 integrity of the testing processes, safeguard the validity of test results, and ensure that test results are  
18 attributed to the correct driver;
- 19
- 20 7. The requirement that a driver submit to drug and alcohol tests administered in accordance with Part 382;
- 21
- 22 8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant  
23 consequences;
- 24
- 25 9. The consequences for drivers found to have violated the drug and alcohol prohibitions of Part 382, including  
26 the requirement that the driver be removed immediately from safety- sensitive functions and the procedures  
27 for referral, evaluation, and treatment;
- 28 10. The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than  
29 0.04; and
- 30
- 31 11. Information concerning the effects of drugs and alcohol on an individual's health, work, and  
32 personal life; signs and symptoms of a drug or alcohol problem (the driver's or a coworker's); and  
33 available methods of intervening when a drug or alcohol problem is suspected, including  
34 confrontation, referral to an employee assistance program, and/or referral to management.
- 35

36 Drivers shall also receive information about legal requirements, District policies, and disciplinary  
37 consequences related to the use of alcohol and drugs.

38  
39  
40 5228P

page 5 of 5

41  
42 Each driver shall sign a statement certifying that he/she has received a copy of the above materials.

43  
44 Before any driver operates a commercial motor vehicle, the District shall provide him/her with post-  
45 accident procedures that will make it possible to comply with post-accident testing requirements.

46  
47 Before drug and alcohol tests are performed, the District shall inform drivers that the tests are given  
48 pursuant to the Code of Federal Regulations, Title 49, Part 382. This notice shall be provided only after the  
49 compliance date specified in law.

50  
51 The District shall notify a driver of the results of a pre-employment drug test if the driver requests such

1 results within sixty (60) calendar days of being notified of the disposition of his/ her employment  
2 application.

3  
4 The District shall notify a driver of the results of random, reasonable suspicion, and post-accident drug tests  
5 if the test results are verified positive. The District shall also tell the driver which controlled substance(s)  
6 were verified as positive.

7  
8 Drivers shall inform their supervisors if at any time they are using a controlled substance which their  
9 physician has prescribed for therapeutic purposes. Such a substance may be used only if the physician has  
10 advised the driver that it will not adversely affect his/her ability to safely operate a commercial motor  
11 vehicle.  
12



2 The District maintains a complete personnel record for every current and former employee. The  
3 employees' personnel records will be maintained in the District's office, under the Principal's direct  
4 supervision. Employees will be given access to their personnel records, in accordance with guidelines  
5 developed by the Principal.  
6

7 In accordance with federal law, the District shall release information regarding the professional  
8 qualifications and degrees of teachers and the qualifications of paraprofessionals to parents upon request,  
9 for any teacher or paraprofessional who is employed by a school receiving Title I funds, and who provides  
10 instruction to their child at that school. Access to other information contained in the personnel records of  
11 District employees is governed by Policy 4340.  
12

13  
14  
15 **Cross Reference:** 4340 [Public Access to District Records](#)  
16

17 **Legal Reference:** 10.55.701, ARM Board of Trustees  
18 No Child Left Behind Act of 2001, P.L. 107-334  
19

The District shall maintain a cumulative personnel file in the 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 Principal, 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 Principal, as indicated by the Principal's initials, and unless the employee has had adequate opportunity to read the material. For the latter purpose, the Principal 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 Principal will place an addendum to the document, noting that the employee was given a copy but refused to sign. The Principal 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.);

- 1 G. Any payment made which is not counted as part of the “regular rate”;  
2 H. Total wages paid each pay period.  
3  
4 2. Additional records required for non-exempt employees:  
5  
6 A. Regular hourly rate of pay during any week when overtime is worked;  
7 B. Hours worked in any workday (consecutive twenty-four-(24)-hour period);  
8 C. Hours worked in any workweek (or work period in case of 207[k]);  
9 D. Total daily or weekly straight-time earnings (including payment for hours in excess of forty  
10 (40) per week but excluding premium pay for overtime);  
11 E. Total overtime premium pay for a workweek;  
12 F. Date of payment and the pay period covered;  
13 G. Total deductions from or additions to wages each pay period;  
14 H. Itemization of dates, amounts, and reason for the deduction or addition, maintained on an  
15 individual basis for each employee;  
16 I. Number of hours of compensatory time earned each pay period;  
17 J. Number of hours of compensatory time used each pay period;  
18 K. Number of hours of compensatory time compensated in cash, the total amount paid, and the  
19 dates of such payments;  
20 L. The collective bargaining agreements which discuss compensatory time, or written  
21 understandings with individual non-union employees.  
22

23 All records obtained in the application and hiring process shall be maintained for at least two (2) years.  
24  
25  
26

27 <b>Legal Reference:</b>	<b>29 USC 201, et seq.</b>	<b>Fair Labor Standards Act</b>
28	<b>§§ 2-6-101, et seq., MCA</b>	<b>Public Records Generally</b>
29	<b>24.9.805, ARM</b>	<b>Employment Records</b>
30		

31

32

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

6  
7     Any District employee who fails to report a suspected case of abuse or neglect to the Department of Public  
8     Health and Human Services, or who prevents another person from doing so, may be civilly liable for  
9     damages proximately caused by such failure or prevention and is guilty of a misdemeanor. The employee  
10    will also be subject to disciplinary action up to and including termination.

11  
12  
13  
14  
15  
16  
17  
18  
19

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

**Fortine School District  
Report of Suspected Child Abuse or Neglect**

**Original to:** Department of Public Health and Human Services

**Copy to:** Principal

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

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

Persons contacted: ☐ Principal ☐ Teacher ☐ 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: \_\_\_\_\_

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

5  
6     The District will endeavor to promote fair and honest treatment of all employees. Administrators and  
7     employees are all expected to treat each other with mutual respect. Each employee has the right to express  
8     his or her views concerning policies or practices to the administration in a businesslike manner, without  
9     fear of retaliation. Employees are encouraged to offer positive and constructive criticism.

10  
11    Each employee is expected to follow established rules of conduct, policies, and practices. Should an  
12    employee disagree with a policy or practice, the employee can express his or her disagreement through the  
13    District's grievance procedure. No employee shall be penalized, formally or informally, for voicing a  
14    disagreement with the District in a reasonable, businesslike manner or for using the grievance procedure.

15  
16  
17  
18    **Cross Reference:**         **[1700   Uniform Complaint Procedure](#)**  
19

The Board, after receiving the recommendations of the Principal, 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

<b>Legal Reference:</b>	<b>§ 20-4-204, MCA</b>	<b>Termination of tenure teacher services</b>
	<b>§ 20-4-206, MCA</b>	<b>Notification of nontenure teacher reelection – acceptance – termination.</b>
	<b>§ 20-4-207, MCA</b>	<b>Dismissal of teacher under contract</b>

2     All District employees shall participate in retirement programs under the Federal Social Security Act and  
3     either the Teachers' Retirement System or the Public Employees' Retirement System in accordance with  
4     state retirement regulations.

5  
6     Certified employees who intend to retire at the end of the current school year should notify the Principal in  
7     writing prior to April 1 of that year.

8  
9     Those employees intending to retire, who are not contractually obligated to complete the school year,  
10    should notify the Principal as early as possible and no less than sixty (60) days before their retirement date.

11  
12    The relevant and most current negotiated agreements for all categories of employees shall specify  
13    severance stipends and other retirement conditions and benefits.

14  
15    The District will contribute to the PERS whenever a classified employee is employed for more than the  
16    equivalent of one hundred twenty (120) full days (960 hours) in any one (1) fiscal year. Part-time  
17    employees who are employed for less than 960 hours in a fiscal year may elect PERS coverage, at their  
18    option and in accordance with § 19-3-412, MCA.

19  
20  
21  
22    **Legal Reference:**            **Title 19, Chapter 1, MCA**            **Social Security**  
23                                    **Title 19, Chapter 3, MCA**            **Public Employees' Retirement System**  
24                                    **Title 19, Chapter 20, MCA**          **Teachers' Retirement**  
25



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

7  
8     Discipline will be reasonably appropriate to the circumstance and will include but not be limited to a  
9     supervisor's right to reprimand an employee and the Principal's right to suspend an employee, with or  
10    without pay, or to impose other appropriate disciplinary sanctions. In accordance with Montana law, only  
11    the Board may terminate an employee or non-renew employment.

12  
13    The District's restrictions on students who have brought to, or possess a firearm at, any setting that is under  
14    the control and supervision of the school district and a student who has been found to have possessed, used  
15    or transferred a weapon on school district property apply to all employees of the District pursuant to Policy  
16    3311.

17  
18    The Principal is authorized to immediately suspend a staff member.

19  
20  
21    **Cross Reference Policy**                    [3311](#)                    [Firearms and Weapons](#)

22  
23  
24    **Legal Reference:**           § 20-3-210, MCA           Controversy appeals and hearings  
25                                   § 20-3-324, MCA           Powers and duties  
26                                   § 20-4-207, MCA           Dismissal of teacher under contract  
27                                   § 39-2-903, MCA           Definitions  
28                                   *Johnson v. Columbia Falls Aluminum Company LLC, 2009 MT 108N.*  
29

2 The Board has exclusive authority to determine the appropriate number of employees. A reduction in  
3 certified employees may occur as a result of but not be limited to changes in the education program, staff  
4 realignment, changes in the size or nature of the student population, financial considerations, or other  
5 reasons deemed relevant by the Board.

6  
7 The reduction in certified employees, other than administrators, will generally be accomplished through  
8 normal attrition when possible. The Board may terminate certified employees, if normal attrition does not  
9 meet the required reduction in force.

10  
11 The Board will consider performance evaluations, staff needs, and other reasons it deems relevant, in  
12 determining order of dismissal when it reduces classified staff or discontinues some type of educational  
13 service.

14  
15  
16  
17 **Cross Reference:** 5250 [Non-Renewal of Employment/Dismissal From Employment](#)

18  
19 **Legal Reference:** § 20-4-206, MCA **Notification of nontenure teacher reelection – acceptance –**  
20 **termination**  
21

2     The Board authorizes the use of substitute teachers as necessary to replace teachers who are temporarily  
3     absent. The classroom teacher shall arrange for a substitute, choosing from the board approved substitute  
4     list, to work in his or her place while temporarily absent. In the case of long term absence from work, the  
5     Principal shall arrange for a substitute.

6  
7     The Board annually establishes a daily rate of pay for substitute teachers. No fringe benefits are given to  
8     substitute teachers.

9  
10    Any non-licensed substitute teacher must have received a high school diploma or have attained a passing  
11    score on the general education development assessment.  
12  
13  
14

### Sick and Bereavement Leave

Certified employees will be granted sick leave according to terms of their teaching contract.

Classified employees will be granted sick leave benefits in accordance with § 2-18-618, MCA. For classified staff, “sick leave” is defined as a leave of absence, with pay, for a sickness suffered by an employee or an employee’s immediate family. Sick leave may be used by an employee when they are unable to perform job duties because of:

- A physical or mental illness, injury, or disability;
- Maternity or pregnancy-related disability or treatment, including prenatal care, birth, or medical care for the employee or the employee’s child;
- Parental leave for a permanent employee as provided in § 2-18-606, MCA;
- Quarantine resulting from exposure to a contagious disease;
- Examination or treatment by a licensed health care provider;
- Short-term attendance, in an agency’s discretion, to care for a person (who is not the employee or a member of the employee’s immediate family) until other care can reasonably be obtained;
- Necessary care for a spouse, child or parent with a serious health condition, as defined in the Family and Medical Leave Act of 1993; or
- Death or funeral attendance of an immediate family member or, at an agency’s discretion, another person.

Nothing in this policy guarantees approval of the granting of such leave in any instance. The District will judge each request in accordance with this policy and governing collective bargaining agreements.

It is understood that seniority will accumulate while a teacher or employee is utilizing sick leave credits. Seniority will not accumulate, unless an employee is in a paid status. Abuse of sick leave is cause for disciplinary action up to and including termination.

An employee who has suffered a death in the immediate family will be eligible for bereavement leave. The Principal has the authority to grant bereavement leave for up to five (5) days. Bereavement leave longer than five (5) days must be approved by the Board. Such leave will not exceed three (3) months unless prescribed by a physician.

### Personal and Emergency Leave

Upon recommendation of the Principal, and in accordance with law and District policy, classified staff may be granted personal leave pursuant to the following conditions:

1. Leave will be without pay unless otherwise stated. If leave is to include expenses payable by the District, leave approval will so state.

2. Leave will be granted only in units of half (½) or full days.
3. Notice of at least one (1) week is required for any personal leave of less than one (1) week; notice of one (1) month is required for any personal leave exceeding one (1) week.
4. The Board has the flexibility, in unusual or exceptional circumstances, to grant personal leave to employees not covered by sick or annual leave. The employee will not receive fringe benefits during any personal leave of greater than fifteen (15) days. During the leave, the employee may pay the District's share of any insurance benefit program in order to maintain those benefits, provided that is acceptable to the insurance carrier. Staff using personal leave will not earn any sick leave or annual leave credits or any other benefits during the approved leave of absence.

#### Civic Duty Leave

Leaves for service on either a jury or in the Legislature will be granted in accordance with state and federal law. 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.

<b>Legal Reference:</b>	<b>42 USC 2000e</b>	<b>Equal Employment Opportunities</b>
	<b>§ 2-18-601(10), MCA</b>	<b>Definitions</b>
	<b>§ 2-18-618, MCA</b>	<b>Sick leave</b>
	<b>§ 2-18-620, MCA</b>	<b>Mandatory Leave of Absence for employees</b>
		<b>Holding public office – return requirements</b>
	<b>§ 49-2-310, MCA</b>	<b>Maternity leave – unlawful acts of employers</b>
	<b>§ 49-2-311, MCA</b>	<b>Reinstatement to job following pregnancy- related leave of absence</b>

#### Policy History:

Adopted on:

Reviewed on:

Revised on:

2     Employees may use sick leave for long-term illness or temporary disability, and, upon the expiration of  
3     sick leave, employee sick leave bank, the Board may grant eligible employees leave without pay if  
4     requested. Medical certification of the long-term illness or temporary disability may be required, at the  
5     Board's discretion.

6  
7     Long-term illness or temporary disability shall be construed to include pregnancy, miscarriage, childbirth  
8     and recovery there from. Maternity leave includes only continuous absence immediately prior to delivery,  
9     absence for delivery, and absence for post-delivery recovery, or continuous absence immediately prior to  
10    and in the aftermath of miscarriage or other pregnancy-related complications. Such leave shall not exceed  
11    six (6) weeks unless prescribed by a physician.

12  
13    Leave without pay arising out of any long-term illness or temporary disability, including pregnancy,  
14    miscarriage, childbirth and recovery there from, shall commence only after sick leave has been exhausted.  
15    The duration of leaves, extensions, and other benefits for privileges such as health and long-term illness or  
16    temporary disability plans in the event of maternity leave, shall apply under the same conditions as other  
17    long-term illness or temporary disability leaves.

18  
19    The Principal shall devise procedures within the intent of Title VII of the 1964 Civil Rights Act as  
20    amended in 1978 by the Pregnancy Discrimination Act, and within the scope of applicable law and court  
21    rulings in the state of Montana.

22  
23  
24  
25    **Legal Reference:**         § 49-2-310, MCA             **Maternity leave – unlawful acts of employers**  
26                                 § 49-2-311, MCA             **Reinstatement to job following pregnancy-related leave of absence**  
27

2    The following procedures will be used when an employee has a long-term illness or temporary disability,  
3    including maternity:

- 4
- 5    1.     When any illness or temporarily disabling condition is “prolonged,” an employee will be asked by  
6           the administration to produce a written statement from a physician, stating that the employee is  
7           temporarily disabled and is unable to perform the duties of his/her position until such a time.  
8
- 9    2.     Maternity leave will be treated as any other disability. Generally, unless mandated otherwise by a  
10          physician, maternity leave does not exceed six (6) weeks. As a disabling condition, maternity  
11          leave is not available to fathers.  
12
- 13   3.     In the case of any other extended illness, procedures for assessing the probable duration of the  
14          temporary disability will vary. The number of days of disability will vary according to different  
15          conditions, individual needs, and the assessment of individual physicians. Normally, however, the  
16          employee should expect to return on the date indicated by the physician, unless complications  
17          develop which are further certified by a physician.  
18

Policy History:

Adopted on:

Reviewed on:

Revised on:

2    Newly hired employees are eligible for insurance benefits offered by the District. Other employees will be  
3    offered benefits consistent with the District benefit plan, with exceptions noted below:

- 4
- 5    1.     Classified employees who are employed less than half (½) time (that is, who are regularly  
6           scheduled to work less than twenty (20) hours per week) will not be eligible for group health,  
7           dental, and life insurance and will not be considered to be a member of defined employee  
8           insurance benefit groups.
- 9
- 10    2.     Any permanent employee who works half (½) time or more is eligible for group health and dental  
11           insurance, irrespective of the unit to which the employee belongs. All medical and dental  
12           insurance premiums will be prorated in the amount of the full contract in terms of full-time  
13           equivalency multiplied by the District’s maximum contribution.
- 14

15    A medical examination at the expense of the employee may be required, if the employee elects to join the  
16    District health insurance program after initially refusing coverage during the “open season” (\*July). An  
17    eligible employee wishing to discontinue or change health insurance coverage must initiate the action by  
18    contacting the personnel office and completing appropriate forms.

19

20    Anniversary dates of the health and dental insurance policies for the District shall be July 1<sup>st</sup> through June  
21    30<sup>th</sup>.

22

23

24

25    **Legal Reference:**            § 2-18-702, MCA                      **Group insurance for public employees and officers**  
26                                    § 2-18-703, MCA                      **Contributions**

27



2     Holidays for certified staff are dictated in part by the school calendar. Temporary employees will not  
 3     receive holiday pay. Part-time employees will receive holiday pay on a prorated basis.

4  
 5     The holidays required for classified staff, by § 20-1-305, MCA, are:

- 6  
 7     1.     Independence Day  
 8     2.     Labor Day  
 9     3.     Thanksgiving Day  
 10    4.     Christmas Day  
 11    5.     New Year's Day  
 12    6.     Memorial Day  
 13    7.     State and national election days when the school building is used as a polling place and conduct of  
 14           school would interfere with the election process

15  
 16    When an employee, as defined above, is required to work any of these holidays, another day shall be  
 17    granted in lieu of such holiday, unless the employee elects to be paid for the holiday in addition to the  
 18    employee's regular pay for all time worked on the holiday.

19  
 20    When one of the above holidays falls on Sunday, the following Monday will not be a holiday. When one  
 21    of the above holidays falls on Saturday, the preceding Friday will not be a holiday.

22  
 23    When a holiday occurs during a period in which vacation is being taken by an employee, the holiday will  
 24    not be charged against the employee's annual leave.

25  
 26  
 27  
 28    **Legal Reference:**           § 20-1-305, MCA           School holidays  
 29

2     Classified and twelve-(12)-month administrative employees will accrue annual vacation leave benefits in  
 3     accordance with §§ 2-18-611, 2-18-612, 2-18-614 through 2-18-617 and 2-18-621, MCA. Nothing in this  
 4     policy guarantees approval for granting specific days as annual vacation leave in any instance. The  
 5     District will judge each request for vacation in accordance with staffing needs.

6  
 7     Employees are not entitled to any vacation leave with pay until they have been continuously employed for  
 8     a period of six (6) calendar months.

9  
10  
11

12 <b>Legal Reference:</b>	§ 2-18-611, MCA	<b>Annual vacation leave</b>
13	§ 2-18-612, MCA	<b>Rate earned</b>
14	§ 2-18-617, MCA	<b>Accumulation of leave – cash for unused – transfer</b>

15

Policy History:  
 Adopted on:  
 Reviewed on:  
 Revised on:

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

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**

Policy History:

Adopted on:

Reviewed on:

Revised on:

All classified employees, except those in a temporary status, serving more than six (6) months, are eligible to earn vacation leave credits retroactive to the date of employment. Leave credits may not be advanced nor may leave be taken retroactively. A seasonal employee's accrued vacation leave credits may be carried over to the next season, if management has a continuing need for the employee, or paid out as a lump-sum payment to the employee when the season ends (generally in June). The employee may request a lump-sum payment at the end of each season.

Vacation is earned according to the following schedule:

RATE-EARNED SCHEDULE

<b>Years of Employment</b>	<b>Working Days <u>Credit per Year</u></b>
1 day - 10 years	15
10 - 15 years	18
15 - 20 years	21
20 years on	24

Time as an elected state, county, or city official, as a school teacher, or as an independent contractor, does not count toward the rate earned. For purposes of this paragraph, an employee of a district or the university system is eligible to have school district or university employment time count toward the rate-earned schedule, if that employee was eligible for annual leave in the position held with the school district or university system.

Maximum Accrual of Vacation Leave

All full-time and part-time employees serving in permanent and seasonal positions may accumulate two (2) times the total number of annual leave credits they are eligible to earn per year, according to the rate-earned schedule.

Sick Leave Bank

An employee may contribute accumulated vacation leave to the sick leave bank provided for in § 2-18-618, MCA. Donation of vacation leave credits to and use of vacation leave credits in the sick leave bank are governed by terms of the current collective bargaining agreement.

Annual Pay-Out

The District may, in its sole discretion, provide cash compensation in January of each year for unused vacation leave in lieu of the accumulation of vacation leave.

Policy History:

Adopted on:

Reviewed on:

Revised on:

Lump-Sum Payment Upon Termination

An employee who terminates employment for reasons not reflecting discredit on the employee shall be entitled, upon the date of such termination, to cash compensation for unused vacation leave, assuming that the employee has worked the qualifying periods set forth in § 2-18-611, MCA. The District shall not pay accumulated leaves to employees who have not worked the qualifying period. Vacation leave contributed to the sick leave bank is nonrefundable and is not eligible for cash compensation upon termination.

**Legal Reference:**            § 2-18-611 - § 2-18-618, MCA    **Leave Time**

Policy History:  
Adopted on:  
Reviewed on:  
Revised on:

The District recognizes the valuable contributions made to the total school program by members of the community who act as volunteers. By law, a volunteer is an individual who:

1. Has not entered into an express or implied compensation agreement with the District;
2. Is excluded from the definition of “employee” under appropriate state and federal statutes;
3. May be paid expenses, reasonable benefits, and/or nominal fees in some situations; and
4. Is not employed by the District in the same or similar capacity for which he/she is volunteering.

District employees who work with volunteers shall clearly explain duties for supervising children in school, on the playground, and on field trips. An appropriate degree of training and/or supervision of each volunteer shall be administered commensurate with the responsibility undertaken.

Volunteers who have unsupervised access to children are subject to the District’s policy mandating background checks.

#### Chaperones

The Principal may direct that appropriate screening processes be implemented to assure that adult chaperones are suitable and acceptable for accompanying students on field trips or excursions.

When serving as a chaperone for the District, the parent(s)/guardian(s) or other adult volunteers, including employees of the District, assigned to chaperone, shall not use tobacco products in the presence of students, nor shall they consume any alcoholic beverages or use any illicit drug during the duration of their assignment as a chaperone, including during the hours following the end of the day’s activities for students. The chaperone shall not encourage or allow students to participate in any activity that is in violation of District policy during the field trip or excursion, including during the hours following the end of the day’s activities. Chaperones shall be given a copy of these rules and sign a letter of understanding verifying they are aware of and agree to these District rules before being allowed to accompany students on any field trip or excursion.

Any chaperone found to have violated these rules shall not be used again as a chaperone for any District-sponsored field trips or excursions and may be excluded from using District-sponsored transportation for the remainder of the field trip or excursion and be responsible for their own transportation back home. Employees found to have violated these rules may be subject to disciplinary action.

**Cross Reference:**        5122    [Fingerprints and Criminal Background Investigations](#)

#### Policy History:

Adopted on:

Reviewed on:

Revised on:

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 owned by the District and are intended to be used for educational purposes only. While occasional personal use is allowed, employees should have no expectation of privacy when using the electronic mail or Internet systems for any purpose.

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

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

In order to keep District e-mail and Internet systems secure, users may not leave the terminal “signed on” when unattended and may not leave their password available in an obvious place near the terminal or share their password with anyone except the system administrator. The District reserves the right to bypass individual passwords at any time and to monitor the use of such systems by employees.

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

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

Policy History:

Adopted on:

Reviewed on:

Revised on:

2  
3  
4  
5  
6

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

Policy History:

Adopted on:

Reviewed on:

Revised on:



<b>Legal Reference:</b>	<b>§ 39-3-205, MCA</b>	<b>Payment of wages when employee separated from employment prior to payday – exceptions</b>
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3  
4  
5  
6  
7  
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**6000 Series**  
**Board of Trustees**

**ADMINISTRATION**  
[Click Here to Return to Main Index](#)

**TABLE OF CONTENTS**

9  
  
  
10  
11  
12

***6000 Administration***

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- 6000 [Goals](#)
- 6122 [Delegation of Authority](#)

2    The Principal’s primary function is to manage the District and to facilitate the implementation of a quality  
3    educational program. It is the goal of the Board that the administrative organization:

- 4
- 5            •        Provide for efficient and responsible supervision, implementation, evaluation, and  
6                      improvement of the instructional program, consistent with the policies established by the  
7                      Board;
  - 8
  - 9            •        Provide effective and responsive communication with staff, students, parents, and other  
10                     citizens; and
  - 11
  - 12           •        Foster staff initiative and rapport.
  - 13

14

Policy History:

Adopted on:

Reviewed on:

Revised on:

2    Unless otherwise specified, the Principal has the authority to serve in an official capacity for the  
3    implementation of District policies or as the District representative. This authorization will include those  
4    responsibilities appropriate for the position as designated or directed by the Board.  
5

6

Policy History:

Adopted on:

Reviewed on:

Revised on:

7000 Series  
Board of Trustees

FINANCIAL MANAGEMENT  
[Click Here to Return to Main Index](#)

TABLE OF CONTENTS

**7000 FINANCIAL MANAGEMENT**

---

7000	<a href="#">Goals</a>
7008	<a href="#">Tuition</a>
7110	<a href="#">Budget and Program Planning</a>
7121	<a href="#">Budget Adjustments</a>
7210	<a href="#">Revenues</a>
7231	<a href="#">Federal Impact Funds</a>
7251	<a href="#">Disposal of School District Property Without a Vote</a>
7260	<a href="#">Endowments, Gifts, and Investments</a>
7310	<a href="#">Budget Implementation and Execution</a>
7320	<a href="#">Purchasing</a>
7325	<a href="#">Accounting System Design</a>
7326	<a href="#">Documentation and Approval of Claims</a>
7330	<a href="#">Payroll Procedures/Schedules</a>
7335	<a href="#">Personal Reimbursements</a>
7336	<a href="#">Travel Allowances and Expenses</a>
7400	<a href="#">Credit Card Use</a>
7425	<a href="#">Extra- and Co-Curricular Funds</a>
7430	<a href="#">Financial Reporting and Audits</a>
7500	<a href="#">Property Records</a>
7510	<a href="#">Capitalization Policy for Fixed Assets</a>
7800	<a href="#">Personal Health Insurance</a>
7810	<a href="#">Student Insurance Optional</a>

Policy History:

Adopted on:

Reviewed on:

Revised on:

2     Because educational programs are dependent on adequate funding and the proper management of those  
 3     funds, District goals can best be attained through efficient fiscal management. As trustee of local, state,  
 4     and federal funds allocated for use in public education, the Board shall fulfill its responsibility to see that  
 5     funds are used to achieve the intended purposes.

6  
 7     Because of resource limitations, fiscal concerns often overshadow the educational program. Recognizing  
 8     this, the District must take specific action to ensure that education remains primary. This concept shall be  
 9     incorporated into Board operations and into all aspects of District management and operation.

10  
 11     The Board seeks to achieve the following goals in the District's fiscal management:

- 12  
 13     1.     Engage in advance planning, with staff and community involvement, to develop budgets which  
 14           will achieve the greatest educational returns in relation to dollars expended.
- 15  
 16     2.     Establish levels of funding which shall provide superior education for District students.
- 17  
 18     3.     Provide timely and appropriate information to staff who have fiscal responsibilities.
- 19  
 20     4.     Establish efficient procedures in all areas of fiscal management.

21  
 22  
 23  
 24     **Legal Reference:**             **Title 20, Chapter 9, MCA**             **Finance**  
 25

Policy History:

Adopted on:

Reviewed on:

Revised on:

2     Whenever a nonresident student is to be enrolled in the District, either by choice or by placement, an  
 3     attendance agreement must be filed with the Board. Terms of the agreement must include tuition rate, the  
 4     party responsible for paying tuition and the schedule of payment, transportation charges, if any, and the  
 5     party responsible for paying transportation costs.

6  
 7     Tuition rates shall be determined annually, consistent with Montana law and approved by the Board.  
 8  
 9

10  
 11     **Cross Reference:**                     [3141     Discretionary Nonresident Student Attendance Policy](#)  
 12

13 <b>Legal Reference:</b> § 20-5-314, MCA	<b>Reciprocal attendance agreement with adjoining state or province</b>
14                                     § 20-5-320, MCA	<b>Attendance with discretionary approval</b>
15                                     § 20-5-321, MCA	<b>Attendance with mandatory approval – tuition and transportation</b>
16                                     § 20-5-322, MCA	<b>Residency determination – notification – appeal for attendance</b>
17	<b>agreement</b>
18                                     § 20-5-323, MCA	<b>Tuition and transportation rates</b>
19                                     10.10.301, ARM	<b>Calculating Tuition Rates</b>
20	

2     The annual budget is evidence of the Board’s commitment to the objectives of the instruction programs.  
3     The budget supports immediate and long-range goals and established priorities within all areas –  
4     instructional, noninstructional, and administrative programs.  
5

6     Before presentation of a proposed budget for adoption, the Principal and the district clerk will prepare, for  
7     the Board’s consideration, recommendations (with supporting documentation) designed to meet the needs  
8     of students, within the limits of anticipated revenues.  
9

10    Program planning and budget development will provide for staff participation and the sharing of  
11    information with patrons before any action by the Board.  
12

Policy History:

Adopted on:

Reviewed on:

Revised on:



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 will state the facts of the budget amendment, the estimated amount of funds needed, and the time and place the Board will meet for the purpose of considering and adopting a budget amendment.

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

Adopted on:

Reviewed on:

Revised on:

2     The District will seek and utilize all available sources of revenue for financing its educational programs,  
 3     including revenues from non-tax, local, state, and federal sources. The District will properly credit all  
 4     revenues received to appropriate funds and accounts as specified by federal and state statutes and  
 5     accounting and reporting regulations for Montana school districts.

6  
 7     The District will collect and deposit all direct receipts of revenues as necessary but at least once monthly.  
 8     The District will make an effort to collect all revenues due from all sources, including but not limited to  
 9     rental fees, bus fees, fines, tuition fees, other fees and charges. Uncollectible checks may be turned over  
 10    to the county attorney for collection.

11  
 12    All moneys received from student activities and other internal source (e.g. rent of space) will be managed  
 13    and accounted for by the district clerk. Class funds will have a special account set up with separate  
 14    accounts for each class.

15  
 16  
 17  
 18    **Legal Reference:**                      **Title 20, Chapter 9, MCA**                      **Finance**  
 19    **Title 10, Chapter 10, ARM**                      **Special Accounting Practices**

20

It is the intent of the District that all American Indian children of school age have equal access to all programs, services, and activities offered in the District.

It is also the intent of the District to fully comply with the requirements of Title VIII (Impact Aid Program) of the Elementary and Secondary Education Act and regulations relating thereto. To that end, the District shall:

1. Provide tribal officials and parents of Indian children an opportunity to comment on the participation of Indian children on an equal basis in all programs and activities offered by the District;
2. Annually assess the extent to which Indian students are participating on an equal basis in the educational programs and activities of the District;
3. If and when necessary, modify its educational programs to ensure that Indian children participate on an equal basis with non-Indian children served by the District;
4. Disseminate annually the following materials to tribal officials and Indian parents:
  - Title VIII application;
  - Evaluation of programs assisted with Title VIII funds;
  - Program plans and information related to the education programs of the District.

Such materials will be provided to tribal officials and parents of Indian children in sufficient time to allow tribal officials and parents of Indian children an opportunity to review the materials and make recommendations on the needs of Indian children and provide input on how the District might help those children realize the benefits of the District's educational programs and activities.

5. Solicit information from tribal officials and parents of Indian children on Indian views, including information on the frequency, location, and time of meetings;
6. Notify tribal officials and parents of Indian children of the locations and times of meetings;
7. Consult and involve tribal officials and parents of Indian children in the planning and development of the District's educational programs and activities;
8. Modify its Indian policies and procedures, if and when necessary, based upon the results of the assessments referenced below.

Policy History:

Adopted on:

Reviewed on:

Revised on:

Assessments

Tribal officials and parents of Indian children are encouraged to assess the effectiveness of their input regarding the participation of Indian children in the District’s educational programs and activities and the development and implementation of the District’s Indian policies and procedures and share the results of such assessment with the District.

<b>Legal Reference:</b>	<b>20 U.S.C.S. 7701, et seq.</b>	<b>The Impact Aid Program Statute (Title VIII of the Elementary and Secondary Education Act of 1965)</b>
	<b>34 CFR 222.94</b>	<b>What provisions must be included in a local educational agency’s Indian policies and procedures?</b>

Policy History:

Adopted on:

Reviewed on:

Revised on:



2     The Board may accept gifts, endowments, legacies, and devises subject to the lawful conditions imposed  
 3     by the donor. Endowments received by the District will be deposited to an endowment fund as an  
 4     expendable or nonexpendable trust. Neither the Board nor the Principal will approve any gifts that are  
 5     inappropriate. Unless conditions of an endowment instrument require immediate disbursement, the Board  
 6     will invest money deposited in the endowment fund according to the provisions of the Uniform  
 7     Management of Institutional Funds Act (Title 72, chapter 30, MCA).

8  
 9     The Board will establish procedures for determining the suitability or appropriateness of all gifts received  
 10     and accepted by the District.

11  
 12     **Educational foundations which seek to promote, enhance, and enable educational opportunities and**  
 13     **school improvement activities in the District may solicit and receive tax-deductible funds from**  
 14     **donors. Educational foundations may be sanctioned by the Board but not managed or directed by**  
 15     **it. The Board may appoint nonvoting advisors to the foundation board, if the bylaws of the**  
 16     **foundation permit that action.**

17  
 18     The Board directs that all school funds be invested in a prudent manner so as to achieve maximum  
 19     economic benefit to the District. Funds not needed for current obligations may be invested in investment  
 20     options as set out in Montana statutes, whenever it is deemed advantageous for the District to do so.

21  
22  
23

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

24  
25  
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2     Once adopted by the Board, the operating budget shall be administered by the Superintendent's designees.  
 3     All actions of the Superintendent/designees in executing programs and/or activities delineated in that  
 4     budget are authorized according to these provisions:

- 5
- 6     1.     Expenditure of funds for employment and assignment of staff shall meet legal requirements of the  
 7           state of Montana and adopted Board policies.
- 8
- 9     2.     Funds held for contingencies may not be expended without Board approval.
- 10
- 11    3.     A listing of warrants describing goods and/or services for which payment has been made must be  
 12          presented for Board ratification each month.
- 13
- 14    4.     Purchases will be made according to the legal requirements of the state of Montana and adopted  
 15          Board policy.
- 16
- 17
- 18

19 <b>Legal Reference:</b>	§ 20-3-332, MCA	<b>Personal immunity and liability of trustees</b>
20	§ 20-9-213, MCA	<b>Duties of trustees</b>
21		

Policy History:

Adopted on:

Reviewed on:

Revised on:

### Authorization and Control

The Principal 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 \$5000.00 except the Principal 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 Principal 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.

In March of each year, the Principal will assess the instructional needs of the upcoming school year. Those instructional supplies, texts, and pieces of equipment needed for the beginning of the next school year shall be ordered by July 1.

### Bids and Contracts

Whenever any building furnishing, repairing, or other work for the benefit of the District or purchasing of supplies for the District is necessary, the work done or the purchase made must be by contract if the sum exceeds Fifty Thousand Dollars (\$50,000). The District will call for formal bids by issuing public notice as specified in statute. Specifications will be prepared and made available to all vendors interested in submitting a bid. The contract shall be awarded to the lowest responsible bidder, except that the trustees may reject any or all bids. The Board, in making a determination as to which vendor is the lowest responsible bidder, will take into consideration not only the amount of each bid, but will also consider the skill, ability, and integrity of a vendor to do faithful, conscientious work and to promptly fulfill the contract according to its letter and spirit. Bidding requirements do not apply to a registered professional engineer, surveyor, real estate appraiser, or registered architect; a physician, dentist, pharmacist, or other medical, dental, or health care provider; an attorney; a consulting actuary; a private investigator licensed by any jurisdiction; a claims adjuster; or an accountant licensed under Title 37, Chapter 50.

Advertisement for bid must be made once each week for two (2) consecutive weeks, and a second (2<sup>nd</sup>) publication must be made not less than five (5) nor more than twelve (12) days before consideration of bids.

The Board will establish bidding and contract-awarding procedures. Bid procedures will be waived only as specified in statute. Any contract required to be let for bid shall contain language to the following effect:

*In making a determination as to which vendor is the lowest responsible bidder, if any, the District will take into consideration not only the pecuniary ability of a vendor to perform the contract, but will also consider the skill, ability, and integrity of a vendor to do faithful, conscientious work and promptly fulfill the contract according to its letter and spirit.*

### Policy History:

Adopted on:

Reviewed on:

Revised on:



*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. Such contracts must be awarded to the lowest responsible bidder, except that the trustees may reject all bids.

<b>Legal Reference:</b>	<b> §§ 18-1-101, et seq., MCA</b>	<b> Preferences and General Matters</b>
	<b> §§ 18-1-201, et seq., MCA</b>	<b> Bid Security</b>
	<b> § 20-9-204, MCA</b>	<b> Conflicts of interests, letting contracts, and calling for bids</b>
	<b> <i>Debcon v. City of Glasgow</i>, 305 Mont. 391 (2001)</b>	

#### Policy History:

Adopted on:

Reviewed on:

Revised on:

2    The District accounting system will be established to present, with full disclosure, the financial position  
3    and results of financial operations of District funds and account groups in conformity with generally  
4    accepted accounting principles. The accounting system must be in compliance with accounting system  
5    requirements established by legislative action. The accounting system shall be able to demonstrate  
6    compliance with finance-related legal and contractual provisions.  
7

Policy History:

Adopted on:

Reviewed on:

Revised on:

2    All financial obligations and disbursements must be documented in compliance with statutory provisions  
3    and audit guidelines. Documentation will specifically describe acquired goods and/or services, budget  
4    appropriations applicable to payment, and required approvals. All purchases, encumbrances and  
5    obligations, and disbursements must be approved by the administrator designated with authority,  
6    responsibility, and control over budget appropriations. The responsibility for approving these documents  
7    cannot be delegated.  
8  
9    The District business office is responsible for developing procedures and forms to be used in the  
10   requisition, purchase, and payment of claims.  
11

Policy History:  
Adopted on:  
Reviewed on:  
Revised on:

2    The District will establish one (1) or more days in each month as fixed paydays for payment of wages in  
3    accord with District practice. Employees will have their salaries paid in full upon the last pay date  
4    following completion of their assignments.

5    When a District employee quits, is laid off, or is discharged, wages owed will be paid on the next regular  
6    payday for the pay period in which the employee left employment or within fifteen (15) days, whichever  
7    occurs first.

8  
9

10   **Legal Reference:**            § 409A, Internal Revenue Code, Deferred Compensation

11

Policy History:

Adopted on:

Reviewed on:

Revised on:

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

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

11    The District clerk is responsible for developing procedures and forms to be used in processing claims for  
12    personal reimbursements.  
13  
14  
15  
16  
17  
18

Policy History:

Adopted on:

Reviewed on:

Revised on:

2     The District will reimburse employees and trustees for travel expenses while traveling outside the District  
 3     and engaged in official District business. District employees who are not exempted by another policy will  
 4     be reimbursed according to the current state levels pursuant to Montana law. All travel expenses must be  
 5     reported on the established travel expense and voucher forms and approved by the Principal.

6  
 7     The District business office is responsible for development of procedures and forms to be used in  
 8     connection with travel expense claims and reimbursements.

9  
 10  
 11

12 <b>Legal Reference:</b>	§ 2-18-501, MCA	Meals, lodging, and transportation of persons in state service
13	§ 2-18-502, MCA	Computation of meal allowance
14	§ 2-18-503, MCA	Mileage – allowance
15		

Policy History:

Adopted on:

Reviewed on:

Revised on:

The Board of Trustees permits the use of District credit cards by certain school officials and Board members to pay for actual and necessary expenses incurred in the performance of work-related duties for the District. A list of those individuals that will be issued a District credit card will be maintained in the business office and reported to the Board each year at its meeting in June. All credit cards will be preapproved by the Board and will be in the name of the District.

The District shall establish a credit line not to exceed \$2500.00 for each card issued and an aggregate credit limit of \$15,000 for all cards issued to the District.

Credit cards may only be used for legitimate District business expenditures. The use of credit cards is not intended to circumvent the District's policy on purchasing.

Users must take proper care of District credit cards and take all reasonable precautions against damage, loss, or theft. Any damage, loss, or theft must immediately be reported to the business office and to the appropriate financial institution. Failure to take proper care of credit cards or failure to report damage, loss, or theft may subject the employee to financial liability.

Purchases that are unauthorized, illegal, represent a conflict of interest, are personal in nature, or violate the intent of this policy may result in credit card revocation and discipline of the employee.

Users must submit detailed documentation, including itemized receipts for commodities, services, travel, and/or other actual and necessary expenses which have been incurred in connection with school-related business for which the credit card has been used.

The Board shall establish regulations governing the issuance and use of credit cards. Each cardholder shall be apprised of the procedures governing the use of the credit card, and a copy of this policy and accompanying regulations shall be given to each cardholder.

The District Clerk shall monitor the use of each credit card every month and report any serious problems and/or discrepancies directly to the Principal and the Board.

**Cross Reference:**     [7320 Purchasing](#)  
                              [7335 Personal Reimbursements](#)  
                              [7336 Travel Allowances and Expenses](#)

**Legal Reference:**     § 2-7-503, MCA Financial reports and audits of local government entities

**Policy History:**

Adopted on:

Reviewed on:

Revised on:

2     The Board is responsible for establishment and management of student extra- and co-curricular funds.  
 3     The purpose of student extra- and co-curricular funds is to account for revenues and disbursements of  
 4     those funds raised by students through recognized student body organizations and activities. The funds  
 5     shall be deposited and expended by check, in a bank account maintained by the District for student extra-  
 6     and co-curricular funds. The use of the student extra- and co-curricular funds is limited to the benefit of  
 7     the students. Students will be involved in the decision-making process related to use of the funds.

8  
 9     The Board shall follow the *Student Activity Fund Accounting* (published by the Montana Association of  
 10    School Business Officials (MASBO)) in establishing accounting procedures for administration of student  
 11    extra- and co-curricular funds and will appoint a fund administrator.

12  
 13    Specific procedures are available in the Clerk’s office.  
 14

15  
 16  
 17    **Legal Reference:**            § 2-7-503, MCA                    **Financial reports and audits of local government entities**  
 18                                        § 20-9-504, MCA                   **Extracurricular fund for pupil functions**  
 19



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6

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.

7

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9

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.

10

11

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17

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.

18

19

20

21

Legal Reference:	§§ 2-7-501, et seq., MCA	Audits of Political Subdivisions
	§ 20-9-212, MCA	Duties of county treasurer
	§ 20-9-213, MCA	Duties of trustees

2     Property and inventory records will be maintained for all land, buildings, and physical property under  
 3     District control and will be updated annually.

4  
 5     For purposes of this policy, “equipment” means a unit of furniture or furnishings, an instrument, a  
 6     machine, an apparatus or a set of articles which retains its shape and appearance with use, is  
 7     nonexpendable, and does not lose its identity when incorporated into a more complex unit. The  
 8     Superintendent will ensure inventories of equipment are systematically and accurately recorded and  
 9     updated annually. Property records of facilities and other fixed assets will be maintained on an ongoing  
 10    basis. No equipment will be removed for personal or non-school use except in accordance with Board  
 11    policy.

12  
 13    Property records will show, appropriate to the item recorded, the:

- 14
- 15    1.     Description and identification
- 16    2.     Manufacturer
- 17    3.     Date of purchase
- 18    4.     Initial cost
- 19    5.     Location
- 20    6.     Serial number, if available
- 21    7.     Model number, if available

22  
 23    Equipment may be identified with a permanent tag providing appropriate District and equipment  
 24    identification.

25  
 26  
 27  
 28    **Cross Reference:**     [7510   Capitalization Policy for Fixed Assets](#)

29  
 30    **Legal Reference:**     § 20-6-602, MCA     Trustees’ power over property  
 31                               § 20-6-608, MCA     Authority and duty of trustees to insure district property  
 32

2    A fixed asset is a property that meets all the following requirements:

- 3
- 4    1.     Must be tangible in nature;
- 5
- 6    2.     Must have a useful life of longer than the current fiscal year; and
- 7
- 8    3.     Must be of significant value.
- 9

10   Fixed assets may be acquired through donation, purchase, or may be self-constructed. The asset value for  
11   a donation will be the fair market value at the time of donation. The asset value for purchases will be the  
12   initial cost plus the trade-in value of any old asset given up, plus all costs related to placing the asset into  
13   operation. The cost of self-constructed assets will include both the cost of materials used and the cost of  
14   labor involved in construction of the asset.

15

16   The following significant values will be used for different classes of assets:

17

<u>Class of Fixed Asset</u>	<u>Significant Value</u>
Equipment and machinery	\$5000.00 or more
Buildings - improvements	\$5000.00 or more
Improvements other than to buildings	\$5000.00 or more
Land	Any amount

27

28

29

30   Cross Reference:    [7500   Property Records](#)

31

2    Optional: The board agrees to pay \$500.00 toward health and accident insurance for the certified  
3    employees and \$400.00 for classified employees

4  
5    Insurance will be paid up to a two-party insurance policy for its administrative staff.

6  
7

Policy History:

Adopted on:

Reviewed on:

Revised on:

2    The board may allow a carrier of student school insurance to offer individual students the option of  
3    insuring against accidents during the school day or while on school trips.  
4

1                                   **8000 Series**  
2                                   **Board of Trustees**

3  
4                                   **NONINSTRUCTIONAL OPERATIONS**  
5                                   [Click Here to Return to Main Index](#)

6  
7                                   **TABLE OF CONTENTS**  
8

9    **8000**    *Noninstructional Operations*

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10	8000	<a href="#"><u>Goals</u></a>
11	8100	<a href="#"><u>Transportation</u></a>
12	8102	<a href="#"><u>Contracting for Transportation Services</u></a>
13	8105	<a href="#"><u>School Bus Replacement</u></a>
14	8111	<a href="#"><u>Transportation of Students With Disabilities</u></a>
15	8124	<a href="#"><u>Student Conduct on Buses</u></a>
16	<b>R</b> 8200	<a href="#"><u>Food Services</u></a>
17	8225	<a href="#"><u>Tobacco Free Policy</u></a>
18	8230	<a href="#"><u>Nutrition</u></a>
19	8320	<a href="#"><u>Property Damage</u></a>
20	8400	<a href="#"><u>Sale of Real Property</u></a>
21	8410	<a href="#"><u>Operation and Maintenance of District Facilities</u></a>
22	<b>R</b> 8430	<a href="#"><u>Records Management</u></a>

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Policy History:  
Adopted on:  
Reviewed on:  
Revised on:

2    In order for students to obtain the maximum benefits from their educational program, a complex set of  
3    support services must be provided by the District. These services are essential to the success of the  
4    District, and the staff that provides them is an integral part of the educational enterprise. Because  
5    resources are always scarce, all assets of District operations, including noninstructional support services,  
6    shall be carefully managed in order to obtain maximum efficiency and economy. To that end, the goal of  
7    the District is to seek new ways of supporting the instructional program, which shall maximize the  
8    resources directly available for students' learning programs.  
9

Policy History:

Adopted on:

Reviewed on:

Revised on:

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 Principal will establish guidelines under which a student may request in-town busing.

<b>Legal Reference:</b>	§ 20-10-101, MCA	<b>Definitions</b>
	§ 20-10-121, MCA	<b>Duty of trustees to provide transportation – types of transportation – bus riding time limitation</b>
	§ 20-10-122, MCA	<b>Discretionary provision of transportation and payment for this transportation</b>
	§ 20-10-123, MCA	<b>Provision of transportation for nonpublic school children</b>
	10.7.101, et seq., ARM	<b>Pupil Transportation</b>
	10.64.101-700, et seq., ARM	<b>Transportation</b>
	No Child Left Behind Act of 2001 (P.L. 107-110)	

#### Policy History:

Adopted on:

Reviewed on:

Revised on:



2    If the Board enters into a contract for transportation services, the contractor shall operate such equipment  
3    in accordance with District policy and the rules and regulations of the Board of Public Education. The  
4    contract shall be in effect for not more than five (5) years. Before entering into the first (1<sup>st</sup>) such  
5    contract, the District shall determine that the cost of contracting for the ensuing term will not exceed  
6    projected costs of operating its own system. Before any transportation contract is awarded to a private  
7    party or contractor, the trustees shall:

- 8  
9    1.     Secure bids by advertising for a twenty-one-(21)-day period (three (3) consecutive weeks); or  
10  
11    2.     Negotiate a new contract with the current contractor, provided the new contract does not exceed  
12           by more than twelve percent (12%) per year the basic costs of the previous contract.  
13

14    No money shall be expended, unless a contract with a private carrier has been executed. The Board  
15    Chairperson will sign such contracts on behalf of the District.  
16

17    The District reserves the right to own, operate, and to choose with respect to any other form of  
18    transportation, whether it be regular school, co-curricular, extracurricular, or District business programs,  
19    the means of transportation which best fits District needs at that particular time, as determined by the  
20    Board.  
21

22  
23

<b>Legal Reference:</b>	<b>§ 20-10-102, MCA</b>	<b>School bus requirements</b>
	<b>§ 20-10-107, MCA</b>	<b>Power of trustees</b>
	<b>§ 20-10-125, MCA</b>	<b>Bid letting for contract bus – payments under transportation contract</b>
	<b>10.7.108, ARM</b>	<b>Bus Contracts</b>

28  
29

Policy History:

Adopted on:

Reviewed on:

Revised on:

2    The Board of Trustees understands the importance of safety when transporting students. The Board also  
3    understands that having safe, well maintained, efficient buses in the fleet is important for the safety of the  
4    students and driver.

5  
6    There comes a time when the replacement of a bus is necessary for the safety of all involved. Therefore,  
7    the Board of Trustees will use the Bus Depreciation Schedule, as a guide, when determining the time for  
8    bus replacements.

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<b>Legal Reference:</b>	§ 20-10-101, MCA § 20-10-107(1), MCA § 20-10-110, MCA § 20-10-147, MCA	<b>Definitions</b> <b>Power of Trustees</b> <b>School bus purchase – contract - bids</b> <b>Bus Depreciation Reserve Fund</b>
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**Fortine School District**

**NONINSTRUCTIONAL OPERATIONS**

8110  
page 1 of 3

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.

8110  
page 2 of 3

Policy History:

Adopted on:  
Reviewed on:  
Revised on:

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.

8110  
page 3 of 3

#### Policy History:

Adopted on:

Reviewed on:

Revised on:

1 The bus driver is responsible for the use of the warning and stop signaling systems and the consequent  
2 protection of his/her passengers. Failure to use the system constitutes negligence on the part of the driver.

3  
4 **Inclement Weather**

5  
6 The Board recognizes the unpredictability and resulting dangers associated with weather in Montana. In  
7 the interest of safety and operational efficiency, the Superintendent is empowered to make decisions as to  
8 emergency operation of buses, cancellation of bus routes, and closing of school, in accordance with his or  
9 her best judgment. The Board may develop guidelines in cooperation with the Superintendent to assist  
10 the Superintendent in making such decisions.

11  
12 **NOTE:** To receive full state/county reimbursement, budgets must have enough funds to cover the costs  
13 of any changes to the route.

14  
15 **NOTE:** The county transportation committee has authority to establish transportation service areas,  
16 should circumstances and/or geography (demographics) warrant.

17  
18  
19

20	Legal Reference:	§ 20-10-106, MCA	Determination of mileage distances
21		§ 20-10-121, MCA	Duty of trustees to provide transportation – types of
22			transportation – bus riding time limitation
23		§ 20-10-132, MCA	Duties of county transportation committee

24

25 **Policy History:**  
26 Adopted on: 1/9/2017  
27 Reviewed on:

28 ***Revised on:***  

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29

Transportation shall be provided as a related service, when a student with a disability requires special transportation in order to benefit from special education or to have access to an appropriate education placement. Transportation is defined as:

- (a) Travel to and from school and between schools;
- (b) Travel in and around school buildings or to those activities that are a regular part of the student's instructional program;
- (c) Specialized equipment (such as special or adapted buses, lifts, and ramps) if required to provide special transportation for a student with disabilities.

The Evaluation Team that develops the disabled student's Individualized Education Program will determine, on an individual basis, when a student with a disability requires this related service. Such recommendations must be specified on the student's IEP. Only those children with disabilities who qualify for transportation as a related service under the provisions of the IDEA shall be entitled to special transportation. All other children with disabilities in the District have access to the District's regular transportation system under policies and procedures applicable to all District students. Utilizing the District's regular transportation service shall be viewed as a "least restrictive environment."

#### Mode of Transportation

One of the District's buses will be the preferred mode of transportation. Exceptions may be made in situations where buses are prohibited from entering certain subdivisions due to inadequate turning space, or when distance from school may seriously impact bus scheduling. In such situations other arrangements, such as an individual transportation contract, may be arranged with parents. Such voluntary agreement will stipulate in writing the terms of reimbursement.

**Cross Reference:** [3233 Suspension and Expulsion](#)

**Legal Reference:** 10.16.3820, ARM      **Transportation for Special Education Students with Disabilities**

#### Policy History:

Adopted on:

Reviewed on:

Revised on:

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**Fortine School District**

**NONINSTRUCTIONAL OPERATIONS** 8123

Driver Training and Responsibility

Bus drivers shall observe all state statutes and administrative rules governing traffic safety and school bus operation. At the beginning of each school year, the District will provide each driver with a copy of the District’s written rules for bus drivers and for student conduct on buses.

School bus drivers must hold a valid Montana school bus certificate in order for a district to receive state reimbursement for that driver’s bus routes. Qualifications for bus drivers are prescribed by 20-10.103, MCA, and by the board of Public Education in Arm 10.64.201. The first aid certificate required by ARM 10.64.201 must include certification in CPR, be signed by a certified instructor, and be received after an initial in-person training of at least four hours with annual renewals.

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

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

A driver may not operate a school bus without a valid, current certificate.

A teacher, coach, or other certified staff member assigned to accompany students on a bus will have primary responsibility for behavior of students in his or her charge. The bus driver has final authority and responsibility for the bus. The Superintendent will establish written procedures for bus drivers.

Legal Reference:	§ 20-10-103, MCA	School bus driver qualifications
	10.7.111, ARM	Bus Drivers Certification Requirement for Reimbursement
	10.64.201, ARM	School Bus Driver Qualifications
		National Highway Traffic Safety Administration

Policy History:

Adopted on: 1/9/17

Reviewed on:

Revised on:

Policy History:

Adopted on:

Reviewed on:

Revised on:

The bus driver is responsible for enforcing the rules and will work closely with a parent and building principal to modify a student's behavior. Rules shall include consistent consequences for student misbehavior. A recommendation for permanent termination of bus privileges, accompanied by a written record of the incident(s) that led to the recommendation, shall be referred to the Principal for final determination. The student's parent or guardian may appeal a termination to the Board. No further appeal shall be allowed.

<b>Legal Reference:</b>	<b>§ 20-4-302, MCA</b>	<b>Discipline and punishment of pupils – definition of corporal punishment – penalty – defense</b>
	<b>§ 20-5-201, MCA</b>	<b>Duties and sanctions</b>



5 School Bus Emergencies

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

15 Policy History:

16 Adopted on: 1/9/2017

17 Reviewed on:

18 Revised on:

2     The District supports the philosophy of the National School Lunch Program and will provide wholesome,  
 3     appetizing, and nutritious meals for children in District schools. The Board may authorize a portion of  
 4     federal funds received in lieu of taxes to be used to provide free meals for federally connected indigent  
 5     students.

6  
 7     Because of the potential liability of the District, the food services program will not accept donations of  
 8     food without approval of the Board. Should the Board approve a food donation; the Principal will  
 9     establish inspection and handling procedures for the food and determine that provisions of all state and  
 10     local laws have been met before selling the food as part of school meals.

11  
 12     Commodities

13  
 14     The District will use food commodities made available under the Federal Food Commodity Program for  
 15     school meals.

16  
 17     Free and Reduced-Price Food Services

18  
 19     The District will provide free and reduced-price meals to students, according to the terms of the National  
 20     School Lunch Program and the laws, rules, and regulations of the state. The District will inform parents  
 21     of the eligibility standards for free or reduced-price meals. Identity of students receiving free or reduced-  
 22     price meals will be confidential, in accordance with National School Lunch Program guidelines. A parent  
 23     has the right to appeal to a designated hearing official any decision with respect to his or her application  
 24     for free or reduced-price food services.

25  
 26     The Board may establish programs whereby meals may be provided in the District in accordance with  
 27     National School Lunch Program guidelines.

28  
 29     The amount charged for such meals shall be sufficient to cover all costs of the meals, including  
 30     preparation labor and food, handling, utility, and equipment depreciation costs.

31

<b>Legal Reference:</b>	§ 20-10-204, MCA	<b>Duties of trustees</b>
	§ 20-10-205, MCA	<b>Allocation of federal funds to school food services fund for</b>
		<b>federally connected, indigent pupils</b>
	§ 20-10-207, MCA	<b>School food services fund</b>

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[School District]

Adopted on: 3/13/2017

Reviewed on:

Revised on:

8205 – R (Alternate 5) NONINSTRUCTIONAL OPERATIONS

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Meal Charge Policy

The **Fortine School/School District** has eliminated the risk for unpaid meal charges by participating in the Community Eligibility Provisions (CEP) program, which is a meal service option for schools and school districts operating the school meal programs in high-poverty communities. CEP allows the school to provide breakfast and lunch at no cost to all enrolled children without the need to collect applications or establish individual eligibility for a four-year period, thereby increasing access to school meals and eliminating unpaid meal charges.

[Fortine School]

Adopted on: 3/13/2017

Reviewed on:

Revised on:

8210 - R NONINSTRUCTIONAL OPERATIONS

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Page 1 of 2

Procurement Policy for School Food Purchases

The Fortine School District will adhere to the following requirements for any procurement related to food service:

*Below are samples only and other language can be used, adjusted, or utilized. Please feel free to make changes, additions or add any other necessary items to meet the needs of your district.*

**Purchases:**

- Purchases greater than \$80,000:
  - If the aggregate amount exceeds eighty thousand dollars (\$80,000), the contract must be awarded through a formal bid process and a call for bids or request for proposals shall be published according to 20-9-204, MCA. No contract shall be divided for the purpose of avoiding the formal procurement process.
  - The District may enter into a cooperative purchasing contract for procurement of supplies with one or more districts or a Cooperative Services Program. This allows the District to participate in a cooperative purchasing group to purchases supplies through the group without bidding if the cooperative purchasing group has a publicly available master list of items available with pricing included and provides an opportunity at least twice yearly for any vendor, including a Montana vendor, to compete, based on a lowest responsible bidder standard.
- Purchases great than \$\_\_\_\_\_ and less than \$80,000:
  - Any purchase greater than \$\_\_\_\_\_ and less than eighty thousand (\$80,000) will be handled in a fair and equitable manner consistent with district policy on purchasing.

Policy History:

Adopted on:

Reviewed on:

Revised on:

- The Fortine School District will obtain two or more estimates when any purchase will cost more than \$\_\_\_\_\_ and less than eighty thousand (\$80,000).
- The District may enter into a cooperative purchasing contract for procurement of supplies with one or more districts or a Cooperative Services Program. This allows the District to participate in a cooperative purchasing group to purchases supplies through the group without bidding if the cooperative purchasing group has a publicly available master list of items available with pricing included and provides an opportunity at least twice yearly for any vendor, including a Montana vendor, to compete, based on a lowest responsible bidder standard.

#### **Bid Specifications: (OPTIONAL)**

The Fortine School District contracts will not be awarded to any potential vendors who write any of the bid specifications, the solicitation documents, or any of the contract language. The district must take care that any bids for services and supplies are written in the broadest possible terms to allow for participation by the largest number of potential vendors.

Identical bid specifications and/or request for proposals will be provided to all potential vendors.

8210  
Page 2 of 2

#### **Geographic Preference: (OPTIONAL)**

No Geographic Preference (advantage based on location) is allowed with federal funds except for documented Farm to School (Farm to Plate) efforts. Therefore, as part of Farm to School Fortine District may choose to apply a geographic preference when procuring unprocessed locally grown or locally raised agricultural products only.

#### **Buy American: (OPTIONAL)**

The District will adhere to “Buy American” for the food service program. Therefore Food Service is required to purchase, to the maximum extent possible, domestic products for use in meals served in our Child Nutrition Program. However, exceptions are allowed when:

- Food preferences can only be met with foreign goods
- Insufficient quantity and/or quality is available in the USA
- Domestic cost is **significantly** higher

#### **Standards of Conduct for District Employees:**

- The Fortine School District maintains the following code of conduct for any employees engaged in award and administration of contracts supported by Federal Funds:
- No District employee will engage in any procurement when there is a conflict of interest, real or perceived, and District employees cannot solicit or accept any gratuities, favors or anything of monetary value from prospective vendors. This shall not preclude district personnel from serving on boards or participating in organizations that support the district’s need to obtain quality services and supplies.
- No District employee shall participate in the selection, award or administration of a contract when any of the following persons have a financial interest in the firm selected for award:
  - The employee
  - Any member of his/her immediate family
  - People with whom there is an intimate personal relationship
  - An organization which employs or is about to employ any of the above

#### Policy History:

Adopted on:

Reviewed on:

Revised on:

- The District would like all employees to behave with the utmost integrity and never be self-serving, be fair in all aspects of the procurement process, be alert to conflicts of interest, and avoid any compromising situations.
- Employees found to be in violation of this policy are subject to disciplinary action, up to and including termination.

Policy History:

Adopted on:

Reviewed on:

Revised on:

2     The District maintains tobacco-free buildings and grounds. Tobacco includes but is not limited to  
 3     cigarettes, cigars, snuff, smoking tobacco, smokeless tobacco, nicotine and any other tobacco innovation.  
 4  
 5     Use of tobacco products in a public school building or on public school property is prohibited, unless used  
 6     in a classroom or on other school property as part of a lecture, demonstration, or educational forum  
 7     sanctioned by a school administrator or faculty member, concerning the risks associated with using  
 8     tobacco products or in connection with Native American cultural activities.  
 9  
 10    For the purpose of this policy, “public school building or public school property” means:  
 11  
 12    •     Public land, fixtures, buildings, or other property owned or occupied by an institution for the  
 13          teaching of minor children, that is established and maintained under the laws of the state of  
 14          Montana at public expense; and  
 15  
 16    •     Includes playgrounds, school steps, parking lots, administration buildings, athletic facilities,  
 17          gymnasiums, locker rooms, and school vehicles.  
 18  
 19  
 20    Violation of the policy by students and staff will be subject to actions outlined in District discipline  
 21    policies.  
 22  
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 24

25 <b>Legal Reference:</b>	§ 20-1-220, MCA	Use of tobacco product in public school building or on
26		public school property prohibited
27	§§ 50-40-101, et seq., MCA	Montana Clean Indoor Air Act of 1979
28		
29	ARM 37.111.825	Health Supervision and Maintenance
30		

2    The District will provide school meals which meet or exceed nutritional standards required by state and  
3    federal school lunch programs.

4  
5    The Principal will establish rules for the sale of foods during the school day. To encourage students to eat  
6    nutritious lunches, competitive food services will not be permitted to operate anywhere on school  
7    premises during or for a period of one (1) hour before and after the lunch period.

8  
9    The principal must give prior approval to any food sales of an occasional nature.

10  
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12    **Cross Reference:**        [2510   School Wellness](#)

13    **Legal Reference:**        § 20-10-204, MCA        Duties of trustees

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Policy History:

Adopted on:

Reviewed on:

Revised on:

2     The District will maintain a comprehensive insurance program which will provide adequate coverage, as  
 3     determined by the Board, in the event of loss or damage to school buildings and/or equipment, including  
 4     motor vehicles. The comprehensive insurance program will maximize the District's protection and  
 5     coverage while minimizing costs for insurance. This program may include alternatives for sharing the  
 6     risk between the District and an insurance carrier and through self-insurance plans.

7  
 8     **Privately Owned Property**

9  
 10    The District will not assume responsibility for maintenance, repair, or replacement of any privately owned  
 11    property brought to a school or to a District function, unless the use or presence of such property has been  
 12    specifically requested in writing by the administration.

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 15  
 16    **Legal Reference:**                      § 20-6-608, MCA                      Authority and duty of trustees to insure district property  
 17



2     Unless the property can be disposed of without a vote, the Board has the power to dispose of all District  
3     property, only when the qualified electors of the District approve of such action at an election called for  
4     such approval or when the trustees adopt a resolution stating their intention to dispose of the property.  
5     When the trustees adopt such a resolution, they shall schedule a meeting to consider a resolution to  
6     authorize the sale of the real property. The conduct of the meeting and any such subsequent appeals shall  
7     be in accord with § 20-6-604, MCA.

8  
9     Receipts from a sale of real property shall be placed in the debt service fund, building fund, general fund,  
10    or in any combination of these three (3) funds, at the Board’s discretion.

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<b>Legal Reference:</b>	§ 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

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

7  
8    The custodian will formulate and implement energy conservation measures. Principals and staff are  
9    encouraged to exercise other cost-saving procedures in order to conserve District resources in their  
10   buildings.

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14   **Legal Reference:**                      **10.55.908, ARM School Facilities**  
15

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 Principal will be responsible for developing and implementing a records management program for the cataloging, maintenance, storage, retrieval, and disposition of school records. The Principal 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 Principal may delegate records-management responsibilities to other school personnel at his/her discretion to facilitate implementation of this policy.

#### Litigation Holds for Electronic Stored Information (ESI)

The school district will have an ESI Team. The ESI Team is a designated group of individuals who implement and monitor litigation holds, a directive not to destroy ESI that might be relevant to a pending or imminent legal proceeding. The ESI Team will include a designated school administrator, an attorney, and a member from the Technology Department. In the case of a litigation hold, the ESI Team shall direct employees and the Technology Department, as necessary, to suspend the normal retention procedure for all related records.

#### Inspections of ESI

Any requests for ESI records should be made in writing and will be reviewed by the Principal 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 Principal 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 Student Records](#)  
                                      [5450 Employee Electronic Mail](#)

**Legal Reference:**        Montana Secretary of State (Rules for Disposition of Local Government Records)  
                                     Federal Rules of Civil Procedure (FRCP)  
                                     § 2-6-403, MCA            Duties and responsibilities  
                                     § 20-1-212, MCA        Destruction of records by school officer  
                                     § 20-7-101(2), MCA    Standards of accreditation  
                                     § 20-9-215, MCA        Destruction of certain financial records  
                                     24.9.805 (4), ARM      Employment Records

#### Policy History:

Adopted on:

Reviewed on:

Revised on: