

Terry School District #5
Board Agenda: Monday, December 16, 2019
High School Science Room – 7:00PM

The Board Chair is authorized to adjust the order of non-action agenda items to accommodate scheduling needs of interested parties.

- I. Call to Order
 - a. Welcome
 - b. Pledge of Allegiance
- II. Consent Agenda
 - a. Minutes
 - b. Review of Claim List by Board
 - c. Activity Account
 - d. Investment Authorization
 - e. Budget Line Item Balances
- III. Public Comment - Limit of Three Minutes - No Personnel – No exceptions
- IV. Teacher Spotlight: Nancy Pehl
- V. Policy Review
 - a. 1006FE: Transfers for School Safety
 - b. 1009FE: Recruitment and Retention
 - c. 1014FE: Intent to Increase Non-Voted Levy
 - d. 1014FE-F1: Levies
 - e. 1110 Board of Trustees – Taking Office
 - f. 1120 Board of Trustees - Annual Organization Meeting
 - g. 1402 Board of Trustees – School Board Use of Email and Mobile Messaging
 - h. 1420F Board of Trustees – Notice Regarding Public Comment
 - i. 1420 Board of Trustees – School Board Meeting Procedure
 - j. 1441 Board of Trustees – Audience Participation
 - k. 1511 Code of Ethics for School Board Members
 - l. 1512 Board of Trustees – Conflict of Interest
 - m. 2150 – R: Suicide Awareness and Prevention
 - n. 2151F Athletics Informed Consent and Insurance Verification Form
 - o. 2161P Child Find – SPED
 - p. 2163 Traffic Education
 - q. 2167 Correspondence Courses
 - r. 2168 Distance, Online, and Technology-Delivered Learning
 - s. 2170 Digital Academy Classes
 - t. 2170P Digital Academy Classes
 - u. 2171 Significant Writing Program
 - v. 2221 School Closure (Weather, emergency, etc...)
 - w. 3110 Students – Entrance, Placement, and Transfer
 - x. 3130 Students – Multiple topics
 - y. 3520 Students – Student Fees
 - z. 3600F2, 3600P – Student Records
 - aa. 4315 Community Relations; Visitor and Spectator Conduct
 - bb. 4320 Community Relations; Contact with Students
 - cc. 4332 Community Relations; Conduct on School Property
 - dd. 4410 Community Relations; Relations with Law Enforcement and Child Protective Agencies
 - ee. 5120 Personnel; Hiring Process and Criteria
 - ff. 5223 Personnel; Personal Conduct
 - gg. 5232 Personnel; Abused and Neglected Child Reporting
 - hh. 5328P Family Medical Leave
 - ii. 5329 and 5329P Personnel; Long-term Illness/Temporary Disability Leave
 - jj. 5330 Maternity and Paternity Leave

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- kk. 5430F Volunteer Agreement Form
- ll. 7260 Financial Management; Donations, Endowments, Gifts, and Investments
- mm. 7520 Financial Management; Independent Investment Accounts
- nn. 8225 Non-Instructional Operations; Tobacco Free Policy
- oo. 8301 Non-Instructional Operations; District Safety
- VI. Board Member Reports
- VII. Old Business
 - a. P-cards
 - b. Resolution and modification of Board policy 7400 replacing “credit card” with “procurement card”.
 - c. HH US Savings Bonds (Motion needs to be made about whether we want to take these matured bonds that were donated YEARS ago and either reinvest in county pool, start our own investment pool, or use the funds.)
- VIII. New Business
 - a. MTBSA Voting on Pending Association Matters
- IX. Superintendent Report
- X. Personnel
 - a. Resignation of Instructional Assistant
 - b. Superintendent Evaluation – Executive Session
- XI. Board Calendar
- XII. Adjourn

Citizens may comment on items appearing on the agenda when invited to participate during that agenda item by the Board Chair. Citizens may comment on items related to School District business not appearing on this agenda during the public comment portion of the meeting.

Information about this agenda, including the Board packet and supplemental documents, is available at the School District office. Please contact the office if you have any questions.

UNOFFICIAL

Minutes, Board of Trustees Meeting of 11/18/2019

I. CALL TO ORDER

The regular meeting of the Board of Trustees was held in the High School Science Room and called to order at 7:00 p.m. by Chairman Cindy Tusler with members Kathy Meidinger, Laura Fuhrman, Brock Tibbetts, and Tyson Browning were in attendance.

Also, in attendance were Asst. Clerk Susan Edwards, Jessica Thomason., Rikki Frank, Meriah Smith, Barbara Sackman, and David Chalmers.

The Pledge of Allegiance was recited.

II. CONSENT AGENDA

Kathy Meidinger made a motion to approve the consent agenda. Second by Laura Fuhrman. Motion carried 4-0.

- A. Minutes
 - 1. September 23 regular meeting
- B. Claim List
 - 1. 64062-64104
 - 2. 64105-64163 including direct deposit
- C. August Activity Account
- D. Investment Authorization 03FY20SEPT
Budget Line Item Balances

III. PUBLIC COMMENT—NONE

IV. TEACHER SPOTLIGHT

- a. Ms. Rikki Frank Related to the board that she was teaching sixth grad, which she said she was particularly enjoying, and seventh grad math. Ms. Spoke of the challenges she was facing with a seventh period class, notably conflict with the basketball schedules, but with the end of the season it was “full throttle” for the rest of the school year. For her sixth grade they were a mix of skill levels. Me. Frank related how well the students were doing in science, a time capsule and family tree projects for social studies. Ms. Frank spoke also of progress in the subjects of math, reading, and grammar. When asked what her biggest challenge was, Ms. Frank said it was students getting assignments in on time. Ms. Frank also spoke of how well Key Club was doing this year and that the club was fund raising by selling chocolate this year, their participation at the convention, and a painting project that was coming up
- b. Ms. Meriah Smith said she has thirteen students this year up from half that number last year and how that increase affected changes in the classroom and increase time needed to prepare for class. Ms. Smith related that the students were “plugging along with math”, Ms. Smith spoke of a web app called SeeSaw with a variety of projects for math reading and science. When a child completes a project and it is approved by Ms. Smith, a message is texted to the parent’s phone so that they can see their child’s progress in real time and the parents can message Ms. Smith with questions and comments. Ms. Smith said that the app can record the students as they read aloud and then the student can pay recording so that they can hear for themselves when they make a mistake. Ms. Smith spoke of another reading app. “Lexia” that is also aiding in developing reading skills that the students really enjoy.

V. POLICY REVIEW

- a. Second reading of

- i. 1520 Board Communications
- ii. 1521 Board Administration Relationship
- iii. 1332 The Board of Trustees Signatures

Kathy Meidinger explained that these three policies required a second reading, something that was missed last meeting. Laura Fuhrman made a motion to complete the second reading, Brock Tibbetts seconded, motion carried 4-0.

b. First Reading

- i. 2140 Guidance and Counseling
- ii. 2151F Assumption of Risk Form
- iii. 2150 Suicide Awareness
- iv. 2158 Instruction: Family Engagement Policy
- v. 2160 Instruction: Title I Parent Involvement
- vi. 2161 Instruction: Special Education
- vii. 2161P Instruction: Special Education
- viii. 2162 Instruction: §504 of the Rehabilitation Act of 1973 (“Section 504”)
- ix. 2162P Instruction: §504 of the Rehabilitation Act of 1973 (“Section 504”)

Kathy Meidinger said that Policies 2150, 2150F, and 2161P needed edits from Chris and that those edits were sent to members via email, and they would require a second reading as well. Brock Tibbetts made a motion for approval of first reading those three Policies, Laura Fuhrman seconded, motion passed 4-0.

Kath Meidinger stated that the remaining Policy items, 2140, 2151, 2158, 2160 2160P, 2161, 2162, and 2162P could be denoted as reviewed and legal as written. It was noted that policies, 2151 and 2160P were missing from the agenda. Kathy Meidinger said she would bump them to the next meeting. For the remaining policies Brock Tibbetts made the motion to accept second reading of those policies, second Laura Fuhrman, motion passed 4-0

VI. BOARD MEMBER REPORTS. There were no Board member reports.

VII. OLD BUSINESS

- a. Strategic Plan meeting is scheduled for 10AM Saturday January 11th . Cindy Tusler said that this is the third meeting of four with Deborah Silt, to come up with what the future for Terry Schools should look like. would be and how to get there. This meeting is a chance to bring the whole community together to get their input. And from that meeting we can formulate specific goals.

VIII. NEW BUSINESS

- a. P-Cards. Susan Edwards made a presentation about utilizing purchase cards (p-Cards) to streamline some of the purchasing that the District does. P-cards would be specific to a per person or activity, the cards could be set so that purchase made with the card could be pre-coded and there would be a rebate based upon percentage of purchases. Kathy Meidinger asked what the reporting would look like to the Board, and would they be able to see individual line items? Ms. Edwards explained that reporting could be made more useful as to how expenditures were affecting budget line items, but individual purchase could be reviewed. There was discussion of process. Barbra Sackman mentioned from the audience, that this was the third time that she knew of the p-card being brought up and that she felt it would be a good thing for teachers. Kathy Meidinger moved to move forward with the P-car program, get feed back from staff and report back to the Board. The motion was seconded by Laura Fuhrman, motion carried 4-0.

- b. Brock Tibbetts made the motion to add Susan Edwards as a signer on the activity account, second by Tyson Browning, motion passed 4-0.
- c. Superintendent Evaluation Procedural Discussion. Cindy Tusler discussed proposals for a survey sent by Superintendent Krause that could be used in his Board evaluation and in amending policy that the survey would give them insight with staff response along with the paper evaluation the board always does. A committee of Cindy, Kathy and Joe would meet to refine the survey. Mr. Chalmers wanted to know if the survey would be anonymous and he was assured it would. There was discussion about pushing back the superintendent's review to January and contract offer in February. It was decided to discuss this with Superintendent Krause for his input. Kathy Meidinger moved to form the evaluation committee, Brock Tibbetts seconded, motion carried 4-0.

IX. SUPERINTENDENT CREDENTIALS

- a. There was a discussion about the asinities of Montana's credentialing system and its detrimental affects District hiring. Discussion was made about the five-year commitment and the wording of the contract to read "for the good of the District" for the District paying tuition for Superintendent Krause's Class 5 credential. Brock Tibbetts made a motion to amend the Administrators contract to read "for the good of the school" , "five year pro-rated commitment." and for tuition "not to exceed \$10,000". Kathy second the motion, motion carried 4-0.,

X. PERSONNEL

- a. Ass.t Basketball coach was to be hired, want ad placed in paper.

XI. SUPERINTENDENT REPORT

- a. Cindy Tusler reviewed aloud the Superintendent's report that was submitted in writing.

XII. BOARD CALENDAR

- a. Next meet 7:00 December 16th, 2019 .

XIII. ADJOURN

- a. Brock Tibbetts made the motion to adjourn, seconded by Tyson Browning, motion carried 4-0. Meeting adjourned at 8:43PM

CINDY TUSLER, BOARD CHAIRMAN

SUSAN EDWARDS, ASST DISTRICT CLERK

Terry School District #5

Minutes, Special Board of Trustees Meeting of 12/13/2019

I. Call to Order

- a. A special meeting of the Board of Trustees was held in the Superintendent's Office of the Terry High School and called to order at 7:38 by Chairman Cindy Tussler with members Kathy Meidinger, Laura Fuhrman, and Brock Tibbetts were in attendance.

Superintendent Joe Krause was also in attendance.

The Pledge was recited.

II. Consent Agenda

- a. For the hiring of an assistant girls' basketball coach, Superintendent Krause stated that there was only one applicant, Jennifer Grey Eagle, that hiring requirements were completed and she was "ready to go". Additionally, Superintendent Krause noted that Ms. Grey Eagle was a paramedic.

The motion to hire Ms. Grey Eagle was made by Member Fuhrman, seconded by Member Tibbetts. Motion passed unanimously.

- b. For hiring an instructional assistant, Superintendent Krause said that there were two applicants, with one applicant's fingerprints four weeks out, but the need was for the hire was immediate. Of the two applicants Superintendent Krause recommended Molly Pehl.

The motion to hire Ms. Pehl was made by Member Tibbetts, seconded by Member Meidinger.

Discussion: Member Meidinger asked if this position was a para position Mr. Krause explained that it was replacing Teri Ramirez who had resigned.

Motion was passed unanimously.

III. Adjourn

- a. Meeting was adjourned by Chairman Tussler at 7:41 AM.

CINDY TUSLER, BOARD CHAIRMAN

SUSAN EDWARDS, ASST DISTRICT CLERK

TERRY PUBLIC SCHOOLS

Expenditure List - Range Of Checks.
2019-2020

12/10/2019
2:40:08 PM

Range of Checks: 64267 to 64298
Select All (All Transactions).

Print by Transaction by Check by Fund

Transaction	Number	Fund	Fund Title	To Whom	Amount	Status	Date
Claims Check	64267	201	GENERAL	AGILE SPORTS TECHNOLOGIES INC	900.00	Written	11/19/2019
					900.00	Total	
Claims Check	64268	201	GENERAL	BUILDING CODES BUREAU	62.00	Written	11/19/2019
					62.00	Total	
Claims Check	64269	201	GENERAL	ENERGY LAB INC	40.00	Written	11/19/2019
					40.00	Total	
Claims Check	64270	212	SCHOOL FOOD	HARDING LAND & CATTLE	631.50	Written	11/19/2019
					631.50	Total	
Claims Check	64271	261	BUILDING RESERVE	HOLMLUND LOCK & KEY	10,037.00	Written	11/19/2019
					10,037.00	Total	
Claims Check	64272	228	TECH ED FUND	IES, INC	75.00	Written	11/19/2019
					75.00	Total	
Claims Check	64273	201	GENERAL	KRAUSE, JOE	129.34	Written	11/19/2019
					129.34	Total	
Claims Check	64274	201	GENERAL	MEIDINGER, KATHY	280.06	Written	11/19/2019
					280.06	Total	
Claims Check	64275	201	GENERAL	REYNOLDS MARKET	54.77	Written	11/19/2019
Claims Check	64275	212	SCHOOL FOOD	REYNOLDS MARKET	42.82	Written	11/19/2019
					97.59	Total	
Claims Check	64276	212	SCHOOL FOOD	TERRY HIGH SCHOOL	148.00	Written	11/19/2019
					148.00	Total	
Claims Check	64277	201	GENERAL	TERRY SUPER VALU	37.37	Written	11/19/2019
Claims Check	64277	212	SCHOOL FOOD	TERRY SUPER VALU	1.89	Written	11/19/2019
					39.26	Total	
Claims Check	64278	201	GENERAL	VOLLMER INC	198.00	Written	11/19/2019
					198.00	Total	
Claims Check	64279	201	GENERAL	MT CRIMINAL RECORDS	30.00	Written	11/19/2019
					30.00	Total	
Claims Check	64280	201	GENERAL	EDWARDS, SUSAN	78.88	Written	11/22/2019
					78.88	Total	
Claims Check	64281	201	GENERAL	FROST, JAMY	65.00	Written	11/22/2019
					65.00	Total	
Claims Check	64282	201	GENERAL	GET R DONE	108.75	Written	11/22/2019
Claims Check	64282	210	TRANSPORTATION	GET R DONE	514.94	Written	11/22/2019
					623.69	Total	
Claims Check	64283	201	GENERAL	GUITAR CENTER	281.90	Written	11/22/2019
					281.90	Total	
Claims Check	64284	201	GENERAL	KALMBACK, CATHY	45.24	Written	11/22/2019
					45.24	Total	
Claims Check	64285	201	GENERAL	MASBO	80.00	Written	11/22/2019
					80.00	Total	
Claims Check	64286	201	GENERAL	MDU	5,787.80	Written	11/22/2019
					5,787.80	Total	
Claims Check	64287	201	GENERAL	MT CRIMINAL RECORDS	30.00	Written	11/22/2019
					30.00	Total	
Claims Check	64288	201	GENERAL	PRAIRIE UNIQUE	14.05	Written	11/22/2019
					14.05	Total	
Claims Check	64289	201	GENERAL	RED ROCK SPORTS	429.75	Written	11/22/2019
					429.75	Total	
Claims Check	64290	215	MISC FUNDS	TERRY HIGH SCHOOL	20.00	Written	11/22/2019
					20.00	Total	
Claims Check	64291	201	GENERAL	ECOLAB PEST ELIMINATION DIVISION	285.63	Written	11/26/2019
					285.63	Total	



TERRY PUBLIC SCHOOLS

Expenditure List - Range Of Checks.
2019-2020

12/10/2019
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Print by Transaction by Check by Fund

Transaction	Number	Fund	Fund Title	To Whom	Amount	Status	Date
Claims Check	64292	201	GENERAL	FAHRNOW, SHANE	37.15	Written	11/26/2019
					37.15	Total	
Claims Check	64293	201	GENERAL	KALMBACK, LAYNE	10.00	Written	11/26/2019
					10.00	Total	
Claims Check	64294	201	GENERAL	MID-AMERICA RESEARCH CHEMICAL	109.07	Written	11/26/2019
					109.07	Total	
Claims Check	64295	229	FLEX FUND	SEITZ INSURANCE AGENCY	65.00	Written	11/26/2019
					65.00	Total	
Claims Check	64296	201	GENERAL	SHERWIN WILLIAMS	124.90	Written	11/26/2019
					124.90	Total	
Claims Check	64297	201	GENERAL	TOM PISK CONSTRUCTION	22.60	Written	11/26/2019
					22.60	Total	
Claims Check	64298	201	GENERAL	TERRY HIGH SCHOOL	5,331.36	Written	11/29/2019
Claims Check	64298	215	MISC FUNDS	TERRY HIGH SCHOOL	1,423.11	Written	11/29/2019
Claims Check	64298	229	FLEX FUND	TERRY HIGH SCHOOL	99.99	Written	11/29/2019
					6,854.46	Total	
					<u>27,632.87</u>		

Overall Fund Totals

ESSA Totals by Fund

14,573.62	201-GENERAL	14,402.87	
514.94	210-TRANSPORTATION		
824.21	212-SCHOOL FOOD		
1,443.11	215-MISC FUNDS	1,333.42	
75.00	228-TECH ED FUND	75.00	
164.99	229-FLEX FUND	164.99	
10,037.00	261-BUILDING RESERVE	10,037.00	27,632.87 High School
<u>27,632.87</u>	Overall Total		

ESSA Totals by School Code

Overall Operating Unit / Legal Entity (LE) / School Code (SC) Totals

21,692.58	20 - 0726-0000	District Wide
1,547.71	21 - 0726-0954	Terry School
2,457.34	22 - 0726-0958	Terry High School
315.65	23 - 0726-1752	Terry Middle School
<u>26,013.28</u>	Overall Total	

I HEREBY CERTIFY THAT THE ABOVE CLAIMS HAVE BEEN REVIEWED BY THE BOARD OF TRUSTEES OF TERRY SCHOOL DISTRICT NO. 5 AND HAVE BEEN APPROVED FOR PAYMENT.

CINDY TUSLER, BOARD CHAIRPERSON

CATHY KALMBACK, CLERK TERRY SCHOOL DISTRICT #5



Terry School District Activity Account

For the Month of: **November**

Checkbook Balance	<u>\$ 78,133.50</u>
Less outstanding Checks per Attached List	482.96
Add deposits in transit	<u>15707.97</u>
Adjust Balance	<u>\$ 93,358.51</u>

<u>Cash On Hand</u>	
Gate Cash Box	200.00
Concessions Change Box	<u>200.00</u>
Total \$	400.00

Dated this first day of December

Outstanding Checks Through November 2019				
Amount	To Whom	Check No.	Date	
-----	-----	-----	-----	
175.00	MT Ffa Foundation, Inc	18797	2/14/2019	
162.60	Haynes, Melody	18899	9/27/2019	
69.36	Smith, Nicole	18946	10/23/2019	
64.00	Quality Meats Of Mont	18953	11/6/2019	
12.00	Carter County High Sch	18961	11/26/2019	
482.96 Overall Total				

Overall | Account Totals
 64 26 - CONCESSIONS
 243.96 4 - VOLLEYBALL
 175 50 - FFA

=====
 482.96 Overall Total

Stockman Bank | Home

Home

Account

ACTIVITY ACCOUNT
 *1065

Current balance
178,133.50

Terry Public Schools

List of Outstanding Checks Through November 2019
2019-2020

12/13/2019
11:24:35

Amount	To Whom	Check No.	Date	Status	PO No.
175.00	MT Ffa Foundation, Inc	18797	02/14/2019	Written	9078
=====					
175.00	Previous Year				
162.60	Haynes, Melody	18899	09/27/2019	Written	9180
=====					
162.60	September				
69.36	Smith, Nicole	18946	10/23/2019	Written	9214
=====					
69.36	October				
64.00	Quality Meats Of Montana	18953	11/06/2019	Written	9229
12.00	Carter County High School	18961	11/26/2019	Written	9235
=====					
76.00	November				
=====					
482.96	Overall Total				

Overall Account Totals

64.00	26 - CONCESSIONS
243.96	4 - VOLLEYBALL
175.00	50 - FFA
=====	
482.96	Overall Total



Terry Public Schools

Totals Report for November 2019
2019-2020

12/03/2019
9:13:41

Checking
Savings
Investments

Account	Beginning +	Receipts -	Expenditures +	Transfers =	Ending
1 - FOOTBALL	4,208.78	0.17	81.50	0.00	4,127.45
2 - CLOSE UP	13,891.49	3,231.67	1,497.00	0.00	15,626.16
3 - BASKETBALL	3,991.16	1,009.16	665.10	0.00	4,335.22
4 - VOLLEYBALL	4,157.83	168.18	350.66	0.00	3,975.35
5 - TRACK	3,620.57	0.15	250.22	0.00	3,370.50
6 - CLASS 2018	0.00	0.00	0.00	0.00	0.00
7 - KEY CLUB	191.16	165.01	0.00	0.00	356.17
8 - CLASS 2022	628.64	244.28	0.00	0.00	872.92
9 - MATHCOUNTS	705.31	0.03	0.00	0.00	705.34
10 - FCCLA STUDENT ACCOUNTS	654.38	0.03	0.00	0.00	654.41
11 - SPEECH/DRAMA	1,889.34	0.07	0.00	0.00	1,889.41
12 - ART CLUB	313.41	0.01	0.00	0.00	313.42
13 - BIG CHAMPS	95.76	0.00	0.00	0.00	95.76
14 - FCCLA	131.90	2,291.91	77.44	0.00	2,346.37
15 - CLEARING ACCOUNT	3.12	6,854.46	6,854.46	0.00	3.12
16 - ACTIVITY/BOOK FEES	3,321.93	30.13	0.00	0.00	3,352.06
17 - JR HIGH STUDENT COUNCIL	3,079.31	0.12	0.00	0.00	3,079.43
18 - INDUSTRIAL ARTS	0.00	0.00	0.00	0.00	0.00
19 - MUSIC	5,715.41	0.23	865.91	0.00	4,849.73
20 - YOUNG THESPIANS	398.23	0.02	0.00	0.00	398.25
21 - ANNUAL	6,544.55	0.26	0.00	0.00	6,544.81
22 - ALUMNI	381.99	885.73	0.00	0.00	1,267.72
23 - LETTERPERSONS	1,000.21	0.04	0.00	0.00	1,000.25
24 - SCIENCE CLUB	1,785.61	0.07	0.00	0.00	1,785.68
25 - CLASS 2020	2,356.57	0.09	0.00	0.00	2,356.66
26 - CONCESSIONS	1,671.50	1,929.21	915.80	-19.74	2,665.17
27 - CLASS 2021	2,125.35	0.00	0.00	0.00	2,125.35
28 - CLASS 2019	0.02	0.00	0.00	0.00	0.02
29 - NATIONAL HONOR SOCIETY	725.65	0.03	0.00	0.00	725.68
30 - MATH MEET	71.09	0.00	0.00	0.00	71.09
32 - CLASS OF 2023	0.00	928.65	0.00	0.00	928.65
33 - LIFTATHON	175.51	0.01	0.00	0.00	175.52
34 - STUDENT COUNCIL	184.21	390.33	70.00	0.00	504.54
36 - FCCLA TRAVEL	166.45	0.01	0.00	0.00	166.46
43 - ACC READING	3,907.54	70.17	0.00	0.00	3,977.71
49 - THE STUDENT STORE	4,243.83	87.17	102.90	0.00	4,228.10
50 - FFA	10,969.90	4,278.00	783.61	19.74	14,484.03
	83,307.71 +	22,565.40 -	12,514.60 +	0.00 =	93,358.51

Cynthia A. [Signature]
FUND CHAIRPERSON

Christy Kelmbach [Signature]
FUND ADMINISTRATOR

Sam McPore [Signature]
FUND CUSTODIAN





OCTOBER 15, 2019

From Kris Goss, MTSBA Director of Policy Services/Senior Counsel:

The MTSBA Policy Maintenance Services Program is prepared to help ensure your school district operates efficiently and effectively in accordance with established practices and applicable laws and regulations. MTSBA Policy Notes helps meet these goals by updating the MTSBA model policies with the latest legal interpretations, statutory requirements, and best practices.

MTSBA offers both dues-based and fee-based policy services. As members of MTSBA, all districts have access to all of the MTSBA model policies, policy updates, and model staff and student handbooks through membership dues. Thank you to the over 140 districts who participate in the MTSBA Policy Maintenance Service Program. As members of this fee-based service, MTSBA will update the district's online policy file and the district's policy manual hosted on MTSBA.org once the district's board of trustees has adopted the changes.

This edition of Policy Notes provides an explanation of updates to the MTSBA Master Policy Manual based on the legislation approved during the 2019 Legislative Session that is now enacted law. Other updates to the manual reflect changes to policies designed to better assist districts with clearer or more workable language. It also includes an explanation of new and deleted policies. The updates outlined in this issue are shown in the attached marked up version of the policies.

Please note the updates to several portions of the MTSBA Flexibility and Efficiency Policy Series. This series includes policies designed to assist districts maximize funding opportunities and budgetary capacity to enhance services to students. Please review the policies to see if any are right for your district and contact me if you have any questions about how to enact and implement the policies.

If you have any other questions or suggestions about MTSBA Policy Services, please contact me at any time so we can make sure your district's policies are helping your district operate effectively and efficiently.

NEW POLICIES

1015FE – Personalized Learning Opportunities – This model policy is available to districts as part of the MTSBA Flexibility and Efficiency Policy Series to assist in compliance with the Advanced Opportunity Act and Transformational Learning Grant legislation.

1116FE – Independent Investment Accounts – This model policy has been revised and renumbered to ensure districts are aware of the expanded authority to control school district resources separate from county treasurer as authorized in Montana law.

3650 – Montana Pupil Online Personal Information Protection Act – This model policy is required to ensure school districts comply with the new law governing contracts with vendors and providers to ensure student data remains securely stored and used for educational purposes. A model form 3650F will also be available for districts to use when contracting with vendors to ensure the vendor is accountable to the law requiring protection of student data.

3550 – Student Clubs – This model policy is available to districts to provide a framework for the approval and recognition of student clubs while outlining the rights of students to gather in unrecognized groups.

7215 – Obligations and Loans – This model policy is available to districts to document the authority to secure loans for building and equipment necessary to complete school district operations.

8550 – Cyber Incident Response – This model policy is available to districts to provide a framework for the district to outline the responsibilities of staff and procedures to follow when handling a cyber incident or breach.

REQUIRED REVISIONS

1005FE – Proficiency Based Learning – This model policy has been revised to provide a definition of proficiency as required by the Transformational Learning Grant legislation.

1006FE – Transfers for School Safety – This model policy has been revised to reflect the expanded opportunity to use transferred funds for maintenance of safety measures, safety and security programs, and school security or resource officers.

1009FE – Educator Recruitment and Retention – This model policy has been revised to include educator requirement and retention by clarifying the flexible educator licensing provisions as updated by legislative action and including the provisions in law regarding educator student loan repayment options.

1014FE – Intent to Increase Non-Voted Levy – This model policy has been revised to include reference to the Flexibility Fund for purposes of transformational learning in accordance with legislative action.

1014FE-F1 - Notice of Intent to Impose an Increase in Levies Form – This model form has been revised to reflect the options now included on the new 1014FE.

1110 – Taking Office – This model policy has been revised to reflect the new 25-day deadline to provide certificates of election in accordance with legislative action.

1120 – Annual Organizational Meeting - This model policy has been revised to reflect the new 25-day deadline to provide certificates of election in accordance with legislative action.

1402 - School Board Use of Email and Mobile Messaging – This model policy has been revised to include mobile messaging to ensure trustees are mindful of responsibilities that apply when using technology-based communication.

1420 – School Board Meeting Procedure – This model policy has been revised to remove language about creation and destruction of verbatim transcripts that is inconsistent with aspects of Montana law.

1420F – Notice Regarding Public Comment – This model form has been completely rewritten to ensure compliance with the latest interpretation of the public comment statute by Montana courts.

1441 – Audience Participation – This model policy has been revised to ensure consistency with Policy 1420F and Montana law.

1512 – Conflicts of Interest - This model policy has been revised to reflect inconsistency between the nepotism law and the Montana Wrongful Discharge Act by including reference to completing nepotism for annually renewed employment contracts.

1700 – Uniform Complaint Procedure – This model policy has been revised to specifically guide complainants who may have a complaint about the lead administrator in the school district.

2150 – Suicide Awareness and Prevention – This model policy has been revised to comply with administrative rule governing district prevention and response efforts to suicide events.

2151F – Assumption of Risk Form – This model form has been revised to clarify responsibility of parents to provide insurance or assume responsibility for costs associated with student injury in school activities.

2161P – Special Education Procedures – This model policy has been revised to reflect legislative action related to identification and service of students with undiagnosed or diagnosed dyslexia.

3110 – Entrance, Placement and Transfer – This model policy has been revised to comply with legislative action on the age of students subject to enrollment in school.

3130 – Students of a Legal Age – This model policy has been revised to clarify the responsibility of majority age students to comply with district policies and school rules while enrolled in the district.

3520 – Student Fines, Fees and Charges – This model policy has been revised to ensure consistent terminology, clear application, and workable enforcement of student debts in a manner outlined in Montana law.

3600P and 3600F2– Student Records – This model policy has been revised to reflect legislative action authorizing student image storage and release of student information to state agencies for workforce trend research.

4315 – Visitor and Spectator Conduct – This model policy has been revised to include updated legal references.

4320 – Contact with Students – This model policy has been revised to clarify that vendors and services providers unaffiliated with the District are not permitted to access students without the approval of the building administrator.

4332 – Conduct on School Property – This model policy has been revised to include updated legal references.

4410 – Relations with Law Enforcement Agencies – This model policy has been revised to reflect legislative action regarding establishment of regional Interdisciplinary Child Information and School Safety Teams.

5120 – Hiring Process and Criteria – This model policy has been revised to include guidance on completing reference checks on applicants for a vacancy in the school district.

5223 – Personal Conduct – This model policy has been revised to comply with legislative action prohibiting romantic or intimate relations between a student and school employee.

5232 - Abused and Neglected Child Reporting – This model policy has been revised to comply with legislative action prohibiting romantic or intimate relations between a student and school employee.

5329 and 5329P – Long Term Illness and Disability Leave – These model documents have been revised to remove outdated language, clarify the applicability of the policy, and ensure consistency with the law and policy governing maternity leave.

5330 – Maternity and Paternity Leave – This model policy has been revised to address inconsistent with the law and other model policies and specifically referencing paternity leave as may be permitted by policy or collective bargaining agreement provision.

5430F – Volunteers and Chaperones Form – This model form has been revised to ensure a comprehensive review of the policies that apply to the volunteers service.

7260 - Donations, Endowments, Gifts, and Investments – This model policy has been revised to reflect legislative action broadening the authority and flexibility school districts have over donated funds including the removal of the provision requiring deposit in the endowment fund if the donor does not expressly state and intent for the funds.

7520 – Independent Investment Accounts – This model policy has been revised to ensure districts are aware of the expanded authority to control school district resources sperate from county treasurer as authorized in Montana law.

8225 – Tobacco Free Policy – This model policy has been revised to ensure compliance with legislative action specifically prohibiting vaping devices on school property.

RECOMMENDED REVISIONS

5328P – FMLA Guidance – This model procedure has been revised to assist districts with handling requests for FMLA protection.

8301- School Safety – This model policy has been revised to require staff to use safety equipment provided by school officials.

MTSBA Policy Notes and MTSBA model policies are available for viewing at [mtsba.org](https://www.mtsba.org), under Member Resources. MTSBA has designed these materials to provide helpful information regarding topics and best practices on issues concerning the administration and governance of Montana K-12 public schools. Final school district policies are adopted by a school district’s board of trustees. If you have questions about any matter related to school district policy or procedure, please contact Kris Goss at MTSBA.

Terry K-12 Schools

Adopted on:
Reviewed on:
Revised on:

1006FE

FLEXIBILITY AND EFFICIENCY

Transfers for School Safety

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

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

The transfer of such funds can be for:

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

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

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

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

Terry K-12 Schools

Adopted on:

Reviewed on:

Revised on:

1009FE

FLEXIBILITY AND EFFICIENCY

Recruitment and Retention

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

Flexible Instructor Licensing

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

- Internships
 - Available to anyone with a current license and endorsement in one subject who wants to move to a new licensed role/endorsed area.
 - Requirements must be satisfied within 3 years
 - Must include a plan between the intern, the school district and an accredited preparation program
- Provisionally Certified
 - May be issued to an otherwise qualified applicant who can provide satisfactory evidence of:
 - The intent to qualify in the future for a class 1 or class 2 certificate and
 - Who has completed a 4-year college program or its equivalent, and
 - Holds a bachelor’s degree from a unit of the Montana university system or its equivalent.
- Substitutes
 - Must have a GED or high school diploma
 - Will have completed 3 hours of training by the district
 - Will have submitted a fingerprint background check
(All requirements can be waived by the district if the substitute has prior substitute teaching experience in another public school from November 2002 to earlier)
 - May not substitute more than 35 consecutive days for the same teacher, however the same substitute can be used for successive absences of different staff as long as each regular teacher for whom the substitute is covering is back by 35 consecutive teaching days
- Retired Educators

- School district must certify to OPI and TRS that the district has been unable to fill the position due to no qualified applications or no acceptance of offer by a non-retired teacher
- ⊖ Limited to employment in a second or third class elementary district or a second or third class high school district.
- Retired teacher must have ~~30~~27 years of experience in TRS
- There is a 3-year lifetime limit on the retired individual going to work under this provision
- Class 3 Administrative License
 - Valid for a period of 5 years
 - Appropriate administrative areas include: elementary principal, secondary principal, K-12 principal, K-12 superintendent, and supervisor.
 - Must be eligible for an appropriately endorsed Class 1,2 or 5 license to teach in the school(s) in which the applicant would be an administrator or would supervise, and qualify as set forth in ARM 10.57414 through 10.57.418
 - An applicant for a Class 3 administrative license who completed an educator preparation program which does not meet the definition in ARM 10.57.102(2), who is currently licensed in another state at the same level of licensure, may be considered for licensure with verification of five years of successful administrative experience as defined in ARM 10.57.102 as documented by a recommendation from a state accredited P-12 school employer on a form prescribed by the Superintendent of Public Instruction and approved by the Board of Public Education. The requirements of ARM 10.57.414(1)(c)(i-iii) must be met by an applicant seeking a superintendent endorsement.
- Class 4 for CTE
 - Valid for a period of 5 years
 - Renewable pursuant to the requirements of 10.57.215, ARM and the requirements specific to each type of Class 4 license.
 - 4A – for licensed teachers without a CTE endorsement
 - 4B – for individuals with at least a bachelor’s degree
 - 4C – for individuals with a minimum of a high school diploma or GED
- Class 5 alternatives
 - Good for a maximum of 3 years
 - Requirements dependent upon the alternative the district is seeking
- Emergency authorization of employment
 - Individual must have previously held a valid teacher or specialist certificate or have met requirements of rule 10.57.107, ARM
 - Emergency authorization is valid for one year, but can be renewed from year to year provided conditions of scarcity continue to persist

Loan Repayment Program

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

8
9 A quality educator is eligible for state-funded loan repayment assistance for no more than 3 years
10 and an additional 1 year of loan repayment assistance voluntarily funded by the impacted school
11 or the district under which the impacted school is operated, with the maximum annual loan
12 repayment assistance not to exceed:

- 13 • \$3,000 of state-funded loan repayment assistance after the first complete year of teaching
14 in an impacted school;
- 15 • \$4,000 of state-funded loan repayment assistance after the second complete year of
16 teaching in the same impacted school or another impacted school within the same school
17 district;
- 18 • \$5,000 of state-funded loan repayment assistance after the third complete year of
19 teaching in the same impacted school or another impacted school within the same school
20 district; and
- 21 • up to \$5,000 of loan repayment assistance funded by the impacted school or the district
22 under which the impacted school is operated after the fourth complete year of teaching in
23 the same impacted school or another impacted school within the same school district.

24
25

26 Legal References:	10.55.716, ARM	Substitute Teachers
	10.55.607, ARM	Internships
	10.57.107, ARM	Emergency Authorization of Employment
	10.57.215, ARM	Renewal Requirements
	10.57.420, ARM	Class 4 Career and Technical Education License
	10.57.424, ARM	Class 5 Provisional License
	19-20-732, MCA	Reemployment of certain retired teachers, specialists and administrators – procedure – definitions
	<u>20-4-501-20-4-505</u>	<u>Loan Repayment Assistance for Quality Educator</u>

35
36

Terry K-12 Schools

Adopted on:
Reviewed on:

1014FE

FLEXIBILITY AND EFFICIENCY

Revised on:

Intent to Increase Non-Voted Levy

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

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

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

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

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

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

Legal Reference: 20-9-116, MCA Resolution of intent to increase nonvoted levy – notice
Chapter 402 (2019) Transformational Learning Incentives

[School District]

Adopted on:
Reviewed on:
Revised on:

1014FE-F1

FLEXIBILITY AND EFFICIENCY

Notice of Intent to Impose an Increase in Levies Form

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

Fund Supported	Estimated Change in Revenues*	Estimated Change in Mills*	Estimated Impact, Home of \$100,000*	Estimated Impact, Home of \$200,000*
Adult Education	\$__ increase/decrease	\$__ increase/decrease	\$__ increase/decrease	\$__ increase/decrease
Bus Depreciation	\$__ increase/decrease	\$__ increase/decrease	\$__ increase/decrease	\$__ increase/decrease
Transportation	\$__ increase/decrease	\$__ increase/decrease	\$__ increase/decrease	\$__ increase/decrease
Tuition	\$__ increase/decrease	\$__ increase/decrease	\$__ increase/decrease	\$__ increase/decrease
Building Reserve	\$__ increase/decrease	\$__ increase/decrease	\$__ increase/decrease	\$__ increase/decrease
<u>Flexibility</u>	<u>\$__ increase/decrease</u>	<u>\$__ increase/decrease</u>	<u>\$__ increase/decrease</u>	<u>\$__ increase/decrease</u>
Total	\$__ increase/decrease	\$__ increase/decrease	\$__ increase/decrease	\$__ increase/decrease

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

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

1. _____
2. _____
3. _____
4. _____

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

1 **Terry K-12 Schools**

2
3 **THE BOARD OF TRUSTEES**

1110

4
5 Taking Office

6
7 A newly elected trustee shall take office as soon as election results have been certified and the
8 newly elected trustee has taken and subscribed to an oath to faithfully and impartially discharge
9 the duties of the office to the best of his/her ability.

10
11 A newly appointed trustee shall take office, after the trustee has taken and subscribed to an oath
12 to faithfully and impartially discharge the duties of the office to the best of his/her ability.

13
14 The person shall qualify by taking an oath of office administered by the county superintendent,
15 the superintendent's designee, or any officer provided for in 1-6-101, MCA or 2-16-116, MCA.
16 Such oath must be filed with the county superintendent not more than ~~fifteen (15)~~ twenty-five
17 (25) days after the receipt of the certificate of election or the appointment.

18
19
20 Cross Reference: Policy 1113 Vacancies

21
22 Legal References: § 1-6-101, MCA Officers who may administer oaths
23 § 2-16-116, MCA Power to administer oaths
24 § 20-1-202, MCA Oath of office
25 § 20-3-307, MCA Qualification and oath

26
27 Policy History:

28 Adopted on:

29 Reviewed on:

30 Revised on:

5 Annual Organization Meeting

7 After issuance of election certificates to newly elected trustees, but no later than ~~15~~ twenty-five
8 (25) days after the election, the Board shall elect from among its members a Chairperson and a
9 Vice Chairperson to serve until the next annual organizational meeting. If a Board member is
10 unable to continue to serve as an officer, a replacement shall be elected at the earliest opportunity
11 to serve the remainder of the term. In the absence of both the Chairperson and the Vice
12 Chairperson, the Board shall elect a Chairperson *pro tempore*, who shall perform the functions of
13 the Chairperson during the latter’s absence. The Clerk shall act as Board secretary.

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

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

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

40 Policy History:

41 Adopted on:
42 Reviewed on:
43 Revised on:

4
5 School Board Use of Email and Mobile Messaging

6
7 Use of email and mobile messaging by members of the Board will conform to the same standards
8 of judgment, propriety, and ethics as other forms of school board-related communication. Board
9 members will comply with the following guidelines when using e-mail and mobile messaging in
10 the conduct of Board responsibilities:

- 11
- 12 1. The Board will not use e-mail or mobile messaging as a substitute for deliberations at
- 13 Board meetings or for other communications or business properly confined to Board
- 14 meetings.
- 15
- 16 2. Board members will be aware that mobile messages, e-mail and e-mail attachments
- 17 received or prepared for use in Board business or containing information relating to
- 18 Board business may be regarded as public records, which may be inspected by any
- 19 person upon request, unless otherwise made confidential by law.
- 20
- 21 3. Board members will avoid reference to confidential information about employees,
- 22 students, or other matters in e-mail and mobile communications, because of the risk of
- 23 improper disclosure. Board members will comply with the same standards as school
- 24 employees, with regard to confidential information.
- 25
- 26
- 27

28 Cross Reference: 1400 Board Meetings
 29 1401 Records Available to Public

30

31 Legal Reference:	§ 2-3-103, MCA	Public participation – governor to ensure guidelines
		adopted
	§ 2-3-201, MCA	Legislative intent – liberal construction
	§ 2-3-203, MCA	Meetings of public agencies and certain associations
		of public agencies to be open to public – exceptions
	§ 20-3-322, MCA	Meeting and quorum

37
38 Policy History:

39 Adopted on:

40 Reviewed on:

41 Revised on:

4
5 Notice Regarding Public Comment

6
7 Montana law requires school districts and other public agencies to include on the agenda for
8 public meetings an item allowing public comment on any public matter not otherwise
9 specifically listed on the agenda that is within the jurisdiction of the agency. The public comment
10 portion of the agenda is not the time designated to hear items that are specifically
11 listed/identified on the agenda.

12
13 For those individuals who desire to address the Board during the public comment portion of the
14 meeting, if you haven't already done so, please sign your name to the sheet and indicate the
15 general topic on which you will be commenting. The Board Chairperson will call individuals to
16 speak in the order listed on the sheet provided. Please state your name prior to beginning your
17 comment. There will be an opportunity for citizens who have not signed in to comment at the
18 conclusion of the comment period. The Board would like to remind everyone in attendance to
19 avoid violations of individual rights of privacy when providing comment. The Board is not
20 authorized to hear comments on contested cases or other adjudicative proceedings.

21
22 By law, the District cannot take any action on any matter discussed during the public comment
23 portion of the meeting as those matters are specifically noticed on the agenda. The Board may
24 take a matter raised during the public comment period under consideration for inclusion on a
25 future agenda.

26
27 In accordance with Montana law, citizens have the right to comment on an item that is
28 specifically listed on the agenda. Citizens will be permitted to do so when the item comes up for
29 discussion and action. The board chair will indicate when the public has the opportunity to
30 comment prior to board action on a particular agenda item.

31
32 The Board Chair has the authority to manage all public comment periods and will do so in
33 accordance with state law and district policy.

2
3 THE BOARD OF TRUSTEES

4
5 School Board Meeting Procedure

6
7 Agenda

8
9 The authority to set the board agenda lies with the Board Chair in consultation with board members
10 and the administration. The act of preparing the board meeting agendas can be delegated to the
11 Superintendent.

12
13 The Board Chairperson must approve any items submitted by Board members or members of the
14 public, to be placed on the agenda. Citizens wishing to make brief comments about school programs
15 or procedures will follow the public comment procedures in district policy.

16
17 The agenda also must include a “public comment” portion to allow members of the general public to
18 comment on any public matter under the jurisdiction of the District which is not specifically listed on
19 the agenda, except that no member of the public will be allowed to comment on contested cases,
20 other adjudicative proceedings, or personnel matters. The Board Chairperson may place reasonable
21 time limits on any “public comment” period to maintain and ensure effective and efficient operations
22 of the Board. The Board shall not take any action on any matter discussed, unless the matter is
23 specifically noticed on the agenda, and the public has been allowed opportunity to comment.

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

31
32 Consent Agenda

33
34 To expedite business at its meetings, the Board approves the use of a consent agenda, which includes
35 those items considered to be routine in nature. Any item that appears on the consent agenda may be
36 removed by a member of the Board. Any Board member who wishes to remove an item from the
37 consent agenda must give advance notice in a timely manner to the Superintendent. Remaining items
38 will be voted on by a single motion. The approved motion will be recorded in the minutes, including
39 a listing of all items appearing on the consent agenda.

40
41 Minutes

42
43 Appropriate minutes of all meetings required to be open must be kept and must be available for
44 inspection by the public. [(Optional) If an audio recording of a meeting is made and designated as
45 official, the

1
2
3
4
5 recording constitutes the office record of the meeting. If an official recording is made, a written
6 record of the meeting must also be made and must also include:

- 7
8 • Date, time, and place of the meeting;
9 • Presiding officer;
10 • Board members recorded as absent or present;
11 • Summary of discussion on all matters discussed (including those matters discussed during the
12 “public comment” section), proposed, deliberated, or decided, and a record of any votes
13 taken;
14 • Detailed statement of all expenditures;
15 • Purpose of recessing to closed session; and
16 • Time of adjournment.

17
18 ~~When issues are discussed that may require a detailed record, the Board may direct the Clerk to~~
19 ~~record the discussion verbatim. Any verbatim record may be destroyed after the minutes have been~~
20 ~~approved, pursuant to § 20-1-212, MCA.~~

21
22 If the minutes are recorded and designated as the official record, a log or time stamp for each main
23 agenda item is required for the purpose of providing assistance to the public in accessing that portion
24 of the meeting.]

25
26 Unofficial minutes shall be delivered to Board members in advance of the next regularly scheduled
27 meeting of the Board. Minutes need not be read publicly, provided that Board members have had an
28 opportunity to review them before adoption. A file of permanent minutes of Board meetings shall be
29 maintained in the office of the Clerk, to be made available for inspection upon request. A written
30 copy shall be made available within five (5) working days following approval by the Board.

31 32 Quorum

33
34 No business shall be transacted at any meeting of the Board unless a quorum of its members is
35 present. A majority of the full membership of the Board shall constitute a quorum, whether the
36 individuals are present physically or electronically. A majority of the quorum may pass a resolution,
37 except as provided in § 20-4-203(1), MCA, and § 20-4-401(4), MCA.

38 39 Electronic Participation

40
41 The Board may allow members to participate in meetings by telephone or other electronic means.
42 Board members may not simply vote electronically but must be connected with the meeting
43 throughout the discussion of business. If a Board member electronically joins the meeting after an
44 item of business has been opened, the remotely located member shall not participate until the next
45 item of business is opened.

46
47 If the Board allows a member to participate electronically, the member will be considered present
48 and will have his or her actual physical presence excused. The member shall be counted present for

1
2
3
4
5 purposes of convening a quorum. The Clerk will document it in the minutes, when members
6 participate in the meeting electronically.

7
8 Any Board member wishing to participate in a meeting electronically will notify the Chairperson and
9 Superintendent as early as possible. The Superintendent will arrange for the meeting to take place in
10 a location with the appropriate equipment so that Board members participating in the meeting
11 electronically may interact, and the public may observe or hear the comments made. The
12 Superintendent will take measures to verify the identity of any remotely located participants.

13
14 Meeting Conduct and Order of Business

15
16 General rules of parliamentary procedure are used for every Board meeting. *Robert's Rules of Order*
17 may be used as a guide at any meeting. The order of business shall be reflected on the agenda. The
18 use of proxy votes shall not be permitted. Voting rights are reserved to those trustees in attendance.
19 Voting shall be by acclamation or show of hands.

20
21 Rescind a Motion

22
23 A motion to rescind (cancel previous action) may be made anytime by any trustee. A motion to
24 rescind must be properly noticed on the Board's agenda for the meeting. It is in order any time prior
25 to accomplishment of the underlying action addressed by the motion.

26
27 Cross Reference: 1441 Audience Participation

28
29 Legal References: § 2-3-103, MCA Public participation - governor to ensure guidelines
30 adopted
31 § 2-3-202, MCA Meeting defined
32 § 2-3-212, MCA Minutes of meetings – public inspection
33 § 20-1-212, MCA Destruction of records by school officer
34 § 20-3-322, MCA Meetings and quorum
35 § 20-3-323, MCA District policy and record of acts
36 *Jones and Nash v. Missoula Co., 2006 MT2, 330 Mont 2005*

37
38 Policy History:

39 Adopted on:
40 Reviewed on:
41 Revised on:

5 Audience Participation

7 The Board recognizes the value of public comment on educational issues and the importance of
8 involving members of the public in its meetings. The Board also recognizes the statutory and
9 constitutional rights of the public to participate in governmental operations. To allow fair and
10 orderly expression of public comments, the Board will permit public participation through oral or
11 written comments during the “public comment” section of the Board agenda and prior to a final
12 decision on a matter of significant interest to the public. The Chairperson may control such
13 comment to ensure an orderly progression of the meeting in the manner described in Policy
14 1420F.

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

28 Cross Reference: 1420 School Board Meeting Procedure

30 Legal Reference: Article II, Section 8, Montana Constitution – Right of participation
31 Article II, Section 10, Montana Constitution – Right of privacy
32 Chapter 2, Part 1, MCA Notice and Opportunity to Be Heard

34 Policy History:

35 Adopted on:

36 Reviewed on:

37 Revised on:

4
5 Conflict of Interest

6
7 A trustee may not:

- 8
- 9 1. Engage in a substantial financial transaction for the trustee’s private business purpose,
10 with a person whom the trustee inspects or supervises in the course of official duties.
11
 - 12 2. Perform an official act directly and substantially affecting, to its economic benefit, a
13 business or other undertaking in which the trustee either has a substantial financial
14 interest or is engaged as counsel, consultant, representative, or agent.
15
 - 16 3. Act as an agent or solicitor in the sale or supply of goods or services to a district.
17
 - 18 4. Have a pecuniary interest, directly or indirectly, in any contract made by the Board, when
19 the trustee has more than a ten percent (10%) interest in the corporation. A contract does
20 not include: 1) merchandise sold to the highest bidder at public auctions; 2) investments
21 or deposits in financial institutions that are in the business of loaning or receiving money,
22 when such investments or deposits are made on a rotating or ratable basis among
23 financial institutions in the community or when there is only one (1) financial institution
24 in the community; or 3) contracts for professional services other than salaried services or
25 for maintenance or repair services or supplies when the services or supplies are not
26 reasonably available from other sources, if the interest of any Board member and a
27 determination of such lack of availability are entered in the minutes of the Board meeting
28 at which the contract is considered.
29
 - 30 5. Be employed in any capacity by the District, with the exception of officiating at athletic
31 competitions under the auspices of the Montana Officials Association.
32
 - 33 6. Perform an official act directly and substantially affecting a business or other
34 undertaking to its economic detriment when the officer or employee has a substantial
35 personal interest in a competing firm or undertaking.
36
 - 37 7. Appoint or renew to a position of trust or emolument any person related or connected by
38 consanguinity within the fourth (4th) degree or by affinity within the second (2nd) degree.
39
 - 40 a. This prohibition does not apply to the issuance of an employment contract to a
41 person as a substitute teacher who is not employed as a substitute teacher for more
42 than thirty (30) consecutive school days.
 - 43 b. This prohibition does not apply to the renewal of an employment contract of a
44 person tenured teacher or classified employee employed without a written
45 contract for a specific term related to a Board member, who was initially hired
46 before the Board member assumed the trustee position.

1 c. This prohibition does not apply if trustees comply with the following
2 requirements: 1) **All trustees**, except the trustee related to the person to be
3 employed or appointed, vote to employ the related person; 2) the trustee related to
4 the person to be employed abstains from voting; and 3) the trustees give fifteen
5 (15) days written notice of the time and place of their intended action in a
6 newspaper of general circulation in the county where the school is located.
7

8 Legal Reference: Section 20-9-204, MCA – Conflicts of Interest
9 Section 20-1-201, MCA – School Officials not to Act as Agents
10 Section 2-3-302, MCA - Nepotism
11 Section 2-2-103, MCA – Public Trust
12 Section 2-2-104, MCA – Rules of Conduct
13 Section 2-2-105, MCA – Ethical Requirements
14 Section 2-2-121, MCA – Rules of Conduct
15

16 Policy History:
17 Adopted on:
18 Reviewed on:
19 Revised on:

1 **Terry K-12 Schools**

2
3 **STUDENTS**

4
5 Entrance, Placement, and Transfer

6
7 Entrance, Date, and Age

8
9 The trustees will enroll and admit a child to a school in the district when the child ~~in kindergarten~~
10 ~~or in first grade whose fifth (5th) or sixth (6th) birthday occurs~~ is 5 years of age or older on or
11 before the tenth (10th) day of September of the school year in which the child is to enroll but is
12 not yet 19 years of age who is a resident of the District. Parents may request a waiver of the age
13 requirement. All waivers are granted in the sole discretion of the Trustees District. Non-resident
14 students may be admitted at the discretion of the Trustees. Children will be enrolled in the grade
15 identified in accordance with District policy or at the discretion of the of the administration in
16 consultation with the student’s parents or guardians. A child who meets the requirement of being
17 ~~six (6) years old, but who has not completed a kindergarten program, will be tested and placed at~~
18 ~~the discretion of the administration.~~ The District requires proof of identity and an immunization
19 record for every child to be admitted to District schools. The trustees may at their discretion
20 assign and admit a child to a school in the district who is under ~~6~~ 5 years of age or an adult who
21 is 19 years of age or older if there are exceptional circumstances that merit waiving the age
22 provision.

23
24 School Entrance

- 25
26 1. The District requires that a student’s parents, legal guardian, or legal custodian present
27 proof of identity of the child¹ to the school within forty (40) days of enrollment, as well
28 as proof of residence in the District. Students who are not residents of the District may
29 apply for admission pursuant to Policy 3141.
30
31 2. To be admitted to District schools, in accordance with the Montana Immunization Law, a
32 child must have been immunized against varicella, diphtheria, pertussis, tetanus,
33 poliomyelitis, rubella, mumps, and measles in the manner and with immunizing agents
34 approved by the department. Immunizations may not be required if a child qualifies for
35 conditional attendance or an exemption is filed as provided by Montana law.
36
37 3. The above requirements are not to serve as barriers to immediate enrollment of students
38 designated as homeless or foster children as required by the Every Student Succeeds Act
39 (ESSA) and the McKinney-Vento Act as amended by ESSA. The District shall work
40 with the local child welfare agency, the school last attended, or other relevant agencies to
41 obtain necessary enrollment documentation and ensure a student receives education
42 services in the best interests of the child. The Superintendent or designee shall serve as
43 point of contact with all applicable agencies to review records, facilitate services and
44 resolve disputes.

45
46 Placement

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

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

Transfer

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

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

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

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

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

Legal Reference:	§ 20-5-101, MCA	Admittance of child to school
	§ 20-5-403, MCA	Immunization required – release and acceptance of immunization records
	§ 20-5-404, MCA	Conditional attendance
	§ 20-5-405, MCA	Medical or religious exemption
	§ 20-5-406, MCA	Immunization record
	§ 44-2-511, MCA	School enrollment procedure
	10.16.3122, ARM	Local Educational Agency Responsibility For Students with Disabilities
	10.55.601, et seq., ARM	Accreditation Standards: Procedures

Policy History:

- 1 Adopted on:
- 2 Reviewed on:
- 3 Revised on:

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

1 **Terry K-12 Schools**

2
3 **STUDENTS**

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page 1 of 2

4
5 Students of Legal Age

6
7 Every student eighteen (18) years of age or older ~~will be deemed to be an adult and will have~~
8 ~~legal capacity to act as such. Such students,~~ like all other students, will comply with the rules
9 established by the District, pursue the prescribed course of study, and submit to the authority of
10 teachers and other staff members as required by policy and state law.

11
12 Forms

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

16
17 Admission to School

18
19 The residence of an adult student who is not residing with a parent or guardian will be
20 considered the residence for school purposes.

21
22 Field Trips/Athletic Programs

23
24 Approved forms for participation will be required of all students. The form should indicate that
25 the signature is that of the parent ~~or the adult student. Sponsors or coaches will be required to~~
26 ~~confirm the ages of those students signing their own forms.~~

27
28 Absence/Lateness/Truancy

29
30 Absence notes will be signed by parents or guardians. ~~normally signed by parents or guardians,~~
31 ~~may be signed by adult students.~~ Excessive absences will result in consequences according to
32 policy 3122P and will be reported on the report card.

33
34 Suspension/Expulsion

35
36 All suspension and/or expulsion proceedings will conform to the requirements of state statutes.
37 Notification of all such proceedings will be sent to parents or guardians. ~~Adult students,~~
38 ~~however, are permitted to represent themselves if they so choose.~~

39
40 Withdrawal From School

41
42 Adult students may withdraw from school under their own cognizance. Counselors will guide
43 and counsel potential dropouts and encourage their continued attendance. Parents will be notified
44 of impending dropouts by the school.

45
46 Permission to Inspect Student Records

1
2
3
4 A student that attains the age of legal majority is an “eligible student” under FERPA. An eligible
5 student has the right to access and inspect their student records. An eligible student may not
6 prevent their parents from accessing and inspecting their student records if they are a dependent
7 of their parents in accordance with Internal Revenue Service regulations.
8

9 Report Cards

10
11 Progress reports will be sent to the parent or legal guardian.
12

13 Excuses From School

14
15 The school will verify requests from students who wish to leave school early for reasons such as
16 job interviews, college visits, driver testing, etc., with the organization being visited. Permission
17 to leave school early may be denied for what is considered a non-valid reason.
18

19 Financial Responsibility

20
21 Adult students can be held financially responsible for damage to school property.
22
23

24 Policy History:

25 Adopted on:

26 Reviewed on:

27 Revised on:

2
3 STUDENTS

3520

4
5 Student Fees and Fines, and Charges

6
7 Within the concept of free public education, the District will provide an educational program for students
8 as free of costs as possible.

9
10 Fees

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

16
17 The Board delegates authority to the Superintendent to establish appropriate fees and procedures
18 governing collection of fees and asks the Superintendent to make annual reports to the Board regarding
19 fee schedules. The Board also may require fees for actual cost of breakage and for excessive supplies
20 used in commercial, industrial arts, music, domestic science, science, or agriculture courses.

21
22 Fines

23 The District holds a student responsible for the cost of replacing materials or property that are lost or
24 damaged because of negligence. A building administrator will notify a student and parent regarding the
25 nature of violation or damage, how restitution may be made, and how an appeal may be instituted. ~~The~~
26 ~~District may withhold a student's grades or diploma until restitution is made.~~

27
28 Withholding and Transferring Records for Unpaid Fines or Fees

29 The District may not refuse to transfer files to another district because a student owes fines or fees. The
30 District may not withhold the school schedule of a student because the student owes fines or fees. ~~A~~
31 ~~school~~ The district may withhold the grades, diploma, or transcripts of a current or former pupil student
32 who is responsible for the cost of school materials or the loss or damage of school property until the pupil
33 student or the student's pupil's parent or guardian pays the owed fines or fees. ~~satisfies the obligation.~~

34
35 In the event a student who owes fines or fees transfers to another school district in the state and the
36 District has decided to withhold a pupil's the student's grades, diploma, or transcripts from the pupil
37 student and the pupil's student's parent or guardian, the District shall:

- 38 1. upon receiving notice that the pupil student has transferred to another school district in the state,
39 notify the pupil's student's parent or guardian in writing that the school district to which the pupil
40 has transferred will be requested to withhold the pupil's student's grades, diploma, or transcripts
41 until any obligation has been satisfied;
42 2. forward appropriate grades or transcripts to the school district to which the pupil student has
43 transferred;
44 3. at the same time, notify the school district to which the student has transferred of any financial
45 obligation of the pupil student and request the withholding of the pupil's student grades, diploma,
46 or transcripts until any obligations are met;
47 4. when the pupil student or the pupil's student's parent or guardian satisfies the obligation, inform
48 the school district to which the pupil student has transferred.

49
50 A student or parent may appeal the imposition of a charge for damages to the Superintendent and to the
51 Board.

1
2 Legal reference: § 20-1-213 (3), MCA Transfer of school records
3 § 20-5-201(4), MCA Duties and sanctions
4 § 20-7-601, MCA Free textbook provisions
5 § 20-9-214, MCA Fees
6

7 Policy History:

8 Adopted on:

9 Reviewed on:

10 Revised on:

Student Directory Information Notification

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

_____ *Date*

Dear Parent/Eligible Student:

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

Student's Name

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

Please review School District Policy 3600P for complete information.

<ul style="list-style-type: none"> -Student's name -Address -Telephone listing -Electronic mail address -Photograph (including electronic version) -Date and place of birth -Major field of study -Dates of attendance -Grade level 	<ul style="list-style-type: none"> -Enrollment status (e.g., undergraduate or graduate; full-time or part-time) -Participation in officially recognized activities and sports -Weight and height of members of athletic teams -Degrees -Honors and awards received -Most recent educational agency or institution attended
--	--

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

- Institutions of Higher Education,
 Potential Employers,
 Armed Forces Recruiters,
 Government Agencies
 Other

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

_____ *Parent/Eligible Student's Signature*

_____ *Date*

1 **Terry K-12 Schools**

2
3 **STUDENTS**

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page 1 of 5

4
5 Student Records

6
7 Maintenance of School Student Records

8
9 The District maintains two (2) sets of school records for each student – a permanent record and a
10 cumulative record.

11
12 The permanent record will include:

- 13
- 14 Basic identifying information
- 15 Academic work completed (transcripts)
- 16 Level of achievement (grades, standardized achievement tests)
- 17 Immunization records (per § 20-5-406, MCA)
- 18 Attendance record
- 19 Statewide student identifier assigned by the Office of Public Instruction
- 20 Record of any disciplinary action taken against the student, which is educationally related
- 21

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

24
25 The cumulative record may include:

- 26
- 27 Intelligence and aptitude scores
- 28 Psychological reports
- 29 Participation in extracurricular activities
- 30 Honors and awards
- 31 Teacher anecdotal records
- 32 Verified reports or information from non-educational persons
- 33 Verified information of clear relevance to the student’s education
- 34 Information pertaining to release of this record
- 35 Disciplinary information
- 36 Camera footage only for those students directly involved in the incident
- 37

38 Information in the permanent record will indicate authorship and date and will be maintained in
39 perpetuity for every student who has been enrolled in the District. Cumulative records will be maintained
40 for eight (8) years after the student graduates or permanently leaves the District. Cumulative records
41 which may be of continued assistance to a student with disabilities, who graduates or permanently
42 withdraws from the District, may, after five (5) years, be transferred to the parents or to the student if the
43 student has succeeded to the rights of the parents.

44
45 The building principal will be responsible for maintenance, retention, or destruction of a student’s
46 permanent or cumulative records, in accordance with District procedure established by the
47 Superintendent.

48
49 Access to Student Records

1 The District will grant access to student records as follows:

2 3600P
3 page 2 of 5
4

- 5 1. The District or any District employee will not release, disclose, or grant access to information
6 found in any student record except under the conditions set forth in this document.
7
- 8 2. The parents of a student under eighteen (18) years of age will be entitled to inspect and copy
9 information in the child's school records. Such requests will be made in writing and directed to
10 the records custodian. Access to the records will be granted within fifteen (15) days of the
11 District's receipt of such request. Parents are not entitled to records of other students. If a record
12 contains information about two students, information related to the student of the non-requesting
13 parent will be redacted from the record.
14

15 In situations involving a record containing video footage, a parent of a student whose record
16 contains the footage is allowed to view the footage contained in the record but is not permitted to
17 receive a copy unless the parents of the other involved students provide consent. The footage is
18 not a record of students in the background of the image or not otherwise involved in the
19 underlying matter.
20

21 Where the parents are divorced or separated, both will be permitted to inspect and copy the
22 student's school records, unless a court order indicates otherwise. The District will send copies
23 of the following to both parents at either one's request, unless a court order indicates otherwise:
24

- 25 a. Academic progress reports or records;
26 b. Health reports;
27 c. Notices of parent-teacher conferences;
28 d. School calendars distributed to parents/guardians; and
29 e. Notices about open houses and other major school events, including student-parent
30 interaction.
31

32 A student that attains the age of legal majority is an "eligible student" under FERPA. An eligible
33 student has the right to access and inspect their student records. An eligible student may not
34 prevent their parents from accessing and inspecting their student records if they are a dependent
35 of their parents in accordance with Internal Revenue Service regulations.
36

37 Access will not be granted to the parent or the student to confidential letters and
38 recommendations concerning admission to a post-secondary educational institution, applications
39 for employment, or receipt of an honor or award, if the student has waived his or her right of
40 access after being advised of his or her right to obtain the names of all persons making such
41 confidential letters or statements.
42

- 43 3. The District may grant access to or release information from student records without prior written
44 consent to school officials with a legitimate educational interest in the information. A school
45 official is a person employed by the District in an administrative, supervisory, academic, or
46 support staff position (including, but not limited to administrators, teachers, counselors,
47 paraprofessionals, coaches, and bus drivers), and the board of trustees. A school official may also
48 include a volunteer or contractor not employed by the District but who performs an educational
49 service or function for which the District would otherwise use its own employees and who is
50 under the direct control of the District with respect to the use and maintenance of personally
51 identifying information from education records, or such other third parties under contract with the

District to provide professional services related to the District's educational mission, including, but not limited to, attorneys and auditors. A school official has a legitimate educational interest in student education information when the official needs the information in order to fulfill his or her professional responsibilities for the District. Access by school officials to student education information will be restricted to that portion of a student's records necessary for the school official to perform or accomplish their official or professional duties.

4. The District may grant access to or release information from student records without parental consent or notification to any person, for the purpose of research, statistical reporting, or planning, provided that no student or parent can be identified from the information released, and the person to whom the information is released signs an affidavit agreeing to comply with all applicable statutes and rules pertaining to school student records.
5. The District may grant release of a child's education records to child welfare agencies without the prior written consent of the parents.
6. The District will grant access to or release information from a student's records pursuant to a court order.
7. The District will grant access to or release information from any student record, as specifically required by federal or state statute.
8. The District will grant access to or release information from student records to any person possessing a written, dated consent, signed by the parent or eligible student, with particularity as to whom the records may be released, the information or record to be released, and reason for the release. One (1) copy of the consent form will be kept in the records, and one (1) copy will be mailed to the parent or eligible student by the Superintendent. Whenever the District requests consent to release certain records, the records custodian will inform the parent or eligible student of the right to limit such consent to specific portions of information in the records.
9. The District may release student records to the superintendent or an official with similar responsibilities in a school in which the student has enrolled or intends to enroll, upon written request from such official. School officials may also include those listed in #3 above.
10. Prior to release of any records or information under items 5, 6, 7, 8, and 9, above, the District will provide prompt written notice to the parents or eligible student of this intended action. This notification will include a statement concerning the nature and substance of the records to be released and the right to inspect, copy, and challenge the contents.
11. The District may release student records or information in connection with an emergency, without parental consent, if the knowledge of such information is necessary to protect the health or safety of the student or other persons. The records custodian will make this decision, taking into consideration the nature of the emergency, the seriousness of the threat to the health and safety of the student or other persons, the need for such records to meet the emergency, and whether the persons to whom such records are released are in a position to deal with the emergency. The District will notify the parents or eligible student, as soon as possible, of the information released, date of the release, the person, agency, or organization to whom the release was made, and the purpose of the release.

12. The District may disclose, without parental consent, student records or information to the youth court and law enforcement authorities, pertaining to violations of the Montana Youth Court Act or criminal laws by the student.
13. The District will comply with an *ex parte* order requiring it to permit the U.S. Attorney General or designee to have access to a student's school records without notice to or consent of the student's parent(s)/guardian(s).
14. The District charges a nominal fee for copying information in the student's records. No parent or student will be precluded from copying information because of financial hardship.
15. A record of all releases of information from student records (including all instances of access granted, whether or not records were copied) will be kept and maintained as part of such records. This record will be maintained for the life of the student record and will be accessible only to the parent or eligible student, records custodian, or other person. The record of release will include:
 - a. Information released or made accessible.
 - b. Name and signature of the records custodian.
 - c. Name and position of the person obtaining the release or access.
 - d. Date of release or grant of access.
 - e. Copy of any consent to such release.

Directory Information

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

- Student's name
- Address
- Telephone listing
- Electronic mail address
- Photograph (including electronic version)
- Date and place of birth
- Major field of study
- Dates of attendance
- Grade level
- Enrollment status (e.g., undergraduate or graduate; full-time or part-time)
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Degrees
- Honors and awards received
- Most recent educational agency or institution attended

The notification to parents and students concerning school records will inform them of their right to object to the release of directory information. The School District will specifically include information about the missing children electronic directory photograph repository permitting parents or guardians to chose to choose to have the student's photograph included in the repository for that school year; information about the use of the directory photographs if a student is identified as a missing child; and

1 information about how to request the student's directory photograph be removed from the repository.

2
3 Military Recruiters/Institutions of Higher Education/Government Agencies

4
5 Pursuant to federal law, the District is required to release the names, addresses, and telephone
6 numbers of all high school students to military recruiters and institutions of higher education upon
7 request.

8
9 The Montana Superintendent of Public Instruction may release student information to the Montana
10 Commissioner of Higher Education and Montana Department of Labor and Industry for research purposes
11 after entering into agreement with Commissioner and Department. If the Superintendent of Public
12 Instruction offers a statewide assessment that serves as a college entrance exam, the student's personally
13 identifiable information may be released to colleges, state-contracted testing agencies, and scholarship
14 organizations with student consent.

15
16 The notification to parents and students concerning school records will inform them of their right to
17 object to the release of this information.

18
19 Student Record Challenges

20
21 The District shall give a parent or eligible student, on request, an opportunity for a hearing to challenge
22 content of the student's education records on the grounds that the information contained in the education
23 records is inaccurate, misleading, or in violation of the privacy rights of the student.

24
25 The hearing required by 34 C.F.R. 99.21 must meet, at a minimum, the following requirements:

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

36
37 The parent or eligible student has:

- 38
39 • The right to present evidence and to call witnesses;
- 40 • The right to cross-examine witnesses;
- 41 • The right to counsel;
- 42 • The right to a written statement of any decision and the reasons therefor;

43
44 The parents may insert a written statement of reasonable length describing their position on disputed
45 information. The school will maintain the statement with the contested part of the record for as long as
46 the record is maintained and will disclose the statement whenever it discloses the portion of the record to
47 which the statement relates.

1 Legal Reference: Family Education Rights and Privacy Act, 20 U.S.C. § 1232g (2011); 34 C.F.R.
2 99 (2011), 34 C.F.R. 99.20-22
3 § 20-5-201, MCA Duties and sanctions
4 § 40-4-225, MCA Access to records by parent
5 § 41-3-201, MCA Reports
6 § 41-5-215, MCA Youth court and department records – notification of
7 school
8 § 20-7-104 Transparency and public availability of public school
9 performance data -- reporting-- availability for timely
10 use to improve instruction.
11 10.55.909, ARM Student records
12 10.55.910, ARM Student Discipline Records
13 Chapter 250 (2019) Electronic Director Photograph Repository
14
15
16

17 Procedure History:
18 Promulgated on:
19 Reviewed on:
20 Revised on:
21

1 **Terry K-12 Schools**

2
3 **COMMUNITY RELATIONS**

4315

4
5 Visitor and Spectator Conduct

6
7 Any person, including an adult, who behaves in an unsportsmanlike or inappropriate manner
8 during a visit to the school or a school event may be ejected from the event and/or denied
9 permission to access school buildings or property or school events as determined by the Board of
10 Trustees. Examples of unsportsmanlike or inappropriate conduct include but are not limited to:

- 11
- 12 • Using vulgar or obscene language or gestures;
- 13 • Possessing or being under the influence of any alcoholic beverage or illegal substance;
- 14 • Possessing a weapon;
- 15 • Fighting or otherwise striking or threatening another person;
- 16 • Failing to obey instructions of a security officer or District employee; and
- 17 • Engaging in any illegal or disruptive activity.
- 18 • Other violations of District Policy.

19
20 The Superintendent is authorized to temporarily restrict access to school buildings or property
21 and recommend to the Board of Trustees denial of future admission to any person by delivering
22 or mailing a notice by certified mail with return receipt requested, containing:

- 23
- 24 1. Date, time, and place of a Board hearing;
- 25
- 26 2. Description of the unsportsmanlike conduct; and
- 27
- 28 3. Proposed time period admission to school buildings or property or school events will be
- 29 denied.
- 30

31	Cross Reference:	4301	Visitors to School
32			
33	Legal Reference:	§ 20-1-206, MCA	Disturbance of school – penalty
34		§ 20-4-303, MCA	Abuse of teachers
35		§ 45-8-101, MCA	Disorderly conduct
36		§ 45-8-351, MCA	<u>Restriction on Local Government Regulation of</u>
37			<u>Firearms</u>
38		Article X, section 8	<u>Montana Constitution</u>
39			

40 Policy History

41 Adopted on:

42 Reviewed on:

43 Revised on:

1 **Terry K-12 Schools**

2
3 **COMMUNITY RELATIONS**

4320

4
5 Contact With Students

6
7 Students are entrusted to the schools for educational purposes. Although educational purposes
8 encompass a broad range of experiences, school officials must not assume license to allow
9 unapproved contact with students by persons not employed by the District for educational
10 purposes.

11
12 Teachers may arrange for guest speakers on appropriate topics relative to the curriculum.
13 Principals may approve school assemblies on specific educational topics of interest and
14 relevance to the school program. The District normally does not permit other types of contact by
15 non-school personnel.

16
17 Unless authorized by the building administrator or otherwise required by District policy or state
18 and federal law, the District will not allow access to the schools by outside individuals, entities,
19 businesses, service providers, or organizations desiring to use the captive audience in a school
20 for information, sales material, special interest purposes or delivery of services to students or
21 groups of students that are unrelated to District operations.

22
23
24
25 Policy History:

26 Adopted on:

27 Reviewed on:

28 Revised on:

1 **Terry K-12 Schools**

2
3 **COMMUNITY RELATIONS**

4332

4
5 Conduct on School Property

6
7 In addition to prohibitions stated in other District policies, no person on school property shall:

- 8
- 9 1. Injure or threaten to injure another person;
- 10
- 11 2. Damage another’s property or that of the District;
- 12
- 13 3. Violate any provision of the criminal law of the state of Montana or town or county ordinance;
- 14
- 15 4. Smoke or otherwise use tobacco or nicotine products, and alternative nicotine and vapor
- 16 products as defined in 16-11-302, MCA, or other similar products;
- 17
- 18 5. Consume, possess, or distribute alcoholic beverages, illegal drugs, or possess weapons
- 19 (as defined in Policy 3310/3311) at any time;
- 20
- 21 6. Impede, delay, or otherwise interfere with the orderly conduct of the District’s educational
- 22 program or any other activity occurring on school property;
- 23
- 24 7. Enter upon any portion of school premises at any time for purposes other than those which are
- 25 lawful and authorized by the Board; or
- 26
- 27 8. Willfully violate other District rules and regulations.
- 28

29 “School property” means within school buildings, in vehicles used for school purposes, or on owned or
30 leased school grounds. District administrators will take appropriate action, as circumstances warrant.

31
32 Cross Reference: 3310 Student Discipline
33 3311 Firearms and Weapons

34
35 Legal Reference: Pro-Children Act of 1994, 20 U.S.C. § 6081
36 Smoke Free School Act of 1994
37 16-11-302, MCA Definitions
38 § 20-1-220, MCA Use of tobacco product in public school building or on
39 public school property prohibited
40 § 20-5-410, MCA Civil penalty
41 § 45-8-351, MCA Restriction on Local Government Regulation of
42 Firearms
43 Article X, section 8 Montana Constitution

44
45 Policy History:

46 Adopted on:
47 Reviewed on:
48 Revised on:

1 **Terry K-12 Schools**

2
3 **COMMUNITY RELATIONS**

4410

4
5 Relations With Law Enforcement and Child Protective Agencies

6
7 The staff is primarily responsible for maintaining proper order and conduct in the schools. Staff
8 shall be responsible for holding students accountable for infractions of school rules, which may
9 include minor violations of the law, occurring during school hours or at school activities. When
10 there is substantial threat to the health and safety of students or others, such as in the case of
11 bomb threats, mass demonstrations with threat of violence, individual threats of substantial
12 bodily harm, trafficking in prohibited drugs, or the scheduling of events where large crowds may
13 be difficult to handle, the law enforcement agency shall be called upon for assistance.
14 Information regarding major violations of the law shall be communicated to the appropriate law
15 enforcement agency.

16
17 The District will strive to develop and maintain cooperative working relationships with the law
18 enforcement agencies. Procedures for cooperation between law enforcement, child protective,
19 and school authorities will be established. Such procedures will be made available to affected
20 staff and will be periodically revised.

21
22 County or Regional Interdisciplinary Child Information and School Safety Team

23
24 The District will participate in the _____ County or _____ Regional interdisciplinary child
25 information and school safety team established by Section 52-2-211, MCA. This team consists
26 of county-level representatives of the youth court, the county attorney, the department of public
27 health and human services, the county superintendent of schools, the sheriff, the chief of any
28 police force, the superintendents of public school districts in the County, and the department of
29 corrections.

30
31 The purpose of the team is “to facilitate the exchange and sharing of information that one or
32 more team members may be able to use in serving a child in the course of their professions and
33 occupations, including but not limited to abused or neglected children, delinquent youth, and
34 youth in need of intervention, and of information relating to issues of school safety.”

35
36 The Superintendent is authorized to participate in the formation of and request information from
37 the interdisciplinary child information and school safety team regarding students in the School
38 District. The Superintendent shall utilize this authority on a regular basis to ensure the safety
39 and security of the District.

40
41 Cross Reference: 4313 Disruption of School Operations

42
43 Legal Reference: § 20-1-206, MCA Disturbance of school – penalty
44 § 52-2-211, MCA County Interdisciplinary Child Information and
45 School Safety Team
46

- 1 Policy History:
- 2 Adopted on:
- 3 Reviewed on:
- 4 Revised on:

1 **Terry K-12 Schools**

2
3 **PERSONNEL**

5120

4
5 Hiring Process and Criteria

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

12
13 Every applicant must provide the District with written authorization for a fingerprint/criminal background
14 investigation. The Superintendent will keep any conviction record confidential as required by law and
15 District policy. The district will create a determination sheet from the criminal history record. The
16 determination sheet will be kept on file at the District Office. The Criminal History Record with no
17 disqualifiers will be shredded on site immediately after review. The Criminal History Record with
18 disqualifiers will be retained on file at the District Office according to law. Every newly hired employee
19 must complete an Immigration and Naturalization Service form, as required by federal law.

20
21 Certification

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

29
30 The custodian of records will register all certificates, noting class and endorsement of certificates, and
31 will update permanent records as necessary. The custodian of records also will retain a copy of each valid
32 certificate of a contracted certified employee in that employee’s personnel file.

33
34 Reference Checks

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

40
41
42 Cross Reference: 5122 Fingerprints and Criminal Background Investigations

43
44 Legal Reference: § 20-4-202, MCA Teacher and specialist certification registration
45 § 39-29-102, MCA Point preference or alternative preference in initial hiring
46 for certain applicants – substantially equivalent selection
47 procedure

48 Policy History:

49 Adopted on:

50 Reviewed on:

51 Revised on:

1 **Terry K-12 Schools**

2
3 **PERSONNEL**

5223

4
5 Personal Conduct

6
7 School District employees will abide by all district policies, state and federal laws in the course
8 of their employment. Where applicable, employees will abide by and honor the professional
9 educator code of conduct.

10
11 All employees are expected to maintain high standards of honesty, integrity, professionalism,
12 decorum, and impartiality in the conduct of District business. All employees shall maintain
13 appropriate employee-student relationship boundaries in all respects, including but not limited to
14 personal, speech, print, and digital communications. Failure to honor the appropriate employee
15 student relationship boundary will result in a report to the Department of Public Health and
16 Human Services and the appropriate law enforcement agency.

17
18 While on school property, employees shall not injure or threaten to injure another person;
19 damage another’s property or that of the District; or use, control, possess or transfer any weapon
20 or any item that could be reasonably considered to be a weapon as defined in Policies 3310 and
21 3311. “School property” means within school buildings, in vehicles used for school purposes, or
22 on grounds leased or owned by the school district.

23
24 In accordance with state law, an employee shall not dispense or utilize any information gained
25 from employment with the District, accept gifts or benefits, or participate in business enterprises
26 or employment that creates a conflict of interest with the faithful and impartial discharge of the
27 employee’s District duties. A District employee, before acting in a manner which might impinge
28 on any fiduciary duty, may disclose the nature of the private interest which would create a
29 conflict. Care should be taken to avoid using or avoid the appearance of using official positions
30 and confidential information for personal advantage or gain.

31
32 Further, employees are expected to hold confidential all information deemed not to be for public
33 consumption as determined by state law and Board policy. Employees also will respect the
34 confidentiality of people served in the course of an employee’s duties and use information gained
35 in a responsible manner. The Board may discipline, up to and including discharge, any
36 employee who discloses confidential and/or private information learned during the course of the
37 employee’s duties or learned as a result of the employee’s participation in a closed (executive)
38 session of the Board. Discretion should be used even within the school system’s own network of
39 communication and confidential information should only be communicated on a need to know
40 basis.

41
42 Administrators and supervisors may set forth specific rules and regulations governing staff
43 conduct on the job within a particular building.

44
45 Cross Reference: Professional Educators of Montana Code of Ethics
46 Policy 3310 – Student Discipline

1 Policy 3311 – Firearms and Weapons
2 Policy 5232- Abused and Neglected Children

3

4 Legal Reference:	§ 20-1-201, MCA	School officers not to act as agents
	Title 2, Chapter 2, Part 1	Standards of Conduct
	§ 39-2-102, MCA	What belongs to employer
	§ 45-8-361, MCA	Possession or allowing possession of 8 a weapon in a school building
	<u>§ 45-5-501, MCA</u>	<u>Definitions</u>
	<u>§ 45-5-502, MCA</u>	<u>Sexual Assault</u>

10
11
12
13
14

15 Policy History:

16 Adopted on:
17 Reviewed on:
18 Revised on:

1 **Terry K-12 Schools**

2
3 **PERSONNEL**

5232

4
5 Abused and Neglected Child Reporting

6
7 A District employee who has reasonable cause to suspect, as a result of information they receive
8 in their professional or official capacity, that a child is abused or neglected by anyone regardless
9 of whether the person suspected of causing the abuse or neglect is a parent or other person
10 responsible for the child's welfare, ~~they~~ shall report the matter promptly to the Department of
11 Public Health and Human Services. Child abuse or neglect means actual physical or
12 psychological harm to a child, substantial risk of physical or psychological harm to a child, and
13 abandonment. This definition includes sexual abuse and sexual contact by or with a student. The
14 obligation to report suspected child abuse or neglect also applies to actual or attempted sexual or
15 romantic contact between a student and a staff member.

16
17 A District employee who makes a report of child abuse or neglect is encouraged to notify the
18 building administrator of the report. An employee does not discharge the obligation to personally
19 report by notifying the Superintendent or principal.

20
21 Any District employee who fails to report a suspected case of abuse or neglect to the Department
22 of Public Health and Human Services, or who prevents another person from doing so, may be
23 civilly liable for damages proximately caused by such failure or prevention and is guilty of a
24 misdemeanor. The employee will also be subject to disciplinary action up to and including
25 termination.

26
27 When a District employee makes a report, the DPHHS may share information with that
28 individual or others as permitted by law. ~~as stated in 41-3-201(5).~~ Individuals in the District who
29 receive information related to a report of child abuse or neglect pursuant to the above named
30 ~~subsection (5).~~ shall maintain the confidentiality of the information. ~~as required in 41-3-205.~~

31
32 Cross Reference: Policy 5223 – Personal Conduct
33 Policy 3225- Sexual Harassment of Students

34
35 Legal Reference: § 41-3-201, MCA Reports
36 § 41-3-202, MCA Action on reporting
37 § 41-3-203, MCA Immunity from liability
38 § 41-3-205, MCA Confidentiality – disclosure exceptions
39 § 41-3-207, MCA Penalty for failure to report
40 § 45-5-501, MCA Definitions
41 § 45-5-502, MCA Sexual Assault

42
43 Policy History:

44 Adopted on:

45 Reviewed on:

46 Revised on:

Terry K-12 Schools

Promulgated on:
Reviewed on:
Revised on

5328P

PERSONNEL

page 1 of 5

Family Medical Leave

Who Is Eligible

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

Benefit

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

Reasons for Taking Leave

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

- a. To care for the employee’s child after birth, or placement for adoption or foster care;
- b. To care for the employee’s spouse, child, or parent (does not include parents-in-law) who has a serious health condition;
- c. For a serious health condition that makes the employee unable to perform the employee’s job;

Military Family Leave

a. Military Caregiver Leave

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

b. Qualified Exigency leave

An eligible employee can take up to the normal 12 weeks of leave if a family member Covered active duty includes duty of a member of a regular component of the Armed Forces during deployment to a foreign country, and duty of a member of a reserve component of the Armed Forces during deployment to a foreign country under a call or order to active duty in support of specified contingency operations.

Qualifying Exigencies include:

- a. Short-notice deployment
- b. Military events and related activities
- c. Childcare and school activities
- d. Financial and legal arrangements
- e. Counseling
- Rest and recuperation
- f. Post-deployment activities; and
- g. Additional activities agreed to by the employer and the employee.

Substitution of Paid Leave

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

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

When Both Parents Are District Employees

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

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

1
2
3
4 Employee Notice Requirement
5

6 The employee must follow the employer's standard notice and procedural policies for taking
7 FMLA.
8

9 Employer Notice Requirement (29 C.F.R. §825.300)
10

11 Employers are required to provide employees with notice explaining the FMLA through a poster
12 and either a handbook or information upon hire. If an employee requests FMLA leave, an
13 employer must provide notice to the employee within five (5) business days of whether the
14 employee meets the FMLA eligibility requirements. If an employee is not eligible to take
15 FMLA, the employer must provide a reason. The employer must also provide a rights and
16 responsibilities notice outlining expectations and obligations relating to FMLA leave. If FMLA
17 leave is approved by the employer, it must provide the employee with a designation notice stating
18 the amount of leave that will be counted against an employee's FMLA entitlement.
19

20 Notice for Leave Due to Active Duty of Family Member
21

22 In any case in which the necessity for leave is foreseeable, whether because the spouse or a son,
23 daughter, or parent of the employee is on active duty or because of notification of an impending
24 call or order to active duty in support of a contingency operation, the employee shall provide
25 such notice to the employer as soon as is reasonable and practicable.
26

27 Requests
28

29 A sick leave request form is to be completed whenever an employee is absent from work for
30 more than three (3) days or when an employee has need to be absent from work for continuing
31 treatment by (or under the supervision of) a health care provider.
32

33 An employer may require that a request for leave be supported by a certification issued at such
34 time and in such manner as the Secretary may by regulation prescribe. If the Secretary issues a
35 regulation requiring such certification, the employee shall provide, in a timely manner, a copy of
36 such certification to the employer.
37

38 Medical Certification
39

40 The District will require medical certification to support a request for leave or any other absence
41 because of a serious health condition (at employee expense) and may require second (2nd) or
42 third (3rd) opinions (at the employer's expense) and a fitness-for-duty report or return-to-work
43 statement.
44
45
46

1
2
3
4 Intermittent/Reduced Leave
5

6 FMLA leave may be taken “intermittently or on a reduced leave schedule” under certain
7 circumstances. Where leave is taken because of birth or placement of a child for adoption or
8 foster care, an employee may take leave intermittently or on a reduced leave schedule only with
9 District approval. Where FMLA leave is taken to care for a sick family member or for an
10 employee’s own serious health condition, leave may be taken intermittently or on a reduced
11 leave schedule when medically necessary. An employee may be reassigned to accommodate
12 intermittent or reduced leave. When an employee takes intermittent leave or leave on a reduced
13 leave schedule, increments will be limited to the shortest period of time that the District’s payroll
14 system uses to account for absences or use of leave.
15

16 Insurance
17

18 An employee out on FMLA leave is entitled to continued participation in the appropriate group
19 health plan, but it is incumbent upon the employee to continue paying the usual premiums
20 throughout the leave period. An employee’s eligibility to maintain health insurance coverage will
21 lapse if the premium payment is more than thirty (30) days late. The District will mail notice of
22 delinquency at least fifteen (15) days before coverage will cease.
23

24 Return
25

26 Upon return from FMLA leave, reasonable effort shall be made to place the employee in the
27 original or equivalent position with equivalent pay, benefits, and other employment terms.
28

29 Recordkeeping
30

31 Employees, supervisors, and building administrators will forward requests, forms, and other
32 material to payroll to facilitate proper recordkeeping.
33

34 Summer Vacation
35

36 The period during the summer vacation or other scheduled breaks (i.e., Christmas) an employee
37 would not have been required to work will not count against that employee’s FMLA leave
38 entitlement.
39
40
41
42
43
44
45
46

SPECIAL RULES FOR INSTRUCTIONAL EMPLOYEES

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

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

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

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

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

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

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

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

Intermittent or Reduced Leave

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

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

1 **Terry K-12 Schools**

2
3 **PERSONNEL**

5329

4
5 Long-Term Illness/Temporary Disability Leave

6
7 Employees may use sick leave for long-term illness or temporary disability, and, upon the
8 expiration of sick leave, the Board may grant eligible employees leave without pay if requested.
9 Medical certification of the long-term illness or temporary disability may be required, at the
10 Board's discretion.

11
12 Leave without pay arising out of any long-term illness or temporary disability shall commence
13 only after sick leave has been exhausted. The duration of leaves, extensions, and other benefits
14 for privileges such as health and long-term illness, shall apply under the same conditions as other
15 long-term illness or temporary disability leaves.

16
17 ~~The Superintendent shall devise procedures within the intent of Title VII of the 1964 Civil~~
18 ~~Rights Act as amended in 1978 by the Pregnancy Discrimination Act, and within the scope of~~
19 ~~applicable law and court rulings in the state of Montana.~~

20
21 Policy History:

22 Adopted on:

23 Reviewed on:

24 Revised on:

1 **Terry K-12 Schools**

2
3 **PERSONNEL**

5329P

4
5 Long-Term Illness/Temporary Disability/Maternity Leave

6
7 The following procedures will be used when an employee has a long-term illness or temporary
8 disability, including maternity:

- 9
- 10 1. When any illness or temporarily disabling condition is “prolonged,” an employee will be
11 asked by the administration to produce a written statement from a physician, stating that
12 the employee is temporarily disabled and is unable to perform the duties of his/her
13 position until such a time.
14
 - 15 ~~2. Maternity leave will be treated as any other disability. Generally, unless mandated~~
16 ~~otherwise by a physician, maternity leave does not exceed six (6) weeks. As a disabling~~
17 ~~condition, maternity leave is not available to fathers.~~
18
 - 19 3. In the case of any ~~other~~ extended illness, procedures for assessing the probable duration
20 of the temporary disability will vary. The number of days of disability leave will vary
21 according to different conditions, individual needs, and the assessment of individual
22 physicians. Normally, however, the employee should expect to return on the date
23 indicated by the physician, unless complications develop which are further certified by a
24 physician.
25
 - 26 4. An employee who has signified her intent to return at the end of ~~her maternity extended~~
27 leave of absence shall be reinstated to his/her original job or an equivalent position with
28 equivalent pay and accumulated seniority, retirement, fringe benefits, and other service
29 credits.
30

31
32 Procedure History:

33 Promulgated on:

34 Reviewed on:

35 Revised on:

1 **Terry K-12 Schools**

2
3 **PERSONNEL**

5330

4
5 Maternity and Paternity Leave

6
7 ~~Long term illness or temporary disability shall be construed to include pregnancy, miscarriage,~~
8 ~~childbirth and recovery therefrom.~~ The School District’s maternity leave policy covers
9 employees who are not eligible for FMLA leave at Policy 5328. Maternity leave includes only
10 continuous absence immediately prior to adoption, delivery, absence for delivery, and absence
11 for post-delivery recovery, or continuous absence immediately prior to and in the aftermath of
12 miscarriage or other pregnancy-related complications.

13
14 ~~It is unlawful for an employer to~~ The School District shall not refuse to grant an employee a
15 reasonable leave of absence for pregnancy or require that an employee take a mandatory
16 maternity leave for an unreasonable length of time. ~~In determining the reasonableness which~~
17 ~~shall apply to a request for a leave of absence for a pregnancy, an employer shall apply standards~~
18 ~~at least as inclusive as those which have been applied to requests for leave of absence for any~~
19 ~~other valid medical reason.~~ The School District has determined that maternity leave shall not
20 exceed ____ weeks unless mandated otherwise by the employee’s physician. Employees will be
21 required to use appropriate accumulated paid leave concurrently while on FMLA leave.

22
23 ~~It is also unlawful for an employer to~~ The School District shall not deny to the employee who is
24 disabled as a result of pregnancy any compensation to which the employee is entitled as a result
25 of the accumulation of disability or leave benefits accrued pursuant to plans maintained by the
26 employer, provided that the employer may require disability as a result of pregnancy to be
27 verified by medical certification that the employee is not able to perform employment duties.

28
29 ~~As a disabling condition, maternity leave is not available to fathers.~~

30
31 An employee who has signified her intent to return at the end of her maternity leave of absence
32 shall be reinstated to her original job or an equivalent position with equivalent pay and
33 accumulated seniority, retirement, fringe benefits, and other service credits.

34
35 The School District will review requests for Paternity Leave in accordance with any applicable
36 policy or collective bargaining agreement provision governing use of leave for family purposes.

37
38 Legal Reference: § 49-2-310, MCA Maternity leave – unlawful acts of employers
39 § 49-2-311, MCA Reinstatement to job following pregnancy-related
40 leave of absence
41 Admin. R. Mont. 24.9.1201—1207 Maternity Leave

42
43 Policy History:
44 Adopted on:
45 Reviewed on:
46 Revised on:

**VOLUNTEER AGREEMENT FORM
COACH/HELPER/AIDE/CHAPERONE**

5430F

I, _____ (the Volunteer) hereby agree to serve Terry Public Schools (the District) on a volunteer basis as a _____.

Please initial next to each statement:

- _____ The Volunteer understands any volunteer services will not be compensated now or in the future.
- _____ The Volunteer has been informed and understands that volunteer services rendered do not create an employee-employer relationship between the Volunteer and the District for the position stated above.
- _____ The Volunteer understands that the District may not carry worker's compensation insurance and does not carry medical insurance for a person serving as a volunteer in the position stated above.
- _____ The Volunteer understands that the mutually established schedule of services for the position stated above carries no obligation for either party and maybe adjusted at any time.
- _____ The Volunteer understands that services as a volunteer may be terminated at any time.
- _____ The Volunteer understands that they are under the direction of the school district at all times during their service as a volunteer and must follow directives given by district employees.
- _____ The Volunteer understands that they are to follow all laws, policies, and rules regarding student and employee confidentiality during their service as a volunteer.
- _____ The Volunteer understands that they are to follow district policy as well as local, state, federal and other applicable law during their service as a volunteer.
- _____ The Volunteer understands that they are not to use alcohol, tobacco or other drugs around students at any time whether on school property or not.
- _____ The Volunteer understands that they are not to encourage students to violate district policy. The Volunteer further understands that if they observe a student violating district policy they are to report the behavior to the supervising district employee immediately.
- _____ The Volunteer understands that any violation of this agreement, district policy or any local, state, federal or other applicable law can result in permanent termination of volunteer privileges and possible legal action.
- _____ The Volunteer is 18 years of age or older.
- _____ The Volunteer understands that his authorization only applies to the ____/____ school year.
- _____ The Volunteer understands that if the position stated above involves regular unsupervised access to students in schools they shall submit to a name-based and fingerprint criminal background investigation conducted by the appropriate law enforcement agency prior to consideration of this agreement.

I understand that should I have been found to have violated these rules, I will not be used again as a chaperone for any District-sponsored field trips or excursions and may be excluded from using District-sponsored transportation for the remainder of the field trip or excursion and that I will be responsible for my own transportation back home.

DISTRICT REPRESENTATIVE

DATE

VOLUNTEER SIGNATURE

DATE

4
5 Donations, Endowments, Gifts, and Investments

6
7 The Board may accept gifts, endowments, legacies, and devises subject to the lawful conditions
8 imposed by the donor or without any conditions imposed. Unless otherwise specified by the
9 donor, when a district receives a donation the trustees may deposit the donation in any budgeted
10 or non-budgeted fund at the discretion of the trustees and may thereafter transfer any portion of
11 the donation to any other fund at the discretion of the trustees. If the trustees accept a donation
12 and the donor specifies the donation for an endowment, the trustees shall deposit the donation in
13 the endowment fund. ~~Endowments received by the District will be deposited to an endowment~~
14 ~~fund as an expendable or nonexpendable trust.~~ Neither the Board nor the Superintendent will
15 approve any gifts that are inappropriate. ~~Unless conditions of an endowment instrument require~~
16 ~~immediate disbursement, the Board will invest money deposited in the endowment fund~~
17 ~~according to the provisions of the Uniform Management of Institutional Funds Act (Title 72,~~
18 ~~chapter 30, MCA).~~

19
20 If the District deposited donated funds in an endowment fund without specific instruction by the
21 donor, the Board may move the donated funds and any accumulated interest to any other
22 budgeted or nonbudgeted fund of the District and may spend donated funds and any accumulated
23 interest unless restricted by condition imposed by the donor.

24
25 The Board authorizes the Superintendent to establish procedures for determining the suitability
26 or appropriateness of all gifts received and accepted by the District.

27
28 Once accepted, donated funds are public funds subject to state law. Donated funds may not be
29 transferred to a private entity. Benefactors may not adjust or add terms or conditions to donated
30 funds after the donation has been accepted.

31
32 The Board directs that all school funds be invested in a prudent manner so as to achieve
33 maximum economic benefit to the District. Funds not needed for current obligations may be
34 invested in investment options as set out in Montana statutes, whenever it is deemed
35 advantageous for the District to do so.

36
37 Educational Foundations may exist in the community, but are not managed, directed, or
38 approved by the Board of Trustees.

39

40	Legal Reference:	§ 20-6-601, MCA	Power to accept gifts
41		§ 20-7-803, MCA	Authority to accept gifts
42		§ 20-9-212, MCA	Duties of county treasurer
43		§ 20-9-213(4), MCA	Duties of trustees
44		§ 20-9-604, MCA	Gifts, legacies, devises, and administration of
45			endowment fund
46		§ 72-30-209, MCA	Appropriation for expenditure or accumulation of
47			endowment fund – rules of construction

- 1
- 2 Policy History:
- 3 Adopted on:
- 4 Reviewed on:
- 5 Revised on:

4
5 Independent Investment Accounts

6
7 The Board may establish independent investment accounts separate and apart from those funds
8 maintained by the county treasurer. The Board may transfer cash into an independent investment
9 account from any budgeted or non-budgeted funds. A separate account shall be established for
10 each fund from which transfers are made. The principal and any interest earned must be
11 reallocated to the fund from which the deposit was originally made. Unless otherwise provided
12 by law, all other revenue may be sent directly to a participating district’s investment account.

13
14 The District may either:

- 15
- 16 1. Establish and use the account as a non-spending account, returning sufficient funds to the
- 17 county treasurer in time to pay all claims against the applicable fund; or
- 18
- 19 2. Establish a subsidiary checking account and make expenditures from the investment
- 20 account, provided all transactions are accounted for and reported, as required by
- 21 applicable accounting principles. If the District desires to establish a subsidiary checking
- 22 account for purposes of paying for expenditures directly from an investment account, the
- 23 District must enter into a written agreement with the county treasurer, in accordance with
- 24 § 20-9-235, MCA.
- 25
- 26
- 27

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

29
30 Policy History:

31 Adopted on:

32 Reviewed on:

33 Revised on:

1 **Terry K-12 Schools**

2
3 **NON-INSTRUCTIONAL OPERATIONS**

8225

4
5 Tobacco Free Policy

6
7 The District maintains tobacco-free buildings and grounds. Tobacco includes but is not limited to
8 cigarettes, cigars, snuff, pipe smoking tobacco, smokeless tobacco, vapor product, alternative
9 nicotine product or any other tobacco or nicotine delivery innovation.

10
11 Use of tobacco or nicotine products in a public school building or on public school property is
12 prohibited, unless used in a classroom or on other school property as part of a lecture,
13 demonstration, or educational forum sanctioned by a school administrator or faculty member,
14 concerning the risks associated with using tobacco products or in connection with Native
15 American cultural activities.

16
17 For the purpose of this policy, “public school building or public school property” means:

- 18
- 19 • Public land, fixtures, buildings, or other property owned or occupied by an institution for
- 20 the teaching of minor children, that is established and maintained under the laws of the
- 21 state of Montana at public expense; and
- 22
- 23 • Includes playgrounds, school steps, parking lots, administration buildings, athletic
- 24 facilities, gymnasiums, locker rooms, and school vehicles.
- 25
- 26

27 Violation of the policy by students and staff will be subject to actions outlined in District
28 discipline policies.

29
30 Use of FDA-approved cessation devices may be permitted at school buildings and on school
31 grounds with the approval of the building administrator.

32	33 Legal Reference:	§ 20-1-220, MCA	Use of tobacco product in public school building or on public school property prohibited
34		§ 50-40-104(4)(e), MCA	Smoking in enclosed public places prohibited – notice to public - place where prohibition inapplicable
35		ARM 37.111.825(5)	Health Supervision and Maintenance
36		42 U.S.C. 1996, 1996a	American Indian Religious Freedom Act
37			
38			
39			
40			
41			

42 Policy History:

43 Adopted on:

44 Reviewed on:

45 Revised on:

NONINSTRUCTIONAL OPERATIONS

8301

District Safety

For purposes of this policy, “*disaster means the occurrence or imminent threat of damage, injury, or loss of life or property*”.

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

The board of trustees has identified the following local hazards that exist within the boundaries of its school district:

[Fire, Earthquake, Avalanche, High Winds, Tornadoes, Intruders, Firearms, etc.]

The [Superintendent] [building principal] shall design and incorporate drills in its school safety or emergency operations plan to address the above stated hazards. The trustees shall certify to the office of public instruction that a school safety or emergency operations plan has been adopted. This plan and procedures will be discussed and distributed to each teacher at the beginning of each school year. There will be at least eight (8) disaster drills a year in a school. All teachers will discuss safety drill procedures with their class at the beginning of each year and will have them posted in a conspicuous place next to the exit door. Drills must be held at different hours of the day or evening to avoid distinction between drills and actual disasters. A record will be kept of all fire drills.

The trustees shall review the school safety or emergency operations plan periodically and update the plan as determined necessary by the trustees based on changing circumstances pertaining to school safety. Once the trustees have made the certification to the office of public instruction, the trustees may transfer funds pursuant to Section 2, 20-1-401, MCA to make improvements to school safety and security.

The Superintendent will develop safety and health standards which comply with the Montana Safety Culture Act. **[Optional]:** The Superintendent shall ensure District employees are provided equipment, tools, and devices designed to ensure a safe and health workplace in accordance with this policy. Failure to use the provided equipment in a suitable or timely manner may be considered a violation of District policy. If a staff member requires equipment that is not available, an employee may submit a request to the administration in accordance with established District practice.

Legal Reference: <p style="margin-left: 40px;">§ 20-1-401, MCA</p> <p style="margin-left: 40px;">§ 20-1-402, MCA</p> <p style="margin-left: 40px;">§§ 39-71-1501, et seq., MCA</p>	Disaster drills to be conducted regularly – districts to identify disaster risks and adopt school safety plan Number of disaster drills required – time of drills to vary Montana Safety Culture Act
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Policy History:

Adopted on:
 Reviewed on:
 Revised on:

Terry School District #5

Resolution Authorizing Issuance Of Individual Procurement Cards

WHEREAS, the Board of Education/Trustees of the Terry K-12 School District #5 has the authority to enter into an agreement with the Bank of Montreal for purchasing cards;

NOW, THEREFORE, BE IT RESOLVED by the Board of Education/Trustees of Terry K-12 School District #5 that the *Business Manager / Clerk* is authorized to enter into an Agreement with the Bank of Montreal to secure Procurement Cards for each authorized employee of the school district under such terms and conditions as approved by the Board.

The Board of Education/Trustees, authorizes the *Superintendent/School Business Manager* to execute a p-Card program agreement on its behalf.

(

Approved this _____ day of _____ 20_____.

Ayes _____

Nays _____

President/Chairman _____

Date _____

1 **Terry k-12 Schools**

2
3 **FINANCIAL MANAGEMENT**

7400

4
5 Procurement Card Use

6
7 The Board of Trustees permits the use of District procurement cards for actual and necessary
8 expenses incurred in the performance of work-related duties for the District. A list of those
9 individuals that will be issued a District procurement card will be maintained in the business
10 office and reported to the Board each year at its meeting in June.

11
12 Procurement cards may only be used for legitimate District business expenditures. The use of
13 procurement cards is not intended to circumvent any District policy on purchasing.

14
15 Users must take proper care of District procurement cards and take all reasonable precautions
16 against damage, loss, or theft. Any damage, loss, or theft must immediately be reported to the
17 business office and to the appropriate financial institution. Failure to take proper care of
18 procurement cards or failure to report damage, loss, or theft may subject the employee to
19 financial liability.

20
21 Purchases that are unauthorized, illegal, represent a conflict of interest, are personal in nature, or
22 violate the intent of this policy may result in procurement card revocation and discipline of the
23 employee.

24
25 Users must submit detailed documentation, including itemized receipts for commodities,
26 services, travel, and/or other actual and necessary expenses which have been incurred in
27 connection with school-related business for which the procurement card has been used.

28
29 The Superintendent shall establish regulations governing the issuance and use of procurement
30 cards. Each cardholder shall be apprised of the procedures governing the use of the procurement
31 card, and a copy of this policy and accompanying regulations shall be given to each cardholder.

32
33 The District Clerk shall monitor the use of each procurement card every month and report any
34 serious problems and/or discrepancies directly to the Superintendent and the Board.

35
36 Cross Reference: 7320 Purchasing
37 7335 Personal Reimbursement
38 7336 Travel Allowances and Expenses

39
40 Legal Reference: §2-7-503, MCA Financial reports and audits of local government

41
42 Policy History:

43 Adopted on:

44 Revised on: