

Terry Public Schools

POLICY MANUAL



Home of the Terriers

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

TERRY K-12 SCHOOLS

MASTER INDEX

R = REQUIRED

REC = RECOMMENDED

OP = OPTIONAL

REC	5338	Absence Due to Illness or Injury
REC	1425	Abstentions From Voting
REC	5232	Abused and Neglected Child Reporting
R	3612P	Acceptable Use of Electronic Networks
REC	3431F	Accident Report
R	4316	Accommodating Individuals With Disabilities [Community Relations]
R	5002	Accommodating Individuals With Disabilities and Section 504 of the Rehabilitation Act of 1973
OP	7325	Accounting System Design
OP	8132	Activity Trips
REC	3416	Administering Medicines to Students
OP	1312	Administrative Procedures
R	6110 - 6110P	Administrator
REC	7332	Advertising in Schools/Revenue Enhancement
REC	8130	Air Quality Restrictions on Outdoor Activities, Practice and Competition
OP	4325	After Hours use of School Facilities
R	1610	Annual Goals and Objectives
REC	1120	Annual Organization Meeting
REC	5121	Applicability of Personnel Policies
REC	5122F	Applicant Rights and Consent to Fingerprint
REC	5210	Assignments, Reassignments, Transfers
REC	3122 - 3122P	Attendance Policy
OP	3122P	Attendance Policy 4-8
R	3123	Attendance Policy - Truancy
R	1441	Audience Participation
OP	1332	Authorization of Signatures
REC	8450	Automated External Defibrillators (AED's)
REC	5000	Board Goal/Personnel
R	1400	Board Meetings
OP	1520	Board/Staff Communications
R	1521	Board-Superintendent Relationship
R	5325	Breastfeeding Workplace
REC	7121	Budget Adjustments
REC	7110	Budget and Program Planning
REC	7310	Budget Implementation and Execution
R	5015	Bullying/Harassment/Intimidation
R	3226	Bullying/Harassment/Intimidation/Hazing
REC	8110	Bus Routes and Schedules
REC	7510	Capitalization Policy for Fixed Assets
OP	5430F	Chaperone Letter of Understanding
REC	8129	Chemical Safety
REC	5140	Classified Employment and Assignment
REC	8303	Cleaning and Disinfecting
REC	1230	Clerk

REC	1511	Code of Ethics for School Board Members
REC	1130	Committees/Meetings
REC	3417	Communicable Diseases
R	2250	Community and Adult Education
R	4330	Community Use of School Facilities
R	5336	Compensatory Time and Overtime for Classified Employees
R	3120	Compulsory Attendance
REC	8440	Computer Software
REC	5321P	Conditions for Use of Leave
REC	4332	Conduct on School Property
OP	1512	Conflict of Interest
REC	8502	Construction and Repairs
OP	4320	Contact With Students
R	2330	Controversial Issues and Academic Freedom
REC	4520	Cooperative Programs With Other Districts and Public Agencies
R	2312	Copyright
R	2312P	Copyright Compliance
REC	2167	Correspondence Courses
REC	7400	Credit Card Use
R	2413	Credit Transfer and Assessment for Placement
OP	7225	Crowdfunding Proposals
R	2120	Curriculum Development and Assessment
OP	6122	Delegation of Authority
OP	3312	Detention
OP	2170-2170P	Digital Academy Classes
REC	5255	Disciplinary Action
REC	3310P	Discipline of Students With Disabilities
REC	3141	Discretionary Nonresident Student Attendance Policy
REC	7251	Disposal of School District Property Without a Vote
R	2168	Distance, Online, and Technology-Delivered Learning
OP	3222	Distribution and Posting of Materials
REC	8121	District-Owned Vehicles
R	1310	District Policy
R	3612	District-Provided Access to Electronic Information, Services, and Networks
REC	8301	District Safety
R	4125	District Social Media
REC	8420	District-Wide Asbestos Program
REC	7326	Documentation and Approval of Claims
REC	8123	Driver Training and Responsibility
R	5228 - 5228P	Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers
REC	5226	Drug-Free Workplace
R	1240	Duties of Individual Trustees
R	3125	Education of Homeless Children
REC	1111	Election
REC	5460	Electronic Resources and Social Media
REC	3431	Emergency Treatment
REC	5450-5450F-5450P	Employee Electronic Mail and On-Line Services Usage
REC	5630	Employee Use of Cellular Phones and Other Electronic Devices
OP	5315	Employee Professional Schooling

REC	7260	Endowments, Gifts, and Investments
REC	3121 - 3121P	Enrollment and Attendance Records
REC	3110	Entrance, Placement, and Transfer
R	3210	Equal Education, Nondiscrimination and Sex Equity
R	5010	Equal Employment Opportunity and Non-Discrimination
OP	5420F	ESSA Qualification Notification Request Form
R	5222	Evaluation of Non-Administrative Staff
OP	3350	Extra-Curricular Activities of non-Enrolled Students
REC	3340	Extra- and Co-Curricular Alcohol, Drug, and Tobacco Use
REC	7425	Extra- and Co-Curricular Funds
REC	4330F	Facilities Use Agreement
R	2158	Family Engagement Policy
R	5328	Family Medical Leave
OP	2320	Field Trips, Excursions, and Outdoor Education
REC	7430	Financial Reporting and Audits
REC	5122	Fingerprints and Criminal Background Investigations
	5120P	Fingerprint Handling Procedure
REC	3311	Firearms and Weapons
OP	1009FE	Flexible Instructor Licensing
R	8200	Food Services
REC	3145 -3145P	Foreign Exchange Students
REC	7410	Fund Accounting System
R	7515	GASB 54
REC	6000	Goals [Administration]
REC	4000	Goals [Community Relations]
OP	7000	Goals [Financial Management]
REC	8000	Goals [Noninstructional Operations]
R	2105	Grade Organization
OP	2420	Grading and Progress Reports
REC	2140	Guidance and Counseling
REC	3225F	Harassment Reporting Form for Students
OP	3420	Head Lice
REC	2335	Health Enhancement
REC	2410 - 2410P	High School Graduation Requirements
R	5510 – 5510F	HIPAA
REC	5120	Hiring Process and Criteria
REC	5333	Holidays
OP	2430	Homework
OP	7520	Independent Investment Accounts
REC	8131	Indoor Air Quality
R	2311	Instructional Materials
REC	5331	Insurance Benefits for Employees
OP	1014FE	Intent to Increase Non-Voted Levy
R	3612F	Internet Access Conduct Agreement
OP	1635	Internships
REC	2151	Interscholastic Activities
REC	4411	Interrogations and Investigations Conducted by School Officials
R	8421	Lead Renovation
R	2314	Learning Materials Review
OP	7525	Lease – Purchase Agreement
REC	5321	Leaves of Absence

R	1000	Legal Status and Operation
R	2309	Library Materials
REC	5329 - 5329P	Long-Term Illness/Temporary Disability Leave
REC	3415-3415P	Management of Sports Related Concussions
R	1513	Management Rights
REC	5330	Maternity Leave
REC	3125F	McKinney-Vento Homeless Assistance Dispute Resolution Form
R	8205	Meal Charge Policy
OP	5220	MEA/PIR Substitution
OP	3413F1	Medical Exemption Form for Immunization
R	1105	Membership
OP	3124	Military Compact Waiver
REC	5322	Military Leave
REC	3416F	Montana Authorization to Carry and Self-Administer Medication
REC	5250	Non-Renewal of Employment/Dismissal From Employment
OP	1014FE-F1	Notice of Intent to Impose and Increase in Non-Voted Levies
R	1420F	Notice Regarding Public Comment
REC	8302	Noxious Plant and Animal Control
OP	2110	Objectives
REC	8410	Operation and Maintenance of District Facilities
R	1100	Organization
REC	5420	Paraprofessionals
R	2333	Participation in Commencement Exercises
REC	3150	Part-Time Attendance
REC	5254	Payment of Employer Contributions and Interest on Previous Service
REC	5254F	Payment of Employer Contributions and Interest on Previous Service Form
REC	5338	Payment of Interest on Employer Contributions for Workers' Compensation Time
REC	5500	Payment of Wages Upon Termination
R	7330	Payroll Procedures/Schedules
REC	5223	Personal Conduct
REC	7335	Personal Reimbursements
REC	5231 - 5231P	Personnel Records
REC	7329	Petty Cash Funds
R	2000	Philosophy
REC	5224	Political Activity
OP	5230	Prevention of Disease Transmission
REC	7530	Procurement of Supplies or Services
R	8210	Procurement Policy for Food Services Purchases
REC	2130	Program Evaluation and Diagnostic Tests
REC	5219	Prohibition on Aiding Sexual Abuse
OP	2421	Promotion and Retention
REC	8320	Property Damage
REC	7500	Property Records
REC	4340	Public Access to District Records
R	4310	Public Complaints and Suggestions
R	4120	Public Relations
REC	7320	Purchasing

REC	1210	Qualifications, Terms, and Duties of Board Officers
R	3608	Receipt of Confidential Records
R	2450	Recognition of Native American Cultural Heritage
REC	1401	Records Available to Public
REC	8430	Records Management
REC	5256	Reduction in Force
REC	4550	Registered Sex Offenders
OP	4410	Relations With Law Enforcement and Child Protective Agencies
	1512F	Relationships Defined and Chart
REC	2334	Release Time for Religious Instruction
REC	2332	Religion and Religious Activities
OP	3413F2	Religious Exemption Form for Immunization
REC	3440 - 3440P	Removal of Student During School Day
REC	5232F	Report of Suspected Child Abuse or Neglect
REC	1112	Resignation [Board]
OP	5251	Resignations [Personnel]
R	5240	Resolution of Staff Complaints/Problem-Solving
REC	5253	Retirement Programs for Employees
REC	7210	Revenues
REC	8300	Risk Management
REC	8400	Sale of Real Property
OP	1135	School Board Advocacy
R	1420	School Board Meeting Procedure
REC	1402	School Board Use of Electronic Mail
REC	8125	School Bus Emergencies
REC	2221	School Closure
OP	4211	School Name Imagery and Colors
OP	3510	School Sponsored Student Activities
REC	4210	School-Support Organizations
R	2510	School Wellness
R	2100	School Year Calendar and Day
REC	3231 - 3231P	Searches and Seizure
OP	3305	Seclusion and Restraint
R	2162 - 2162P	Section 504 of the Rehabilitation Act of 1973 ("Section 504")
R	2311P	Selection, Adoption, and Removal of Textbooks and Instructional Materials
R	2310 - 2310P	Selection of Library Materials
R	8425 – 8425P	Service Animals
R	3225	Sexual Harassment/Intimidation of Students
R	5012	Sexual Harassment/Sexual Intimidation in the Workplace
R	2171	Significant Writing Program
R	2161 - 2161P	Special Education
REC	5130	Staff Health
R	2132	Student and Family Privacy Rights
R	3415F	Student Athlete & Parent/Legal Custodian Concussion Statement
REC	3550-3550F	Student Clubs
REC	8124	Student Conduct on Buses
REC	3600F2	Student Directory Information Notification
R	3310-3310P1	Student Discipline
REC	3224	Student Dress
R	3520	Student Fees, Fines, and Charges

REC	3410	Student Health/Physical Screenings/Examinations
REC	3413	Student Immunization
OP	2050	Student Instruction
OP	3221	Student Publications
REC	3600 - 3600P - 3600F1	Student Records
REC	3200	Student Rights and Responsibilities
REC	5440	Student Teachers/Interns
REC	3233	Student Use of Buildings: Equal Access
REC	3130	Students of Legal Age
REC	5314	Substitutes
R	2150	Suicide Awareness and Prevention
R	3300	Suspension and Expulsion
REC	1110	Taking Office
OP	7265	Tax Credit
R	2160 - 2160P	Title I Parent Involvement
R	7220 -7220P	Title I Supplement Not Supplant
REC	8225	Tobacco Free Policy
OP	2163	Traffic Education
REC	3606	Transfer of Student Records
OP	1006FE	Transfers for School Safety
REC	8100	Transportation
REC	8111	Transportation of Students With Disabilities
REC	7336	Travel Allowances and Expenses
REC	1531	Trustee Expenses
REC	1532	Trustee Insurance
REC	7008	Tuition
R	1700	Uniform Complaint Procedure
OP	3330	Use of Alcohol-Sensor Device
REC	4331	Use of School Property for Posting Notices
OP	1630	Utilization of Montana School Boards Association
REC	1113	Vacancies [Board]
OP	5213	Vacancies [Personnel]
REC	5334 - 5334P	Vacations
REC	4301	Visitors to Schools
OP	3235	Video Surveillance
REC	4315	Visitor and Spectator Conduct
REC	5430	Volunteers
R	8411	Water Supply Systems
REC	4350	Website Accessibility and Nondiscrimination
OP	4330F	Weight Room Facilities Use Agreement
OP	4330F1	Weight Room Facility Usage
REC	5125	Whistle Blowing and Retaliation
REC	5221	Work Day
	2600-2600F-2600P	Work Experience
REC	5337	Workers' Compensation Benefits

TERRY K-12 SCHOOLS

R = required

1000 SERIES THE BOARD OF TRUSTEES

TABLE OF CONTENTS

R	1000	Legal Status and Operation
	1005FE	Proficiency Based Learning
	1006FE	Transfers for School Safety
	1009FE	Flexible Instructor Licensing
	1014FE	Intent to Increase Non-Voted Levy
	1014FE-F1	Notice of Intent to Impose an Increase in Non-Voted Levy
R	1100	Organization
R	1105	Membership
	1110	Taking Office
	1111	Election
	1112	Resignation
	1113	Vacancies
	1120	Annual Organization Meeting
	1130	Committees
	1135	School Board Advocacy
	1210	Qualifications, Terms, and Duties of Board Officers
	1230	Clerk
R	1240	Duties of Individual Trustees
R	1310	District Policy and Procedures
	1332	Authorization of Signatures
R	1400	Board Meetings
	1401	Records Available to Public
	1402	School Board Use of Electronic Mail
R	1420	School Board Meeting Procedure
R	1420F	Notice Regarding Public Comment
	1425	Abstentions From Voting
R	1441	Audience Participation
	1511	Code of Ethics for School Board Members
	1512	Conflict of Interest
	1512F	Relationships Defined and Chart
R	1513	Management Rights
	1520	Board/Staff Communications
R	1521	Board-Superintendent Relationship
	1531	Trustee Expenses
	1532	Trustee Insurance
R	1610	Annual Goals and Objectives
	1635	Internships
	1630	Utilization of Montana School Boards Association

R 1700

Uniform Complaint Procedure

Terry K-12 Schools

R

THE BOARD OF TRUSTEES

1000

Legal Status and Operation

The Board of Trustees of Terry K-12 Schools, District No. 5, is the governmental entity established by the state of Montana to plan and direct all aspects of the District's operations, to the end that students shall have ample opportunity to achieve their individual and collective learning potentials.

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

Legal Reference:	§ 20-3-323, MCA	District policy and record of acts
	§ 20-3-324, MCA	Powers and duties

Policy History:

Adopted on:

Reviewed on: 3/16/09, 1/17/22

Revised on:

Terry K-12 Schools

Adopted on: 3/26/20

Reviewed on:

1005FE

FLEXIBILITY AND EFFICIENCY

Revised on:

Proficiency-Based ANB

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 proficiency-based ANB.

The school district has a definition of proficiency within the meaning of that term as used in 20-9-311(4)(d). The definition must not require seat time as a condition or other element of determining proficiency. The definition must be incorporated in the district's policies and must be used for purposes of determining content and course mastery and other progress, promotion from grade to grade, grades, and graduation for pupils enrolled in the district's transformational learning program.

Definition of Proficiency

For purposes of this policy, the term "proficiency" means a degree of mastery of the underlying content for a course that is reflective of a final grade, in the professional opinion of the teacher of record, of not less than a "B". The determination of proficiency by a teacher must not require seat time as a condition or other element of determining proficiency.

The determination of proficiency for a pupil enrolled in a course shall be made no earlier than the deadline for submitting the final grade for the course. The determination of proficiency for a pupil not enrolled in a course shall be based on the pupil's mastery of the underlying content of the course, demonstrated through completion of a final exam designed by the teacher of record for the applicable course with a minimum grade of a "B".

Teachers of record have full professional discretion in determining proficiency of pupils in courses taught. Teachers of record are encouraged to integrate trial and error into the learning process and to incorporate continued opportunity for practice and revision of assignments until a pupil reaches a performance level that demonstrates to the teacher's satisfaction that mastery of learning expectations has been attained.

The District may include in its calculation of ANB a pupil who is enrolled in a program providing fewer than the required aggregate hours of pupil instruction required under Montana law if the pupil has demonstrated proficiency in the content ordinarily covered by the instruction as determined by the school board using district assessments. The ANB of a pupil who demonstrates proficiency in any content/subject matter will be converted to an hourly equivalent based on the hours of instruction ordinarily provided for the content over which the student has demonstrated proficiency.

The District may, on a case-by-case basis, provide fractional credit for partial completion of a course for a student who is unable to attend class for the required amount of time.

The District may waive specific course requirements based on individual student needs and performance levels. Waiver requests shall also be considered with respect to age, maturity, interest, and aspirations of the students and shall be in consultation with the parents or guardians.

At the discretion of the District, a student may be given credit for a course satisfactorily completed in a period of time shorter or longer than normally required and, provided that the course meets the District's curriculum and assessment requirements, which are aligned with the content standards stated in the education program. Examples of acceptable course work include, but are not necessarily limited to, those delivered through correspondence, extension, and distance learning courses, adult education, summer school, work study, specially designed courses, and challenges to current courses.

Legal Reference:	20-1-301, MCA	School fiscal year
	20-9-311(4)(a)(b)(d), MCA	Calculation of average number belonging (ANB) – 3-year averaging
	20-3-324, MCA	Powers and duties
	10.55.906 ARM	High School Credit
	Chapter 402 (2019)	Transformational Learning Incentives

Terry K-12 Schools

Adopted on: 9/18/17

Reviewed on: 5/20/19

Revised on: 1/21/20

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 School District

Adopted on: 9/18/17

Reviewed on: 5/20/19

Revised on: 1/21/20

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 with a focus on individual student success:

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

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

Loan Repayment Program

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

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

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

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

Terry K-12 Schools

Adopted on: 11/24/17

Reviewed on: 5/20/19

Revised on: 1/21/20

1014FE

FLEXIBILITY AND EFFICIENCY

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

Terry K-12 Schools

Adopted on: 11/21/17
Reviewed on: 5/20/19
Revised on: 1/21/20

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
Flexibility	\$__increase/decrease	\$__increase/decrease	\$__increase/decrease	\$__increase/decrease
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

Terry K-12 Schools

R

THE BOARD OF TRUSTEES

1100

Organization

The legal name of this District is Terry K-12 Schools, District No. 5, Prairie County, State of Montana. The District is classified as a class two (2) district and is operated according to the laws and regulations pertaining to a class two (2) district.

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

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

Policy History:

Adopted on:

Reviewed on: 3/16/09, 05/20/19, 1/17/22

Revised on:

THE BOARD OF TRUSTEES

1105

Membership

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

All trustees shall participate on an equal basis with other members in all business transactions of the District

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

Policy History:

Adopted on:

Reviewed on: 3/16/09, 05/20/19, 1/17/22

Revised on: 03/19/2014

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 twenty-five (25) days after
17 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: 3/16/09, 05/20/19, 1/17/22

30 Revised on: 8/15/11, 09/19/2011, 03/19/2014; 1/21/20
31

1 **Terry K-12 Schools**

2
3 **THE BOARD OF TRUSTEES**

1111

page 1 of 2

4
5 Election

6
7 Elections conducted by the District are nonpartisan and are governed by applicable election laws
8 as found in Titles 13 & 20 of the Montana Code Annotated. The ballot at such elections may
9 include candidates for trustee positions, various public policy propositions, and advisor
10 questions.

11
12 Board elections shall take place on the first (1st) Tuesday after the first (1st) Monday in May of
13 each year. Any person who is a qualified voter of the District is legally qualified to become a
14 trustee. A declaration of intent to be a candidate must be submitted to the District Clerk at least
15 forty (40) days before the regular school election day. If different terms are to be filled, the term
16 for the position for which the candidate is filing must also be indicated. Any person seeking to
17 become a write-in candidate for a trustee position shall file a declaration of intent no later than
18 5:00 p.m. on the day before the ballot certification deadline in 20-20-401. If the number of
19 candidates filing for vacant positions or filing a declaration of intent to be a write-in candidate is
20 equal to or less than the number of positions to be elected, the trustees may give notice no later
21 than thirty (30) days before the election that a trustee election will not take place. If a trustee
22 election is not held, the trustees shall declare the candidates elected by acclamation and shall
23 issue a "certificate of election" to each candidate.

24
25 A candidate intending to withdraw from the election shall send a statement of withdrawal to the
26 clerk of the district containing all information necessary to identify the candidate and the office
27 for which the candidate filed. The statement of withdrawal must be acknowledged by the clerk
28 of the district. A candidate may not withdraw after 5:00 p.m. the day before the ballot
29 certification deadline in 20-20-401.

30
31 In the event of an unforeseen emergency occurring on the date scheduled for the funding
32 election, the district will be allowed to reschedule the election for a different day of the calendar
33 year.

34
35 In years when the Legislature meets in regular session or in a special session that affects school
36 funding, the trustees may order the election on a date other than the regular school election day
37 in order for the electors to consider a proposition requesting additional funding under § 20-9-
38 353, MCA.

39
40
41
42 Legal Reference: § 13-10-211, MCA Declaration of intent for write-in candidates
43 § 20-3-304, MCA Annual election
44 § 20-3-305, MCA Candidate qualification, nomination and withdrawal
45
46

§ 20-3-313, MCA	Election by acclamation – notice
§ 20-3-322, MCA	Meetings and quorum
§ 20-3-322(5), MCA	Meetings and quorum (unforeseen emergency definition)
§ 20-3-324(4), MCA	Powers and duties
§ 20-3-344, MCA	Nomination of candidates by petition in first-class elementary district
§ 20-9-353, MCA	Additional financing for general fund – election for authorization to impose
§ 20-20-105, MCA	Regular school election day and special school elections – limitation – exception
§ 20-20-204, MCA	Election Notice
§ 20-20-301, MCA	Qualifications of elector

Policy History:

Adopted on:

Reviewed on: 06/17/19, 2/28/22

Revised on: 3/16/09, 8/17/09, 8/15/11, 09/19/2011, 03/19/2014, 07/15/15

1 **Terry K-12 Schools**

2
3 **THE BOARD OF TRUSTEES**

1112

4
5 Resignation

6
7 The resignation of a trustee of the District must be in writing, must stipulate an effective date,
8 and must be submitted to the Clerk of the District.

9
10 Trustees retiring from the Board may be recognized for their service to the District by
11 presentation of a service plaque or other appropriate activities.
12
13
14

15 Legal Reference: § 2-16-502, MCA Resignations
16 § 20-3-308, MCA Vacancy of trustee position
17

18 Policy History:

19 Adopted on:

20 Reviewed on: 3/16/09, 2/28/22

21 Revised on: 03/19/2014, 3/18/19

1 **Terry K-12 Schools**

2
3 **THE BOARD OF TRUSTEES**

1113

4
5 Vacancies

6
7 A trustee position becomes vacant before the expiration of a term, when any of the following
8 occurs:

- 9
10 1. Death of the trustee;
11 2. The effective date stipulated in the written resignation of the trustee filed with the Clerk;
12 3. Trustee moves out of the nominating district, establishing residence elsewhere;
13 4. Trustee is no longer a registered elector of the District under the provisions of § 20-20-
14 301, MCA;
15 5. Trustee is absent from the District for sixty (60) consecutive days;
16 6. Trustee fails to attend three (3) consecutive meetings of the trustees without good excuse;
17 7. Trustee has been removed under the provisions of § 20-3-310, MCA; or
18 8. Trustee ceases to have the capacity to hold office under any other provision of law.
19 9. A trustee position also shall be vacant when an elected candidate fails to qualify.

20
21 When a trustee vacancy occurs, the remaining trustees shall declare such position vacant and fill
22 such vacancy by appointment. The Board will receive applications from any qualified persons
23 seeking to fill the position after suitable public notice. The Board will appoint one (1) candidate
24 to fill the position.

25
26 Should the Board fail to fill a vacancy within sixty (60) days from the creation of a vacancy, the
27 county superintendent shall appoint, in writing, a competent person to fill such vacancy. An
28 appointee shall qualify by completing and filing an oath of office with the county superintendent
29 within fifteen (15) days after receiving notice of the appointment and shall serve until the next
30 regularly scheduled school election and a successor has qualified.

31
32 Cross Reference: 1240 Duties of Individual Trustees
33 1112 Resignations

34
35 Legal References: § 20-3-308, MCA Vacancy of trustee position
36 § 20-3-309, MCA Filling vacated trustee position – appointee
37 qualification and term of office

38
39 Policy History:

40 Adopted on:

41 Reviewed on: 3/16/09, 2/28/22

42 Revised on: 03/19/2014, 3/18/19

4
5 Annual Organization Meeting

6
7 After issuance of election certificates to newly elected trustees, but no later than 15 days after the
8 election, the Board shall elect from among its members a Chairperson and a Vice Chairperson to
9 serve until the next annual organizational meeting. If a Board member is unable to continue to
10 serve as an officer, a replacement shall be elected at the earliest opportunity to serve the
11 remainder of the term. In the absence of both the Chairperson and the Vice Chairperson, the
12 Board shall elect a Chairperson *pro tempore*, who shall perform the functions of the Chairperson
13 during the latter's absence. The Clerk shall act as Board secretary.

14
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:

- 17
18 1. Welcome and introduction of newly elected Board members by the current Chairperson
19
20 2. Swearing in of newly elected trustees
21
22 3. Call for nominations for Chairperson to serve during the ensuing year
23
24 4. Election of a Chairperson
25
26 5. Assumption of office by the new Chairperson
27
28 6. Call for nominations for Vice Chairperson to serve during the ensuing year
29
30 7. Election of a Vice Chairperson
31
32 8. Appointment of a Clerk
33
34
35

36 Legal References: § 20-3-321, MCA Organization and officers
37 § 20-3-322(a), MCA Meetings and quorum
38 § 1-5-416(1)(b), MCA Powers and duties of Notary Public
39

40 Policy History:

41 Adopted on:

42 Reviewed on: 3/16/09, 06/17/19, 2/28/22

43 Revised on: 8/15/11, 09/19/2011, 03/19/2014

1 **Terry K-12 Schools**

2
3 **THE BOARD OF TRUSTEES**

1130

4
5 Committees

6
7 Generally, trustees will function as a whole and will not form committees of the Board.
8 Nevertheless the Board may create Board committees as deemed necessary or useful. All
9 committees created by the Board shall comply with the open meeting laws and all other laws
10 applicable to school board meetings.

11
12 Committees of the Board may be created and their purposes defined by a majority of the Board.
13 The Board Chairperson shall appoint trustees to serve on such committees. Trustees serving on
14 committees shall be limited to fewer than one-half (½) of the Board.
15

16
17
18
19 Legal Reference: § 2-3-203, MCA Meetings of public agencies and certain associations
20 of public agencies to be open to public – exceptions
21 *Bryan v. Yellowstone* (2002), 2002 MT 264
22 *Crofts v. Associated Press* (2004), 2004 MT 120
23

24 Policy History:

25 Adopted on:

26 Reviewed on: 06/17/19, 2/28/22

27 Revised on: 3/16/09, 03/19/2014

1 **Terry K-12 Schools**

2
3 **THE BOARD OF TRUSTEES**

1135

4
5 School Board Advocacy

6
7 The Board of Trustees believes it has a responsibility to the students, parents, and community to
8 advocate for student achievement and quality education. In order to meet these responsibilities,
9 the District will work vigorously for the passage of new laws designed to advance the cause of
10 good schools and for the repeal or modification of existing laws that impede this cause.

11
12 Trustees must keep themselves and community members informed of pending legislation and
13 actively communicate board positions and concerns to elected representatives at both the state
14 and national level. The Board must work with legislative representatives (both state and federal),
15 with the Montana School Boards Association, the National School Boards Association, and other
16 concerned groups in developing an annual as well as long-range legislative program.

17
18 Each Trustee is encouraged to participate in the MTSBA Delegate Assembly, the MTSBA Board
19 Legislative Contact Program and the caucuses. We also encourage each board and trustee to be
20 aware of the importance of building a relationship with the community and local legislators, to
21 be used to increase student success.

22
23 In doing so, the Trustees will:

- 24
25 a. Review MTSBA legislative correspondence;
26 b. Respond to MTSBA legislative calls to action;
27 c. Participate in Day of Advocacy during each legislative session;
28 d. Attend other state and regional association meetings as approved by the Board;
29 and
30 e. Advise MTSBA of the Board's views regarding MTSBA's legislative positions
31 and activities.
32
33 2. At least once each month in accordance with Policy 1420, the Board meeting agenda will
34 include an opportunity for the trustees to discuss educational issues pending on the state
35 and federal levels.
36
37 3. Work with the MTSBA, the National School Boards Association (NSBA), and other
38 concerned groups and organizations on matters of mutual interest.
39

40 Policy History:

41 Adopted on: 12/20/21

42 Reviewed on:

43 Revised on:

1 **Terry K-12 Schools**

2
3 **THE BOARD OF TRUSTEES**

1210

4
5 Qualifications, Terms, and Duties of Board Officers

6
7 The Board officers are the Chairperson and Vice Chairperson. These officers are elected at the annual
8 organizational meeting.
9

10 Chairperson

11
12 The Chairperson may be any trustee of the board, including an additional trustee as provided for in 20-3-
13 352(2). If an additional trustee is chosen to serve as the Chairperson of an elementary district described
14 in 20-3-351(1)(a), the additional trustee may not vote on issues pertaining only to the elementary district.
15 The duties of the Chairperson include the following:
16

- 17 • Preside at all meetings and conduct meetings in the manner prescribed by the Board's policies;
18 • Make all Board committee appointments;
19 • Sign all papers and documents as required by law and as authorized by action of the Board;
20 • Close Board meetings as authorized by Montana law; and
21 • Act as spokesperson for the Board.
22

23 The Chairperson is permitted to participate in all Board meetings in a manner equal to all other Board
24 members, including the right to participate in debate and to vote.
25

26 Vice Chairperson

27
28 The Vice Chairperson shall preside at all Board meetings in the absence of the Chairperson and shall
29 perform all the duties of the Chairperson during the Chairperson's absence or unavailability. The Vice
30 Chairperson shall work closely with the Chairperson and shall assume whatever duties the Chairperson
31 may delegate.
32

33	Cross Reference:	Policy 1120	Annual Organizational Meeting
34			
35	Legal References:	§ 2-3-203, MCA	Meetings of public agencies and certain
36			associations of public agencies to be open to
37			public – exceptions
38		§ 20-3-321(2), MCA	Organization and officers
39		§ 20-3-351(1)(a), MCA	Number of trustee positions in high school
40			districts
41		§ 20-3-352(2), MCA	Request and determination of number of high
42			school district additional trustee positions –
43			nonvoting trustee
44			

45 Policy History:

46 Adopted on:

47 Reviewed on: 3/16/09, 06/17/19, 11/15/21

48 Revised on: 8/15/11, 09/19/2011, 03/19/2014

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2

1230

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

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

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

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

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

Adopted on:
Reviewed on: 06/17/19, 2/28/22
Revised on: 3/16/09, 03/19/2014

THE BOARD OF TRUSTEES

1240

Duties of Individual Trustees

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

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

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

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

Cross Reference: 1113 Vacancies

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

Policy History:

Adopted on:

Reviewed on: 06/17/19, 3/28/22

Revised on: 3/16/09, 03/19/2014

THE BOARD OF TRUSTEES

1310

District Policy and ProceduresAdoption and Amendment of Policies

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

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

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

Policy Manuals

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

Suspension of Policies

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

Administrative Procedures

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

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

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

Policy History:

Adopted on:

Reviewed on: 07/15/19, 3/28/22

Revised on: 01/19/15

1 **Terry K-12 Schools**

2
3 **THE BOARD OF TRUSTEES**

1332

4
5 Authorization of Signatures

6
7 For the conduct of the business of the District, the Board may grant authority to specific staff to
8 sign certain documents on behalf of the District. The Chairperson and Clerk are authorized to use
9 a facsimile signature plate or stamp.

10
11 Warrants: The Chairperson and Clerk are authorized to sign all District warrants by facsimile
12 signature on behalf of the Board.

13
14 Claim Forms: Staff employed by the District in the following designated positions are
15 authorized to certify voucher or invoice claims against or for the District:

- 16
17 • Superintendent
18 • Clerk
19

20 Checks: The Superintendent is designated as the custodian of each school building
21 extracurricular fund account and all District petty cash accounts. Staff employed by the District
22 in the following designated positions are authorized to sign, on behalf of the Board, checks
23 drawn on any specific extracurricular fund account:

- 24
25 • Superintendent
26 • Clerk
27 • Activities Director
28

29 Contracts for Goods and Services and Leases: The Superintendent is authorized to sign, on
30 behalf of the Board, contracts, leases, and/or contracts for goods and services for amounts under
31 Twenty-five Thousand (\$25,000) without prior approval of the Board. The types of goods and
32 services contracted for must be preapproved by the Board.

33
34 Personnel Contracts: The Board Chairperson and Clerk are authorized to sign personnel
35 contracts and agreements of employment on behalf of the Board, by facsimile signature.

36
37 Negotiated Agreements: Negotiated agreements shall be signed for the District by the Board
38 Chairperson and the Clerk.

39
40
41
42 Policy History:

43 Adopted on: 3/16/09

44 Reviewed on: 3/28/22

45 Revised on: 07/15/19; 2/10/20

THE BOARD OF TRUSTEES

1400

page 1 of 2

Board Meetings

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

Regular Meetings

Unless otherwise specified, all meetings will take place in the high school science room. Regular meetings shall take place at 7:00 p.m. on the third (3rd) Monday of each month, or at other times and places determined by a majority vote. Except for an unforeseen emergency, meetings must be held in school buildings or, upon the unanimous vote of the trustees, in a publicly accessible building located within the District. If regular meetings are scheduled at places other than as stated above or are adjourned to times other than the regular meeting time, notice of the meeting shall be made in the same manner as provided for special meetings. The Trustees may meet outside the boundaries of the school district for collaboration or cooperation on educational issues with other school boards, educational agencies, or cooperatives. Adequate notice of the meeting as well as an agenda must be provided to the public in advance. Decision making may only occur at a properly noticed meeting held within the school district's boundaries. When a meeting date falls on a school holiday, the meeting may take place the next business day.

Emergency Meetings

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

Budget Meetings

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

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

Special Meetings

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

Closed Sessions

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

Legal References:	§ 2-3-103, MCA	Public participation – governor to ensure guidelines adopted
	§ 2-3-104, MCA	Requirements for compliance with notice provisions
	§ 2-3-105, MCA	Supplemental notice by radio or television
	§ 2-3-201, MCA	Legislative intent – liberal construction
	§ 2-3-202, MCA	Meeting defined
	§ 2-3-203, MCA	Meetings of public agencies and certain associations of public agencies to be open to public – exceptions
	§ 20-1-305, MCA	School Holidays
	§ 20-3-322, MCA	Meeting and quorum
	§ 20-9-115, MCA	Notice of final budget meeting
	§ 20-9-131, MCA	Final budget meeting
	10.55.701, ARM	Board of Trustees

Policy History:

Adopted on:

Reviewed on: 3/16/09, 07/15/19, 3/28/22

Revised on: 8/17/09, 8/15/11, 09/19/2011, 02/22/2012, 03/19/2014, 7/18/16

1 **Terry K-12 Schools**

2
3 **THE BOARD OF TRUSTEES**

1401

4
5 Records Available to Public

6
7 All District records, except those restricted by state and federal law, shall be available to citizens for
8 inspection at the Clerk's office.
9

10 Any individual may request public information from the district. The district shall make the means of
11 requesting public information accessible to all persons.
12

13 Upon receiving a request for public information, the district shall respond in a timely manner to the
14 requesting person by:
15

- 16 (a) Making the public information available for inspection and copying by the requesting person; or
17 (b) Providing the requesting person with an estimate of the time it will take to fulfill the request if the
18 public information cannot be readily identified and gathered and any fees that maybe charged.
19

20 The district may charge a fee for fulfilling a public information request. The fee may not exceed the
21 actual costs directly incident to fulfilling the request in the most cost-efficient and timely manner
22 possible. The fee must be documented. The fee may include the time required to gather public
23 information. The district may require the requesting person to pay the estimated fee prior to identifying
24 and gathering the requested public information.
25

26 The district is not required to alter or customize public information to provide it in a form specified to
27 meet the needs of the requesting person. If the district agrees to a request to customize a records request
28 response, the cost of the customization may be included in the fees charged by the district.
29

30 In accordance with § 20-9-213(1), MCA, the record of the accounting of school funds shall be open to
31 public inspection at any meeting of the trustees. A fee may be charged for any copies requested. Copies
32 will be available within a reasonable amount of time following a request.
33

34 A written copy of Board minutes shall be available to the general public within five (5) working days
35 following approval of the minutes by the Board. If requested, one (1) free copy of minutes shall be
36 provided to local media within five (5) working days following approval by the Board.
37

38
39 Legal References: § 2-6-1003, MCA Access to Public Information
40 § 2-6-1006, MCA Public Information requests - fees
41 § 20-3-323, MCA District policy and record of acts
42 § 20-9-213, MCA Duties of trustees
43

44 Policy History:

45 Adopted on:

46 Reviewed on: 3/16/09, 07/15/19, 3/28/22

47 Revised on: 3/19/10, 7/16/18

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
32 adopted
33 § 2-3-201, MCA Legislative intent – liberal construction
34 § 2-3-203, MCA Meetings of public agencies and certain associations
35 of public agencies to be open to public – exceptions
36 § 20-3-322, MCA Meeting and quorum
37

38 Policy History:

39 Adopted on: 3/16/09

40 Reviewed on: 3/28/22

41 Revised on: 07/15/19; 1/21/20

2
3 **THE BOARD OF TRUSTEES**

1420

page 1 of 3

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
46
47
48

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

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

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

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

Quorum

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

Electronic Participation

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

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

purposes of convening a quorum. The Clerk will document it in the minutes, when members participate in the meeting electronically.

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

Meeting Conduct and Order of Business

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

Rescind a Motion

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

Cross Reference: 1441 Audience Participation

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

Policy History:

Adopted on:

Reviewed on: 07/15/19, 11/15/21

Revised on: 3/16/09, 10/2010, 8/15/11, 09/19/2011, 7/16/18; 1/21/20

2
3 **THE BOARD OF TRUSTEES**

1420F

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 not specifically noticed on the agenda. The Board
24 may take a matter raised during the public comment period under consideration for inclusion on
25 a 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.

5 Abstentions From Voting

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

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

19	Legal References:	§ 2-2-105, MCA	Ethical requirements for public officers and public
20			employees
21		§ 2-2-121, MCA	Rules of conduct for public officers and public
22			employees
23		§ 2-2-302, MCA	Appointment of relative to office of trust or
24			emolument unlawful – exceptions – publication of
25			notice
26		§ 20-1-201, MCA	School officers not to act as agents
27		§ 20-3-323, MCA	District policy and record of acts
28		§ 20-9-204, MCA	Conflicts of interests, letting contracts, and calling
29			for bids

31 Policy History:

32 Adopted on:

33 Reviewed on: 3/16/09, 07/15/19, 4/19/22

34 Revised on: 3/18/19

THE BOARD OF TRUSTEES

1441

Audience Participation

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

Cross Reference: 1420 School Board Meeting Procedure

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

Policy History:

Adopted on:

Reviewed on: 4/19/22

Revised on: 3/16/09; 1/21/20

1 **Terry K-12 Schools**

2
3 **THE BOARD OF TRUSTEES**

1511

4
5 Code of Ethics for School Board Members

6
7 AS A MEMBER OF MY LOCAL BOARD OF TRUSTEES, I WILL STRIVE TO IMPROVE
8 PUBLIC EDUCATION, AND TO THAT END I WILL:

9
10 Attend all regularly scheduled Board meetings insofar as possible and become informed
11 concerning the issues to be considered at those meetings;

12
13 Recognize that I should endeavor to make policy decisions only after full discussion at public
14 Board meetings;

15
16 Make all decisions based on available facts and my independent judgment and refuse to
17 surrender that judgment to individuals or special interest groups;

18
19 Encourage the free expression of opinion by all Board members and seek systematic
20 communications between the Board and students, staff, and all elements of the community;

21
22 Work with other Board members to establish effective Board policies and to delegate authority
23 for administration to the Superintendent;

24
25 Recognize and respect the responsibilities that properly are delegated to the Superintendent;

26
27 Communicate to the Superintendent expression of public reaction to Board policies, school
28 programs, or staff;

29
30 Inform myself about current educational issues, by individual study and through participation in
31 programs providing needed information, such as those sponsored by the Montana and National
32 School Boards Associations;

33
34 Avoid being placed in a position of conflict of interest and refrain from using my Board position
35 for personal or partisan gain;

36
37 Avoid compromising the Board or administration by inappropriate individual action or
38 comments and respect the confidentiality of information that is privileged under applicable law;

39
40 Remember always that my first and greatest concern must be the educational welfare of students
41 attending public schools.

42
43 Policy History:

44 Adopted on: 3/16/09

45 Reviewed on: 12/16/19, 4/19/22

46 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 tenured teacher or classified employee employed without a written contract for a
45 specific term related to a Board member, who was initially hired before the Board
46 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: 3/16/09, 4/19/22

19 Revised on: 8/17/09, 10/2010, 3/18/19; 12/16/19

2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0

1512F

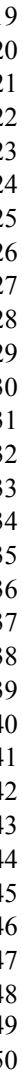
6
7

8
9
0
1

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

6
7

8



Degrees of Affinity

		3	
		Great Grandparent-in-law	
	2		
	Grandparent-in-law		
	1		3
	Father/Mother-in-law		Uncle/Aunt-in-law
	1	2	
Trustee	Spouse	Brother/Sister-in-law	
	1		3
	Step Child		Nephew/Niece-in-law
		2	
		Step Grandchild	
			3
			Step Great Grandchild

Policy History:
Adopted on: 03/18/19
Reviewed on:
Revised on:

2
3 **THE BOARD OF TRUSTEES**

1513

4
5 Management Rights

6
7 The Board retains the right to operate and manage its affairs in such areas as but not limited to:

- 8
9 1. Direct employees;
- 10
11 2. Employ, dismiss, promote, transfer, assign, and retain employees;
- 12
13 3. Relieve employees from duties because of lack of work or funds under conditions where
14 continuation of such work would be inefficient and nonproductive;
- 15
16 4. Maintain the efficiency of District operations;
- 17
18 5. Determine the methods, means, job classifications, and personnel by which District
19 operations are to be conducted;
- 20
21 6. Take whatever actions may be necessary to carry out the missions of the District in
22 situations of emergency;
- 23
24 7. Establish the methods and processes by which work is performed.

25
26 The Board reserves all other rights, statutory and inherent, as provided by state law.

27
28 The Board also reserves the right to delegate authority to the administrator for the ongoing
29 direction of all District programs.

30
31
32
33 Cross Reference: 6110 Administrator

34
35 Legal Reference: § 20-3-324, MCA Powers and duties
36 § 39-31-303, MCA Management rights of public employers
37 *Bonner School District No. 14 v. Bonner Education Association,*
38 *MEA-MFT, NEA, AFT, AFL-CIO, (2008), 2008 MT 9*

39
40 Policy History:

41 Adopted on:

42 Reviewed on: 3/16/09, 09/23/19, 4/19/22

43 Revised on:

1 **Terry K-12 Schools**

2
3 **THE BOARD OF TRUSTEES**

1520

4
5 Board/Staff Communications

6 Every reasonable means of communication is encouraged throughout the education community.
7 Nevertheless, an organization must maintain some order and structure to promote efficient and
8 effective communications.
9

10 Staff Communications to the Board

11 All official communications or reports to the Board, from supervisors, teachers, or other staff
12 members, shall be submitted through the Superintendent. This procedure shall not deny any staff
13 member the right to appeal to the Board from administrative decisions, provided that the
14 Superintendent shall have been notified of the forthcoming appeal and that it is processed
15 according to the applicable procedures for complaints and grievances. The provision does not
16 limit or restrict employees from engaging in public comment during Board meetings as permitted
17 by Montana law.
18

19 Board Communications to Staff

20 All official communications, policies, and directives of staff interest and concern will be
21 communicated to staff members through the Superintendent. The Superintendent will employ all
22 such media as are appropriate to keep staff fully informed of Board concerns and actions.
23

24 Visits to Schools

25 In accordance with Montana statutes, each trustee shall visit every school of the District at least
26 once each school fiscal year to examine its condition and needs. As a courtesy, individual Board
27 members interested in visiting schools should make arrangements for visitations through the
28 principals of the various schools. Such visits shall be regarded as informal expressions of
29 interest in school affairs and not as “inspections” or visits for supervisory or administrative
30 purposes.
31

32 Social Interaction

33 Staff and Board members share a keen interest in schools and education. When they meet at
34 social affairs and other functions, informal discussion about such matters as educational trends,
35 issues, and innovations and general District problems can be anticipated. **Discussions of**
36 **personalities or staff grievances are not appropriate.**
37

38 Legal Reference: § 20-3-324(21), MCA Powers and duties
39 § 2-3-103, MCA Public Participation
40

41 Policy History:

42 Adopted on:

43 Reviewed on: 3/16/09, 4/19/22

44 Revised on: 09/23/19

THE BOARD OF TRUSTEES

1521

Board-Administrator Relationship

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

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

Cross Reference: 6110 Administrator

Legal Reference:	§ 20-4-401, MCA	Appointment and dismissal of district superintendent or county high school principal
	§ 20-4-402, MCA	Duties of district superintendent or county high school principal

Policy History:

Adopted on: 3/16/09

Reviewed on: 5/23/22

Revised on: 09/23/19

1 **Terry K-12 Schools**

2
3 **THE BOARD OF TRUSTEES**

1531

4
5 Trustee Expenses

6 Expenses for Board Members - In-District

7
8 The members of the trustees of any district may not receive compensation for their services as trustees.
9 The members of the trustees who reside over 3 miles from the trustees' meeting place must be reimbursed
10 at the rate as provided in 2-18-503 for every mile necessarily traveled between their residence and the
11 meeting place and return in attending the regular and special meetings of the trustees, and all trustees
12 must be similarly reimbursed for meetings called by the county superintendent. The travel reimbursement
13 may be accumulated during the school fiscal year and paid at the end of the fiscal year, at the discretion of
14 each trustee.

15
16 A trustee is entitled to collect mileage at a rate equal to the mileage allotment allowed by the United
17 States internal revenue service for the current year for the first 1,000 miles and 3 cents less per mile for all
18 additional miles traveled within a given calendar month.

19
20 A trustee must file a reimbursement for mileage form, prior to July 1 of each year, requesting
21 reimbursement for the fiscal year. The form may be obtained from the District Clerk/Business Manager.

22
23 Expenses for Board Members at Out-of-District Meetings

24
25 Trustees normally attend workshops, training institutes, and conferences at both the state and national
26 levels. The District will pay all legitimate costs for trustees to attend out-of-District meetings, at
27 established rates for reimbursement set by the District:

- 28
29 1. Transportation as approved by the Board;
30 2. On-site transportation during the course of the meeting, i.e., bus, taxi, or rental car;
31 3. Hotel or motel costs for trustee, as necessary;
32 4. Food costs as necessary;
33 5. Telephone services for necessary communications with business or family, resulting from the
34 trustee being away from Terry;
35 6. Incidental expenditures for tips and other necessary costs attributable to the trustee's attendance
36 at a meeting; however, the District will not reimburse or pay for such items as liquor, expenses of
37 a spouse, separate entertainment, or other unnecessary expenditures.

38
39 Cross Reference: 7336 Travel Allowances and Expenses
40 Mileage reimbursement form

41 Legal Reference: §2-18-503, MCA Mileage - allowance
42 §20-3-311, MCA Trustee reimbursement and compensation of
43 secretary for joint board.

44
45 Policy History:

46 Adopted on:

47 Reviewed on: 3/16/09, 09/23/19, 5/23/22

48 Revised on: 7/24/2017

1 **Terry K-12 Schools**

2
3 **THE BOARD OF TRUSTEES**

1532

4
5 Trustee Insurance

6
7 The District shall maintain sufficient insurance to protect the Board and its individual members
8 against liability arising from actions of the Board or its individual members while each is acting
9 on behalf of the District and within the trustee's authority.

10
11 An additional trustee, as provided for in 20-3-352(2), who is chosen as a nonvoting chairperson
12 of the board of an elementary district is entitled to all of the immunization, defenses, and
13 indemnifications as described in 20-3-322, MCA.

14
15 Legal References: § 20-3-331, MCA Purchase of insurance – self-insurance plan
16 § 20-3-332, MCA Personal immunity and liability of trustees
17 § 20-3-352(2), MCA Request and determination of number of high
18 school district additional trustee positions –
19 nonvoting trustee
20

21 Policy History:

22 Adopted on: 3/16/09

23 Reviewed on: 09/23/19, 5/23/22

24 Revised on: 8/15/11, 09/19/2011

Terry K-12 Schools

R

THE BOARD OF TRUSTEES

1610

Annual Goals and Objectives

Each year, during the month of September, the Board will formulate or review the goals of the District that reflect the district's strategic plan of education. At the conclusion of each school year, the administrator shall report to the Board information which reflects the accomplishments towards the goals of the District.

The Chairperson may appoint a committee of the Board, to include the administrator to annually review the goals and report to the Board.

Cross Reference: 2000 Goals

Legal Reference: 10.55.701, ARM Board of Trustees

Policy History:

Adopted on: 3/16/09

Reviewed on: 09/23/19, 5/23/22

Revised on: 10/15/2012, 03/18/19

5 Utilization of Montana School Boards Association

7 The Board is a dues-paying member of the Montana School Boards Association (MTSBA).
8 Since the Association provides a variety of dues-based benefits and services in response to
9 members' needs and develops and implements a legislative program at the direction of its
10 members, Board members are encouraged to participate in the governance and dues-based
11 services of the Association.

13 Given the complex nature of both state and federal laws applicable to school districts and the
14 vast resources available through MTSBA to assist our school district as a member, it is essential
15 to the governance and operations of our District that the Board of Trustees and administration
16 take advantage of the dues-based services available through MTSBA on legal, policy, human
17 resource, collective bargaining, training, advocacy and other issues that impact and affect our
18 District.

19 Therefore the Board of Trustees directs trustees and the administration to maximize the value of
20 our membership dues through use of the dues-based services available through MTSBA on
21 routine legal matters, policy issues, collective bargaining matters, human resource, training and
22 advocacy matters. Prior approval from the Board is required prior to expending District funds on
23 services that are otherwise available through MTSBA without a charge beyond dues.

25 Legal Reference: § 20-1-211, MCA Expenses of officers or employees attending
26 conventions – education associations

27 Policy History:

28 Adopted on: 10/2010

29 Reviewed on: 09/23/19, 5/23/22

30 Revised on:

1 **Terry K-12 Schools**

2
3 **ADMINISTRATION**

1635

4
5 Internships

6
7 Internship means an agreement between a fully licensed Class 1, 2, or 3 educator, the school
8 district, and a Montana accredited educator preparation program. Internships are permitted in
9 endorsement areas approved by the Board of Public Education.

10
11 The Board recognizes the need to provide training opportunities for prospective teachers and
12 administrators. Internships for those in the process of acquiring teaching endorsements and/or
13 administrative credentials shall be considered and approved on an individual basis. The
14 Superintendent or designee involved will review the internship proposal with the candidate and
15 the university representative, much in the same manner as student teachers are assigned.

16
17 As part of an internship agreement, the parties must agree to the following:

- 18
19 (a) the intern will complete the requirements for the appropriate endorsement within three years;
20 (b) the school district will provide local supervision and support of the intern; and
21 (c) the accredited educator preparation program will approve the coursework and provide support
22 and periodic supervision.

23
24 A superintendent intern shall be supervised throughout the year by a licensed and endorsed
25 superintendent contracted by the district, including participation in, and review of, and written
26 concurrence in all performance evaluations of licensed staff completed by the intern.

27
28 An emergency authorization of employment granted by the Superintendent of Public Instruction
29 pursuant to §20-4-111, MCA is not a license; therefore is not eligible for an internship.

30
31 Legal Reference: § 20-4-111, MCA Emergency authorization of employment
32 ARM 10.55.602 Definitions
33 ARM 10.55.607 Internships
34 ARM 10.55.702 Licensure and duties of District
35 Administrator – District Superintendent
36 ARM 10.57.412 Class 1 and 2 Endorsements
37 ARM 10.57.413 Class 3 Administrative License

38
39
40
41 Policy History:

42 Adopted on: 3/16/09

43 Reviewed on: 09/23/19, 5/23/22

44 Revised on: 03/19/2014

THE BOARD OF TRUSTEES

1700

page 1 of 3

Uniform Complaint Procedure

The Board establishes this Uniform Complaint Procedure as a means to address complaints arising within the District. This Uniform Complaint Procedure is intended to be used for all complaints except those governed by a specific process in state or federal law that supersedes this process or collective bargaining agreement. Matters covered by a collective bargaining agreement will be reviewed in accordance with the terms of the applicable agreement.

The District requests all individuals to use this complaint procedure, when the individual believes the Board or its employees or agents have violated the individual's rights under state or federal law or Board policy. Complaints against a building administrator shall be filed with the Superintendent. Complaints against the Superintendent or District administrator shall be filed with the Board.

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

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

Level 1: Informal

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

Level 2: Building Administrator

When a complaint has not been or cannot be resolved at Level 1, an individual may file a signed and dated written complaint stating: (1) the nature of the complaint; (2) a description of the event or incident giving rise to the complaint, including any school personnel involved; and (3) the remedy or resolution requested. The written complaint must be filed within thirty (30) calendar days of the event or incident or from the date an individual could reasonably become aware of such event or incident. The applicability of the deadline is subject to review by the Superintendent to ensure the intent of this uniform complaint procedure is honored.

When a complaint alleges violation of Board policy or procedure, the building administrator will

investigate and attempt to resolve the complaint. The administrator will respond in writing to the complaint, within thirty (30) calendar days of the administrator's receipt of the complaint.

If the complainant has reason to believe the administrator's decision was made in error, the complainant may request, in writing, that the Superintendent review the administrator's decision. (See Level 3.) This request must be submitted to the Superintendent within fifteen (15) calendar days of the administrator's decision.

When a complaint alleges sexual harassment or a violation of Title IX of the Education Amendments of 1972 (the Civil Rights Act), Title II of the Americans with Disabilities Act of 1990, or Section 504 of the Rehabilitation Act of 1973, the Administrator shall turn the complaint over to the applicable District nondiscrimination coordinator. The coordinator shall ensure an investigation is completed in accordance with the applicable procedure. In the case of a sexual harassment or Title IX complaint the applicable investigation and appeal procedure is Policy 3225P or 5012P. In the case of a disability complaint, the coordinator shall complete an investigation and file a report and recommendation with the Administrator for decision. Appeal of a decision in a disability complaint will be handled in accordance with this policy.

Level 3: Superintendent

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

If the complainant has reason to believe the Superintendent's decision was made in error, the complainant may request, in writing, that the Board consider an appeal of the Superintendent's decision. (See Level 4.) This request must be submitted in writing to the Superintendent, within fifteen (15) calendar days of the Superintendent's written response to the complaint, for transmission to the Board.

Level 4: The Board

Upon written appeal of a complaint alleging a violation the individual's rights under state or federal law or Board policy upon which the Board of Trustees has authority to remedy, the Board may consider the Superintendent's decision in Level 2 or 3. Upon receipt of written request for

1
2
3
4 appeal, the Chair will either: (1) place the appeal on the agenda of a regular or special Board
5 meeting, (2) appoint an appeals panel of not less than three trustees to hear the appeal and make
6 a recommendation to the Board, or (3) respond to the complaint with an explanation of why the
7 appeal will not be heard by the Board of Trustees in accordance with this policy. If the Chair
8 appoints a panel to consider the appeal, the panel will meet to consider the appeal and then make
9 written recommendation to the full Board. The Board will report its decision on the appeal, in
10 writing, to all parties, within thirty (30) calendar days of the Board meeting at which the Board
11 considered the appeal or the recommendation of the panel. A decision of the Board is final,
12 unless it is appealed pursuant to Montana law within the period provided by law.
13

14 Cross Reference: 3210 - Equal Educational Opportunity and Nondiscrimination
15 5010 - Equal Employment Opportunity and Nondiscrimination
16 3225-3225P – Sexual Harassment of Students
17 5012-5012P – Sexual Harassment of Employees
18

19 Legal Reference: Title IX of the Education Amendments of 1972 (Civil Rights Act)
20 Title II of the Americans with Disabilities Act of 1990
21 § 504 of the Rehabilitation Act of 1973
22

23 Policy History:

24 Adopted on:

25 Reviewed on: 5/23/22

26 Revised on: 5/17/21

TERRY K-12 SCHOOLS
1900 SERIES
COVID-19 EMERGENCY POLICIES

TABLE OF CONTENTS

1900	Introduction and Emergency Policy Framework
1903	School District Meetings and Gatherings
1903F	School District Meetings and Gatherings Public Notice
1904	Use of Transportation Funds
1906	Student Instruction and Services
1906P	Student Instruction Resources and Best Practices
1907	School District Declaration of Emergency
1908	Family Engagement
1908F	Family Onsite Opt-Out Form
1909	Human Resources and Personnel
1910	Personnel Use of Leave
1910F1	Emergency Paid Sick Leave Employee Request Form
1910F2	EFMLA Employee Request Form
1911	School District Budget Adoption and Amendment and Audit

Terry K-12 Schools

COVID-19 Emergency Policies

1900

The board of trustees and its staff are operating under unusual, even unprecedented circumstances by virtue of the declaration of a statewide emergency by the Governor and the executive orders related to school closure to address concerns from the COVID-19 Virus and/or the declaration of an unforeseen emergency (community disaster) made by the Board of Trustees. In light of the COVID-19 pandemic, the Board of Trustees has found it necessary to adopt temporary policies related to emergency school closures, the ongoing provision of educational services to students, meetings of the Board, gatherings on school property, health and safety of students, staff and community members, human resource matters and budgetary matters. To ensure clarity and transparency, the board has organized all emergency school policies into a temporary chapter. The Board has also included this introductory section as a heading for each policy to ensure understanding of the purpose and duration of each policy adopted pursuant to this chapter.

Purpose(s) of Policies

1. Ensuring that locally-elected trustees charged with the supervision and control of their local public schools, in collaboration with their staff leadership teams, make decisions that are in the best interests of students, staff and the community served.
2. Ensuring measures to protect the health and safety of students, staff and community members.
3. Addressing issues relating to student instruction and family engagement.
4. Addressing barriers to learning presented by distance.
5. Improvement of instruction in on-site, offsite, and/or on-line settings
6. Ensuring continuity of employment of school district staff and/or continuity of services provided by contract transportation providers.
7. Ensuring accountability to families with children.

Term of COVID-19 Emergency Measures Policies

School District Policies Numbered 1900-1999 are intended to govern during any emergency related to COVID-19 declared by the President, Congress, Montana Legislature, Governor, Montana Department of Public Health and Human Services, county health department or the board of trustees. The term of School District Policies Numbered 1900-1999 shall run until terminated by a vote of the board of trustees.

Cross Reference: Policy 2221 – 2221P – School Closure
 Policy 1400 – Board Meetings
 Policy 1310 – Policy and Procedure
 Policy 1420 – Meeting Procedure

Legal Reference: Executive Orders – 2-2020 and 3-2020 – Office of the Governor and
 accompanying Directives

1 Section 20-9-801-806, MCA – Emergency School Closure
2 Section 50-1-202-204, MCA – Public Health Laws
3 Section 10-3-104, MCA – General Authority of Governor
4 Article X, section 8 – Montana Constitution
5
6

7 Policy History:

8 Adopted on: 3/27/20

9 Reviewed on:

10 Revised on:

11 Terminated on:

Terry K-12 Schools

COVID-19 Emergency Measures

1903

School District Meetings, Gatherings, Events, and Visitors

The School District has adopted the protocols outlined in this policy to govern during the term of the declared public health emergency to ensure individuals present at a school facility for events or other operationally related reasons honor safety protocols. The supervising teacher, principal, superintendent or designated personnel are authorized to implement this policy in coordination with state and local health officials.

School District Events

The Board of Trustees may authorize School District physical meetings, gatherings, and events when the event is deemed essential to district operations. Physical meetings, gatherings, and events shall not be held without prior authorization of the Board of Trustees.

Physical meetings, gatherings, and events held on school property shall be limited to outdoor areas including the stadium, field, or other open areas designated by the Board of Trustees. All attendees at a meeting, gathering, or event authorized by the Board of Trustees held outdoors are required to honor the applicable health and safety protocols outlined in District Policy 1905 including but not limited to physical distancing. The School District shall provide suitable space for physical distancing to occur and, if practicable, markings and walking routes in the area where the event shall be held to preserve a safe event setting.

Vulnerable individuals (defined by the Centers for Disease Control at the time of this policy's adoption as those age 65 or older or those with serious underlying health conditions, including high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune system is compromised such as by chemotherapy for cancer and other conditions requiring such therapy) must not attend School District meetings, gatherings, or events held in accordance with this policy. Precautions must be taken to isolate from vulnerable individuals. The School District shall accommodate vulnerable individuals so they may participate in the meeting gathering or event via electronic means.

Facilities Use Agreements

The Board of Trustees suspends community use of District facilities. Unless an event is specifically identified as necessary by the Board of Trustees, Facilities Use Agreements and other similar requests submitted in accordance with District Policy 4330 shall not be considered while this policy governs the period of a public health emergency.

Enforcement

Visitors to any school building or any attendee at a meeting, gathering, or event authorized by the Board of Trustees in accordance with this policy who fail to honor the requirements of District Policy or the directives of School District officials shall be asked to correct their conduct or leave the meeting, gathering, or event in accordance District Policy 4315.

Cross Reference: Policy 1901 – School District Policy and Procedures
Policy 1905 – Student, Staff, and Community Health and Safety
Policy 1400 – Board Meetings
Policy 5430 – Volunteers
Policy 4301 – Visitors to Schools
Policy 4332 – Conduct on School Property
Policy 4315 – Visitor and Spectator Conduct
Policy 4330 – Community Use of School Facilities

Policy History:

Adopted on: 5/18/2020

Reviewed on:

Revised on:

Terminated on:

1 **Terry K-12 Schools**

2
3 **COVID-19 Emergency Measures**

1903F

4
5 School Event and Facility Notice

6
7 The Board of Trustees has adopted the following notice to be posted at the entrance to school
8 buildings and facilities that are holding an event or allowing visitors as authorized by the Board
9 of Trustees in accordance with Policy 1903.

10
11 SCHOOL EVENT AND FACILITY NOTICE

12
13 Terry K-12 Schools has taken the precautionary measures adopted by the Board of
14 Trustees, provided by the Governor of Montana, and directed by the Prairie County
15 Health Department to protect against the possible spread of COVID-19 and related
16 illnesses. These measures include but are not limited to cleaning and disinfecting
17 protocols, physical distancing guidance, limitations on the number of people present for
18 events, and use of personal protective equipment. There are no assurances these measures
19 will prevent the spread of COVID-19 or related illnesses at this event or at this
20 facility. By voluntarily entering this event or facility, attendees are acknowledging their
21 specific awareness and knowledge that there are inherent risks of exposure at public
22 gatherings and public facilities. These inherent risks that attendees specifically
23 acknowledge include but are not limited to: injury; illness; hospitalization, chronic health
24 issues arising out of COVID-19, quarantines of an unknown duration to be determined by
25 governing authorities and death. Attendees acknowledge vulnerable individuals as
26 defined by the Centers for Disease Control are at greater risk of serious complications
27 from exposure. Attendees are advised to comply with physical distancing limits
28 consisting of a minimum of 6 feet of distance from others at all times and are further
29 advised to consider the use of masks/face coverings while on school property and to use
30 personal hand sanitizer before, during and after an event. Attendees confirm that they
31 have reviewed, thoroughly understand and agree to comply with all guidance for the
32 phased reopening of Montana issued by the Montana Governor's Office. All School
33 District Policies are in effect when attending this school event or otherwise accessing this
34 facility. Any negligence arising out of your access to this facility or attendance at a
35 school event shall be attributed to you as comparative negligence within the meaning of
36 Section 27-1-702, MCA.

37
38
39 Policy History:

40 Adopted on: 5/18/2020

41 Reviewed on:

42 Revised on:

43 Terminated on:

Terry K-12 Schools

COVID-19 Emergency Measures

1904

Use of Transportation Funds During Periods of Emergency Declaration

Pursuant to guidance issued from the Office of Public Instruction, the Board of Trustees authorizes the following expenditures of its FY20 budgeted transportation funds that are in addition to traditionally authorized expenditures. The expenditures below are, as noted in OPI guidance, transportation services which provide instructional services to students.

- Transportation of food and meals used in nutritional programs.
- Purchase of equipment to ensure safety in food transportation.
- Providing accessibility to student services for remote learning.
- Providing instructional materials to students, including but not limited to internet service adequate to allow students to effectively access curriculum during periods of school closure.
- Cost of instructional materials, supplies, and software licenses.
- Costs of technological equipment needed for offsite instruction/correspondence study purchased by the school district and loaned to students without such equipment.
- Cost of correspondence study.
- Costs of providing services to students with an IEP or a plan adopted pursuant to section 504 of the 1973 Rehabilitation Act.
- Costs of time off or repurposed time for staff normally paid from the transportation fund.
- Costs to contractors of transportation services.

Cost Guidelines

The Board of Trustees authorizes the Superintendent to exercise his/her professional judgment and discretion as to the necessity, quality and amount of all expenses referenced below. Aggregate costs of items below are to remain within the budget limits adopted by the board of trustees for the FY20 transportation budget, including any budget amendments adopted by the board of trustees prior to the completion of FY20.

- Any costs consistent with costs under normal operation, including costs referenced in any contract to which the district is a party.
- Actual costs of delivering meals to students at locations authorized by any and all waivers of regular rules for school nutrition programs that have been adopted by the United States Department of Agriculture or the Office of Public Instruction.
- Any costs consistent with and necessary to comply with an IEP or section 504 plan.
- Actual costs of equipment, software and service necessary to bridge digital divides or provide a quality learning environment for students, including:

- Equipment necessary to provide wi-fi in a student's home, including any equipment qualifying for discount under the federal E-Rate program.
- Equipment necessary to allow students to effectively participate in offsite instruction with an emphasis on ensuring opportunities for real time interactions, collaboration, and effective engagement in the learning process by students.
 - Equipment purchased under this section may include any combination deemed necessary and appropriate by the Superintendent, including but not limited to mobile devices, tablets and laptops.
 - Equipment purchased under this section shall become and remain the property of the District and shall be provided to students through a loan/checkout service developed by the Superintendent.
- Software to ensure a safe and appropriate online learning experience by students of the district.
- Internet service at an adequate bandwidth to ensure full and effective use of instruction delivery and interaction methods employed by the district as part of its offsite learning program.
 - If there are multiple internet service providers in the community, the board authorizes the Superintendent to choose either a single provider or to allocate/rotate selection from among all providers in the community meeting minimum bandwidth and other safety and quality standards deemed necessary and appropriate by the Superintendent.

Cross Reference: Policy 3612 – District-Provided Access to Electronic Information, Services, and Networks
Policy 3612P - District-Provided Access to Electronic Information, Services, and Networks Procedure
Policy 3612F – Internet Access Agreement
Policy 3650 – Montana Pupil Online Personal Information Protection Act
Policy 3650F – Montana Model Data Privacy Agreement
Policy 2168.- Distance Learning
Policy 2170 – Montana Digital Academy
Policy 2170P – Montana Digital Academy Procedures

Legal Reference: Section 20-10-101(5), MCA – Transportation

Policy History:

Adopted on: 5/18/2020

Reviewed on:

Revised on:

Terminated on:

1 **Terry K-12 Schools**

2
3 **COVID-19 Emergency Measures**

1906

4
5 Student Instruction and Services

6
7 The School District has adopted the protocols outlined in this policy to govern during the term of
8 the declared public health emergency to ensure the delivery of education services to students
9 onsite at the school, offsite at other locations using available resources including but not limited
10 to online methods. The supervising teacher, principal, superintendent or designated personnel are
11 authorized to implement this policy.
12

13 As outlined in District Policy 2100, and except for students determined by the School District to
14 be proficient using School District assessments, the adopted calendar has a minimum number of
15 720 aggregate instructional hours for students in kindergarten through third grade; 1,080 hours
16 for students in fourth through eleventh grade and 1,050 hours for students in twelfth grade.
17

18 The School District may satisfy the aggregate number of hours through any combination of
19 onsite, offsite, and online instruction. The District administration is directed to ensure that all
20 students are offered access to the complete range of educational programs and services for the
21 education program required by the accreditation standards adopted by the Montana Board of
22 Public Education.
23

24 For the purposes of this policy and the School District's calculation of ANB and "aggregate
25 hours of instruction" within the meaning of that term in Montana law, the term "instruction"
26 shall be construed as being synonymous with and in support of the broader goals of "learning"
27 and full development of educational potential as set forth in Article X, section 1 of the Montana
28 Constitution. Instruction includes innovative teaching strategies that focus on student
29 engagement for the purposes of developing a students' interests, passions, and strengths. The
30 term instruction shall include any directed, distributive, collaborative and/or experiential learning
31 activity provided, supervised, guided, facilitated or coordinated by the teacher of record in a
32 given course that is done purposely to achieve content proficiency and facilitate the learning of,
33 acquisition of knowledge, skills and abilities by, and to otherwise fulfill the full educational
34 potential of each child.
35

36 Staff shall calculate the number of hours students have received instruction as defined in this
37 policy through a combined calculation of services received onsite at the school or services
38 provided or accessed at offsite or online instructional settings including, but not limited to, any
39 combination of physical instructional packets, virtual or electronic based course meetings and
40 assignments, self-directed or parent-assisted learning opportunities, and other educational efforts
41 undertaken by the staff and students that can be given for grade or credit. Staff shall report
42 completed hours of instruction as defined in this policy to the supervising teacher, building
43 principal, or district administrator for final calculation.
44
45
46

Students shall receive grades for completed coursework in accordance with the grading scale for the individual staff member or the alternative grading procedures outlined in District Policy 1902.

The Board of Trustees may revise the school calendar to adjust the completion of the school year for particular grade levels and groups once students have satisfied the required number of applicable aggregate hours.

In order to comply with the requirements of the calendar, District Policy and Section 20-1-301, MCA, the District shall implement the instructional schedules and methods identified in this policy.

Offsite and Online Instructional Setting

The Board of Trustees authorizes offsite and online instruction of students in a manner that satisfies the aggregate number of instructional hours outlined in the School District's adopted or revised calendar for a school year affected by a public health emergency. Offsite and online delivery methods shall include a complete range of educational services offered by the School District and shall comply with the requirements of applicable statutes. Students completing course work through an offsite or online instructional setting shall be treated in and have their hours of instruction calculated in the same manner as students attending an onsite institutional setting.

The Board of Trustees authorizes the supervising teacher or district administrator to permit students to utilize an offsite or online instructional setting at parental request if onsite instruction is offered in the School District in accordance with Policy 1908.

Students receiving offsite delivery of education services may be eligible for assistance with accessibility to offsite or remote learning opportunities in accordance with District Policy 1904.

Proficiency-Based Learning

The Board of Trustees authorizes proficiency-based ANB calculation in situations when a student demonstrates proficiency in a course area as determined by the Board of Trustees using district assessments consistent with the School District's adopted Plan of Action, District Policy 1005FE, or other measures approved by the Board of Trustees during the course of a school year affected by a public health emergency.

The Board of Trustees waives the minimum number of instructional hours for students who demonstrate proficiency in a course area using district assessments that include, but are not limited to, the course or class teacher's determination of proficiency as defined by the Board of Trustees. This determination shall be based on a review of the student's completed coursework, participation in course delivery, and other methods applicable to the specific course or class. The

Board of Trustees authorizes the use of the proficiency determination process for students who have selected this method of delivery, students for whom the School District is unable to document satisfaction of the required minimum aggregate number of hours through the offsite or onsite methods outlined in this policy, or other students whom School District personnel determine satisfy the definition of proficient or meeting proficiency.

This provision is based in the declaration by the Montana Legislature that any regulation discriminating against a student who has participated in proficiency-based learning is inconsistent with the Montana Constitution.

Special Education and Accommodation of Disabilities or Diagnoses

Students shall receive services in accordance with the applicable Individualized Education Plan or Section 504 Plan based on methods and locations agreed upon and documented by the applicable team to meet the student's needs and goals. The supervising teacher or building administrator shall coordinate with parents and the special education staff or cooperative to ensure all applicable statutes are followed in accordance with U.S. Department of Education guidelines.

Student Attendance

The Board of Trustees authorizes the supervising teacher, building principal or district administration to set an attendance policy for students that takes into account the location of instructional services, the applicability of proficiency-based instruction, the student's grade level, and the health and safety of the student and their household. Students are expected to complete assigned work. If a student is not present for the instructional day, the student shall be permitted to complete all work assigned by the teacher if not present for instruction within a reasonable period of time determined by the teacher. Students shall not lose credit or incur a grade reduction for reasons related to attendance without good reason as determined by the Board of Trustees.

Student Safety and Counseling

Students shall have access to regular school counseling services whether their instruction is provided in an onsite, offsite or online setting. Staff shall promptly report any suspected student distress or concern to their supervisor for review and referral. Students receiving instruction in an offsite setting are governed by the staff obligation to report suspected child abuse or neglect.

Homeless Students and Students in Foster Care

This policy in no way limits or adjusts the School Districts obligations to homeless students or students in foster care. Applicable District policies serving these students or this population of students remain in full effect.

Student Discipline

This policy in no way limits or adjusts the School District's expectations for student conduct. All applicable district policies and handbook provisions governing student conduct remain in full effect.

2020/2021 School Schedule and Calendar

It is the objective of the Board of Trustees to ensure the proactive operations of the School District during a public health emergency by: (1) meeting the educational needs of the students; (2) complying with all applicable statutes and rules pertaining to the aggregate hours of instruction; and 3) identifying and implementing innovative methods to meet educational and other needs of each student in the School District.

Summer School

The Board of Trustees authorizes a summer program of instructional offerings for the purpose of remediation of credit, maintenance of skills, and enrichment. All classes offered for credit must meet minimum state requirements for accreditation and may be delivered at the school or at another offsite location. Remediation credit courses shall be offered, grades 9-12, in accordance with District advancement requirements. Credit course offerings must be approved by the Board of Trustees

Extended School Year

In accordance with District Policy 2011, Section 20-1-301, MCA, and any applicable collective bargaining agreement covering the employment of affected employees, the Board of Trustees may establish a school calendar with an earlier start date and a later end date from non-emergency school years to ensure students receive the minimum number aggregate instructional hours. The purpose of an extended school year will be to maximize flexibility in the delivery of instruction and learning for each student in the School District in the event of school closures or other impacts to School District operations due to a public health emergency. When setting an extended school year, the School District will collaborate with students, parents, employees and other community stakeholders. When proposing to adopt changes to a previously adopted school term the Board of Trustees will follow the procedures outlined in Policy 2100.

Legal Reference: Article X, Section 1, Montana Constitution
 Section 20-1-101, MCA – Definitions
 Section 20-1-301, MCA – School Fiscal Year
 Section 20-9-311, MCA – Calculation of Average Number Belonging
 Section 20-7-118, MCA - Offsite Provision of Educational Services
 Section 20-7-1601, MCA – Transformational Learning –Legislative Intent

ARM 10.55.906(4)) – High School Credit

Cross Reference: Policy 1005FE – Proficiency-Based Learning
Policy 1902 – Alternative Grading
Policy 1905 - Staff, Student, and Community Health and Safety
Policy 2100 – School Calendar
Policy 2140 – Guidance and Counseling
Policy 2161 – Special Education
Policy 2168 – Distance Learning
Policy 2410 – Graduation
Policy 2420 – Grading and Progress Reports
Policy 2421 – Promotion and Retention
Policy 2150 – Suicide Training and Awareness
Policy 3125 – Homeless Students
Policy 3122 - Attendance Policy
Policy 3310 - Student Discipline

Policy History:

Adopted on: 5/6/20
Reviewed on:
Revised on: 9/21/20
Terminated on:

Terry K-12 Schools

COVID-19 Emergency Measures

1906P

Student Instruction Resources and Best Practices

In accordance with Policy 1005FE – Proficiency Based Learning and Section 20-9-311(4)(d), MCA, “a school district may include in its calculation of ANB a pupil who is enrolled in a program providing fewer than the required aggregate hours of pupil instruction under subsection (4)(a) or (4)(b) if the pupil has demonstrated proficiency in the content ordinarily covered by the instruction as determined by the school board using district assessments. The ANB of a pupil under this subsection (4)(d) must be converted to an hourly equivalent based on the hours of instruction ordinarily provided for the content over which the student has demonstrated proficiency.”

Proficiency or satisfying aggregate hours of instruction can be achieved through an on-site, off-site, or blended learning model as outlined in Policy 1906.

Best practices, including but not limited to those outlined below, will assist districts in facilitating quality learning for each student regardless of background or circumstance.

Planning & Communication

- Providing tools for virtual learning will help ensure equity in access to learning opportunities. With Policy 1904, districts may utilize transportation funds to facilitate internet and device access to students currently without.
- Provide weekly learning agendas communicated to students and parents.
- Set student meetings, teacher office hours, assignment expectations, and grades available on an established schedule. Districts may consider Policy 1902 – Alternative Grading.
- Establish whole group virtual “class time” and/or opportunities for small group learning
 - Post assignments online early and for the entire week.
 - During this time of challenge, providing structure and certainty will support academic, mental and emotional health.
 - Students should receive some form of communication from the school community at least once per day.

Set Expectations

- With students and parents/guardians set expectations and acknowledgment of the importance for ownership of student learning.
- Expectations can outline due dates for assessments.
- Outline how much online participation is required of students.
- Include expectation for daily submission of work or review of accomplishments toward goals.
- Survey students and parents/guardians to make adjustments to lessons. Remember to be flexible—time learning software, apps, etc. should be considered part of learning.

Differentiated Instruction & Learning Models

- Embed experiential learning that fosters a learning environment that promotes connections. Districts participating in Transformational Learning funding can utilize their Strategic Plan as a guiding document and adapt to a virtual environment.
- Social Emotional Learning and connections.
 - Begin the day by connecting with students—a Brain Teaser or an exercise for students to share a topic of interest or something from home with others.
- Record lessons
 - Lessons should come with visual substance and multiple types of instruction to facilitate learning—downloads, PowerPoints, videos, readings, audio recordings, etc.
- Honor students interests and passions through experiential learning opportunities.
- Project based learning.
 - Engage the students to do the work through research, developing, and creating a product which encompasses a variety of subject areas.
 - Encourage creativity.
 - Consider pointing students to the right resources (videos, websites, files) and allow them to be contributors to their own learning-- Creation of a science project—writing, demonstration of items needed, YouTube video with the end result being submitted to the teacher and classmates.
 - Wax Museum example: reading about character, writing about individual, dress up and record via YouTube or creation of a Power Point with pictures
 - Project based learning presents opportunities for cross-subject collaboration and flexibility in ways to show student learning.

Demonstrating Learning

- Provide video meeting and messaging capabilities to engage students in multiple mediums to show learning.
- Provide daily feedback to address academic growth and monitor and improve social emotional wellness.
 - Clearly communicate to ensure students and parents are aware of the importance of this mutual feedback.
- Opportunity for MAP testing/Unit testing for subject areas
- Formative assessments can guide instruction and provide multiple opportunities for feedback and identifying gaps in student learning and instruction through a low-stress medium.

Legal Reference: Section 20-1-101, MCA – Definitions
Section 20-1-301, MCA – School Fiscal Year
Section 20-9-311, MCA – Calculation of Average Number Belonging
Section 20-7-118, MCA - Offsite Provision of Educational Services
Section 20-7-1601, MCA – Transformational Learning –Legislative Intent
ARM 10.55.906(4)) – High School Credit

Cross Reference: Policy 1005FE – Proficiency-Based Learning
Policy 1902 – Alternative Grading
Policy 1905 - Staff, Student, and Community Health and Safety
Policy 2100 – School Calendar
Policy 2140 – Guidance and Counseling
Policy 2161 – Special Education
Policy 2168 – Distance Learning
Policy 2410 – Graduation
Policy 2420 – Grading and Progress Reports
Policy 2421 – Promotion and Retention
Policy 2150 – Suicide Training and Awareness
Policy 3125 – Homeless Students
Policy 3122 - Attendance Policy
Policy 3310 - Student Discipline

Policy History:

Adopted on: 5/18/2020

Reviewed on:

Revised on:

Terminated on:

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6

1907

5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6

7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6

6
7
8
9
0
1
2
3
4
5
62
3
4
5
6

23
24
25
26

24
25
26

25
26

26

Terry K-12 Schools

COVID-19 Emergency Measures

1908

Family Engagement

The Board of Trustees authorizes the supervising teacher or district administrator to provide Policy 1908F to families requesting to opt-out of onsite instruction at the school facility for the duration of the declared public health emergency.

Students of families opting out of onsite instruction at the school facility shall receive offsite, online, and proficiency-based instruction, or any combination of the foregoing at the discretion of the School District in accordance with District Policy 1906. School District staff shall arrange for any combination of physical instructional packets, virtual or electronic based course meetings and assignments, self-directed or parent/guardian-assisted learning opportunities, and other educational efforts available to staff and students that can be relied upon for grade or credit in order to satisfy the minimum aggregate number of hours or determination of proficiency for the requesting student. Students determined to be proficient in one or more courses of the district shall be incorporated in the School District's calculation of ANB, with such ANB fraction to be converted to an hourly equivalent based on the hours of instruction ordinarily provided for the content over which the student has demonstrated proficiency.

Students of families opting out of onsite delivery shall be treated the same as students instructed at the school facility for purposes of grading, discipline, and other educational rights.

Legal Reference: Section 20-1-101, MCA – Definitions
 Section 20-1-301, MCA – School Fiscal Year
 Section 20-9-311, MCA – Calculation of Average Number Belonging
 Section 20-7-118, MCA - Offsite Provision of Educational Services
 Section 20-7-1601, MCA – Transformational Learning –Legislative Intent
 ARM 10.55.906(4)) – High School Credit

Cross Reference: Policy 1906 – Student Instruction and Services
 Policy 1908F – Family Onsite Opt-Out Form

Policy History:

Adopted on: 9/21/20

Reviewed on:

Revised on:

Terminated on:

1 **Terry K-12 Schools**

2
3 **COVID-19 Emergency Measures**

1908F

4
5
6 Family Onsite Instruction Opt-Out Form

7
8
9 A family who does not want their student to receive instruction and educational services onsite at the
10 school may request to have instruction completed offsite and/or online by completing this form.

11
12 Students of families opting out of onsite instruction at the school facility shall receive offsite, online, and
13 proficiency-based instruction, or any combination of the foregoing at the discretion of the School District
14 in accordance with District Policy 1906. School District staff shall arrange for any combination of
15 physical instructional packets, virtual or electronic based course meetings and assignments, self-directed
16 or parent/guardian-assisted learning opportunities, and other educational efforts available to staff and
17 students that can be relied upon for grade or credit in order to satisfy the minimum aggregate number of
18 hours or determination of proficiency for the requesting student. Students determined to be proficient in
19 one or more courses of the district shall be incorporated in the School District's calculation of ANB, with
20 such ANB fraction to be converted to an hourly equivalent based on the hours of instruction ordinarily
21 provided for the content over which the student has demonstrated proficiency.
22

23
24 I, _____, Parent or Guardian of, _____ a student enrolled at Terry K-12 School
25 District, request my student receive educational services and instruction at an offsite location and/or for
26 the duration of the declared public health emergency in a manner consistent with the methods identified
27 by the School District.
28

29 I understand my student is expected to complete all assigned work and return it to the teacher in order to
30 receive credit toward a grade to be considered for promotion or credit and in accordance with Policy
31 1902, if applicable. I further understand that failure to complete work assigned may result in a
32 determination that my student will be retained or otherwise not earn credit.
33

34
35
36
37 _____
38 Parent

_____ Date

39 Legal Reference: Section 20-1-101, MCA – Definitions
40 Section 20-1-301, MCA – School Fiscal Year
41 Section 20-9-311, MCA – Calculation of Average Number Belonging
42 Section 20-7-118, MCA - Offsite Provision of Educational Services
43 Section 20-7-1601, MCA – Transformational Learning –Legislative Intent
44 ARM 10.55.906(4)) – High School Credit
45

46 Policy History:
47 Adopted on: 9/21/20
48 Reviewed on:
49 Revised on:
50 Terminated on:

Terry K-12 Schools

COVID-19 Emergency Measures

1909

Human Resources and Personnel

The School District has adopted the protocols outlined in this policy to govern during the term of the declared public health emergency to ensure clear expectations for District staff while completing their duties in a safe and healthy workplace. The supervising teacher, principal, superintendent or designated personnel are authorized to implement this policy.

Work Schedule and Assignment for Certified Staff

The working conditions for the certified staff shall be governed by a Collective Bargaining Agreement and any applicable Memorandum of Understanding between the Unit and the School District or the individual employment contracts between the employee and the School District. Certified staff shall comply with the emergency policies adopted by the Board of Trustees and related directives from the administration unless there is a provision of a Collective Bargaining Agreement or an applicable Memorandum of Understanding that specifically governs instead of the policy.

Work Schedule and Assignment of Duties for Classified Staff

In accordance with the individual employment contracts issued to classified staff, the District reserves the right to change employment conditions affecting an employee's duties, schedule, assignment, or supervisor. The District shall notify the employee in writing of any change in their workday or duties. Classified staff shall comply with the emergency policies adopted by the Board of Trustees and related directives from the administration.

Personal Conduct

This policy in no way limits or adjusts the School District's expectations for staff conduct. All applicable district policies and handbook provision governing staff conduct remain in full effect.

Student Services

Students shall have access to regular instructional services whether their instruction is provided in an onsite, offsite, or online setting. Staff shall promptly report any suspected violation of School District Policy or concern about student health, well-being, or safety to their supervisor for review and referral. Students receiving instruction in an offsite or online setting are governed by all applicable laws, including the staff obligation to report suspected child abuse or neglect.

Compensation and Benefits

Staff shall continue to earn regular compensation and benefits during the period of declared public health emergency. Payroll dates and schedules are not affected by an applicable public health emergency.

Evaluation of Staff

The Board of Trustees authorizes the administration to adjust or waive the schedule for evaluation of staff to accommodate the changes to the school calendar in response to a public health emergency unless there is a Collective Bargaining Agreement or Memorandum of Understanding specifying the evaluation process of a member of a bargaining unit.

Cross Reference: Policy 1905 - Student, Staff and Community Health and Safety
Policy 1906 – Student Instruction
Policy 5140 – Classified Assignment
Policy 5210 – Assignments and Transfers
Policy 5221 – Work Day
Policy 5232 – Abused and Neglected Child Reporting
Policy 5255 – Disciplinary Action
Policy 5223 – Personal Conduct
Policy 5012 – Sexual Harassment
Policy 5015- Bullying and Intimidation
Policy 5130 – Staff Health
Policy 5230 – Prevention of Disease Transmission
Policy 5222 – Evaluation of Certified and Classified Staff

Policy History:

Adopted on: 5/18/2020

Reviewed on:

Revised on:

Terminated on:

Terry K-12 Schools

COVID-19 Emergency Measures

1910

Personnel Use of Leave

The School District has adopted the protocols outlined in this policy to govern during the term of the declared public health emergency to inform School District staff about leave options. The supervising teacher, principal, superintendent or designated personnel are authorized to implement this policy.

District Leave

School District staff may utilize accumulated leave granted in accordance with Montana law, District policy, a Collective Bargaining Agreement, or applicable Memorandum of Understanding through the regular procedures governing the type of leave requested.

Federal Law Controls Federal Leave Provisions

The Board of Trustees has adopted this policy and related forms on the referenced date based on the law and available federal and state guidance as of the date of such adoption. Federal and state guidance can change following adoption of this policy and forms. To the extent that any subsequently adopted guidance or federal regulation or other controlling interpretation of the law results in a conflict between such guidance, regulation or controlling interpretation and this policy or forms, the provisions of the guidance, regulation or controlling interpretation controls to the extent of any such conflict. The School District shall take reasonable steps to ensure that staff are notified of any change in guidance or federal regulation or other controlling interpretation of the law that creates a conflict with any provision of this policy of forms.

Emergency Paid Sick Leave

In accordance with Federal law, employees may be eligible for two weeks of paid sick leave capped at 80 hours paid at the employee's regular rate of pay when the employee is unable to work because the employee is quarantined in accordance with a Federal, State, or local government order or advice of a health care provider, and/or experiencing COVID-19 symptoms and seeking a medical diagnosis.

Employees may be eligible for two weeks of paid sick leave capped at 80 hours paid at two-thirds the employee's regular rate of pay because the employee is unable to work because of a bona fide need to care for an individual subject to quarantine in accordance with a Federal, State, or local government order or advice of a health care provider, or to care for a child under 18 years of age whose school or child care provider is closed or unavailable for reasons related to COVID-19, and/or the employee is experiencing a substantially similar condition as specified by

the Secretary of Health and Human Services, in consultation with the Secretaries of the Treasury and Labor.

Eligible employees may request leave available under the Families First Coronavirus Response Act by completing Policy 1910F1 – Emergency Paid Sick Leave

Emergency Family Medical Leave

Employees may be eligible for up to an additional 10 weeks of paid expanded family and medical leave at two-thirds the employee's regular rate of pay when the employee, who has been employed for at least 30 calendar days, is unable to work due to a bona fide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19.

Eligible employees may request leave available under the Families First Coronavirus Response Act by completing Policy 1910F2 – Emergency Family Medical Leave.

Legal Reference: Families First Coronavirus Response Act

Cross Reference: Policy 1910F1 – Emergency Paid Sick Leave Form
Policy 1910F2 - Emergency Family Medical Leave Form
Policy 1909 – Human Resources and Personnel
Policy 5321 – Leaves of Absence
Policy 5328 – Family Medical Leave Act
Policy 5329 – Long Term Illness
Policy 5330 – Maternity and Paternity Leave
Policy 5334 - Vacations

Policy History:

Adopted on: 5/18/2020

Reviewed on:

Revised on:

Terminated on:

TERRY K-12 SCHOOL DISTRICT - EMPLOYEE REQUEST FORM - EMERGENCY PAID SICK LEAVE

Employees may be entitled to Emergency Paid Sick Leave in accordance with the Families First Coronavirus Response Act (FFCRA) if the employee satisfies eligibility standards. Employees can complete this form and submit it or any questions to _____ at _____.

Employee Name: _____

Mailing Address: _____ E-mail: _____

Home Phone Number: _____ Alternate Phone Number: _____

Anticipated Begin Date of Leave: _____ Expected Return to Work Date: _____

EMPLOYEE REQUEST FOR LEAVE AT FULL PAY

Employees satisfying one of the three standards noted below are eligible for two weeks of leave capped at 80 hours paid at the employee's full regular compensation rate. For a part-time employee it is the number of hours equal to the average number of hours that the employee works over a typical two-week period. Please select the applicable reason and follow the related instructions.

I am unable to work or telework for the following reasons:

- ☐ I am quarantined pursuant to Federal, State, or local government order.
- ☐ I am quarantined on the advice of a health care provider.
- ☐ I am experiencing COVID-19 symptoms and seeking a medical diagnosis.

Please attach the applicable government order or documentation from medical provider corresponding to the item(s) selected.

EMPLOYEE REQUEST FOR LEAVE AT 2/3 PAY

Employees satisfying one of the three standards noted below are eligible for two weeks of leave capped at 80 hours paid at the 2/3 of the employee's regular compensation rate. For a part-time employee it is the number of hours equal to the average number of hours that the employee works over a typical two-week period. Please select the applicable reason and follow the applicable instructions.

I am unable to work or telework for the following reasons:

- ☐ I need to care for an individual subject to quarantine pursuant to Federal, State, or local government order or advice of a health care provider. I represent that no other person will be providing care for the individual during the period for which the I am receiving Emergency Paid Sick Leave.

Name(s) of the individual(s) being cared for: _____

- ☐ I am experiencing a substantially similar condition as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of the Treasury and Labor.

Please attach the applicable government order or documentation from medical provider corresponding to the item(s) selected.

- ☐ I am unable to work or telework because I need to care for my child under age 18 because my child's elementary or secondary school, childcare provider, or child's place of care has been closed or is unavailable due to a public health emergency. During this period of unavailability or closure, I represent that no other person will be providing care for my child during the period for which I am receiving Emergency Paid Sick Leave.

Section Continued from previous page

Name(s) and Age(s) of Child or Children: _____

If the age of one or more of the child is between 14 and 18, the following special circumstances exist requiring me to care for the child during daylight hours: _____

Please attach notice or documentation related to the unavailability of the school, daycare, place of care or person providing care to the child. The School District reserves the right to request confirmation regarding the nature of the closure or unavailability.

If you are requesting 2/3 paid leave in conjunction with Emergency FMLA to care for a child under the age of 18 affected by school or care closure due to public health emergency, please complete an EFMLA form to submit with this form.

SUPPLEMENT 2/3 PAY WITH ACCRUED DISTRICT LEAVE

An employee on Emergency Paid Sick Leave at 2/3 pay as noted above, may choose to supplement the 2/3 pay provided through Emergency Paid Sick Leave with accrued District leave to earn full compensation. Please indicate if you would like to use paid leave during your Emergency Paid Sick Leave absence to supplement your 2/3 Emergency Paid Sick Leave compensation. Requested leave is subject to availability based on confirmation by the School District.

☐ Vacation: _____ Hours ☐ Sick Leave: _____ Hours ☐ Personal: _____ Hours

EMPLOYEE CERTIFICATION AND SIGNATURE

I certify that the above information is accurate and complete. I understand that if I fail to report for work on or before the scheduled return date indicated above or fail to communicate changes in the schedule with my supervisor, I may be subject to discipline in accordance with School District Policy.

Employee Signature: _____ Date: _____

FOR SCHOOL DISTRICT USE ONLY

Request Received By: _____ Date: _____

Leave Approved By: _____ Date: _____

Period of Leave: _____

Duration and Type of Supplemental Leave to Earn Full Pay Approved: _____

The School District will retain all records related to this leave request for at least 4 years for auditing purposes.

TERRY K-12 SCHOOL DISTRICT - EMPLOYEE REQUEST FORM - EMERGENCY FMLA

Employees may be entitled to Emergency FMLA (EFMLA) in accordance with the Families First Coronavirus Response Act (FFCRA) if the employee satisfies eligibility standards. Employees can complete this form and submit it or any questions to _____ at _____.

Employee Name: _____

Mailing Address: _____ E-mail: _____

Home Phone Number: _____ Alternate Phone Number: _____

Employment Start Date: _____ Employees must have worked for School District for 30 days to be eligible for EFMLA.

Expected Begin Date of Leave: _____ Expected Return to Work Date: _____

REASON FOR LEAVE

Employees satisfying the standards noted below are eligible for 12 weeks* of leave. The first two weeks of the leave are unpaid unless the employee selects available options in the next box. The remaining 10 weeks of leave are paid at 2/3 of the employee's regular compensation rate unless other options are selected on this form. Please select the applicable reason and follow the applicable instructions.

☐ I am unable to work or telework because I need to care for my child under age 18 because my child's elementary or secondary school, childcare provider, or child's place of care has been closed or is unavailable due to a public health emergency. During this period of unavailability or closure, I represent that no other person will be providing care for my child during the period for which I am receiving EFMLA.

Name(s) and Age(s) of Child or Children: _____

If the age of one or more of the child is between 14 and 18, the following special circumstances exist requiring me to care for the child during daylight hours: _____

Please attach notice or documentation related to the unavailability of the school, daycare, place of care or person providing care to the child. The School District reserves the right to request confirmation regarding the nature of the closure or unavailability.

** An employee who qualifies for and utilizes the Emergency Paid Sick Leave provisions of the FFCRA, is entitled to an additional 10 weeks of Emergency FMLA. Direct questions about or requests for this leave to the staff member noted above.*

SUBSTITUTION OF PAID LEAVE FOR FIRST TEN DAYS OF EFMLA

In accordance with the FFCRA, the first ten days of EFMLA is unpaid, however you may be eligible to use Emergency Paid Sick Leave provided through the FFCRA to cover this period at 2/3 of full pay. In the event you have already used Emergency Paid Sick Leave, you are permitted to use available District-provided paid leave to cover this period at full pay. Please indicate if you would like to use paid leave during the first 10 days of your absence and how many hours you plan to use. Requested leave is subject to availability based on confirmation by the School District. If requesting Emergency Paid Sick Leave, please complete and submit an Emergency Paid Sick Leave form.

☐ Vacation: _____ Hours ☐ Sick Leave: _____ Hours ☐ Personal: _____ Hours ☐ FFCRA: _____ Hours

SUPPLEMENT 2/3 PAY WITH ACCRUED DISTRICT LEAVE

An employee may choose to supplement the 2/3 pay provided through EFMLA with accrued District leave to earn full compensation. Please indicate if you would like to use paid leave during your EFMLA absence to supplement your 2/3 EFMLA compensation. Requested leave is subject to availability based on confirmation by the School District.

☐ Vacation: _____ Hours ☐ Sick Leave: _____ Hours ☐ Personal: _____ Hours

CONTINUOUS OR INTERMITTENT LEAVE

After completing the first ten days of EFMLA, an employee may choose to take 10 weeks of continuous leave under EFMLA for the reason indicated above. Continuous leave means the employee will not complete any District duties during this period but will be compensated based on the options selected above.

An employee may also choose to take 10 weeks of intermittent leave. Intermittent leave means an employee will complete some District duties on a modified schedule as approved by the employee's supervisor. When using intermittent leave, the employee will receive full regular pay for hours worked and 2/3 of regular pay during periods on EFMLA unless supplemented in a manner noted above.

I am requesting (choose one): ☐ Continuous leave ☐ Intermittent leave

If your need for leave is intermittent, please describe the requested schedule for your intermittent leave: _____

EMPLOYEE CERTIFICATION AND SIGNATURE

I certify that the above information is accurate and complete. I understand that if I fail to report for work on or before the scheduled return date indicated above or fail to honor the intermittent EFMLA schedule I may be subject to discipline in accordance with School District Policy.

Employee Signature: _____ Date: _____

FOR SCHOOL DISTRICT USE ONLY

Request Received By: _____ Date: _____

Leave Approved By: _____ Date: _____

Period of Leave: _____

Intermittent Leave Schedule if applicable: _____

Duration and Type of Substituted Leave for First Ten Days Approved: _____

Duration and Type of Supplemental Leave to Earn Full Pay Approved: _____

The School District will retain all records related to this leave request for at least 4 years for auditing purposes.

1 **Terry K-12 Schools**

2
3 **COVID-19 Emergency Measures**

1911

4
5 School District Budget Adoption, Amendment and Audit

6
7 The period of the school fiscal year affected by the declared public health emergency shall be the
8 longer of the portion of the school fiscal year covered by an emergency declared by the
9 President, Congress, Governor, Montana Legislature, State or County Health Department or the
10 portion of the school fiscal year identified in the board's declaration of an emergency. The
11 School District shall avail itself of all flexibilities allowed by law, rule, or regulation and shall be
12 otherwise governed by the school finance laws and rules of the state of Montana. The School
13 District shall comply with auditing requirements and reserves the authority to assert its rights to
14 manage school district funds or seek state and federal funds in a manner consistent with the full
15 flexibility available under all applicable laws.

16
17 Legal Reference: Article X, section 8 Montana Constitution
18 Title 20, Chapter 9, Part 8, Montana Code Annotated
19

20 Policy History:

21 Adopted on: 5/18/2020

22 Reviewed on:

23 Revised on:

24 Terminated on:

TERRY K-12 SCHOOLS

R = required

2000 SERIES INSTRUCTION

TABLE OF CONTENTS

R	2000	Philosophy
	2050	Student Instruction
R	2100	School Year Calendar and Day
R	2105	Grade Organization
	2110	Objectives
R	2120	Curriculum and Assessment
	2130	Program Evaluation and Diagnostic Tests
R	2132	Student and Family Privacy Rights
	2140	Guidance and Counseling
R	2150	Suicide Prevention and Awareness
	2151	Interscholastic Activities
	2151F	Assumption of Risk Form
R	2158	Family Engagement Policy
R	2160 - 2160P	Title I Parent Involvement
R	2161 - 2161P	Special Education
R	2162 - 2162P	Section 504 of the Rehabilitation Act of 1973 ("Section 504")
	2163	Traffic Education
	2167	Correspondence Courses
R	2168	Distance, Online, and Technology-Delivered Learning
	2170 – 2170P	Digital Academy Classes
R	2171	Significant Writing Program
	2221	School Closure
R	2250	Community and Adult Education
R	2309	Library Materials
R	2310 - 2310P	Selection of Library Materials
R	2311	Instructional Materials
R	2311P	Selection, Adoption, and Removal of Textbooks and Instructional Materials
R	2312	Copyright
R	2312P	Copyright Compliance
R	2314	Learning Materials Review
	2320	Field Trips, Excursions, and Outdoor Education
R	2330	Controversial Issues and Academic Freedom
	2332	Religion and Religious Activities
R	2333	Participation in Commencement Exercises
	2334	Release Time for Religious Instruction
	2335	Health Enhancement
	2410 - 2410P	High School Graduation Requirements

R	2413	Credit Transfer and Assessment for Placement
	2420	Grading and Progress Reports
	2421	Promotion and Retention
	2430	Homework
R	2450	Recognition of Native American Cultural Heritage
R	2510	School Wellness
	2600-2600F	Work Experience
	2600P	Work Experience - Insurance

INSTRUCTION

2000

page 1 of 2

Philosophy

The Board is committed to a philosophy of service to children, with the principal objective being to help each child develop as a mature and contributing member of society.

The Board believes that diligent application to studies and assigned tasks is essential to developing desirable work habits for the future. Emphasis will be placed upon learning the fundamental skills in arithmetic, reading, language arts, science, and the humanities. Vocational and aesthetic education will supplement the basic program but shall be secondary to the fundamental academic pursuits.

The Board believes that the Terry Public Schools should provide the finest administrative, instructional, and operating staffs and the finest physical facilities it can obtain within the limitations of the community's ability and willingness to furnish financial support.

The Board, realizing the great responsibility of the schools and the community in the pursuit of these objectives and outcomes, asks the full cooperation and support of the community. The Board further believes that the responsibility of the home is essential.

The Board is committed to the concept of systematic appraisal of the local educational process.

Mission Statement

Terry Schools will provide a safe and caring environment where students will be afforded every opportunity to learn and be successful. High standards and high expectations are the norm at Terry Schools. Learners will be provided with researched based instruction and the most current tools to give each individual the ability to reach mastery levels.

Students will be afforded differentiated instruction as indicated by classroom-based assessments to meet individual academic needs. Terry Schools is the central focus of our community and we welcome all members to become integrally involved in the school.

Goals

- We will provide a safe and caring environment.
- We will provide every opportunity for students to learn, be successful, and attain the high standards and expectations set forth for all.
- We will provide learners with researched-based instruction and the most current tools to give each individual the ability to reach mastery levels.

- We will differentiate instruction for individual students, based on classroom-based assessments.
- We will provide the central focus of our community and welcome all community members to become involved.

The administrator shall keep the Board informed on the progress of the District goals.

Cross Reference: 1610 Annual Goals and Objectives

Legal Reference: 10.55.701, ARM Board of Trustees

Policy History:

Adopted on:

Reviewed on: 10/21/19

Revised on: 3/16/09

1 **Terry K-12 Schools**

2
3 **INSTRUCTION**

2050

4
5 Student Instruction

6
7 The School District has adopted the protocols outlined in this policy to ensure the delivery of
8 education services to students onsite at the school, offsite at other locations using available
9 resources. The District administration or designated personnel are authorized to implement this
10 policy.

11
12 As outlined in District Policy 2100, and except for students determined by the School District to
13 be proficient using School District assessments, the adopted calendar has a minimum number of
14 720 aggregate instructional hours for students in kindergarten through third grade; 1,080 hours
15 for students in fourth through eleventh grade and 1,050 hours for students in twelfth grade.

16
17 The School District may satisfy the aggregate number of hours through any combination of
18 onsite, offsite, and online instruction. The District administration is directed to ensure that all
19 students are offered access to the complete range of educational programs and services for the
20 education program required by the accreditation standards adopted by the Montana Board of
21 Public Education.

22
23 For the purposes of this policy and the School District's calculation of ANB and "aggregate
24 hours of instruction" within the meaning of that term in Montana law, the term "instruction"
25 shall be construed as being synonymous with and in support of the broader goals of "learning"
26 and full development of educational potential as set forth in Article X, section 1 of the Montana
27 Constitution. Instruction includes innovative teaching strategies that focus on student
28 engagement for the purposes of developing a students' interests, passions, and strengths. The
29 term instruction shall include any directed, distributive, collaborative and/or experiential learning
30 activity provided, supervised, guided, facilitated, work based, or coordinated by the teacher of
31 record in a given course that is done purposely to achieve content proficiency and facilitate the
32 learning of, acquisition of knowledge, skills and abilities by, and to otherwise fulfill the full
33 educational potential of each child.

34
35 Staff shall calculate the number of hours students have received instruction as defined in this
36 policy through a combined calculation of services received onsite at the school or services
37 provided or accessed at offsite or online instructional settings including, but not limited to, any
38 combination of physical instructional packets, virtual or electronic based course meetings and
39 assignments, self-directed or parent-assisted learning opportunities, and other educational efforts
40 undertaken by the staff and students that can be given for grade or credit. Staff shall report
41 completed hours of instruction as defined in this policy to the supervising teacher, building
42 principal, or district administrator for final calculation.

43
44 In order to comply with the requirements of the calendar, District Policy and Section 20-1-301,
45 MCA, the District shall implement the instructional schedules and methods identified in this
46 policy.

Offsite Instruction

The Board of Trustees authorizes offsite instruction of students in a manner that satisfies the aggregate number of instructional hours outlined in the School District's adopted or revised calendar for a school year affected by a public health emergency. Offsite delivery methods shall include a complete range of educational services offered by the School District and shall comply with the requirements of applicable statutes. Students completing course work through an offsite instructional setting shall be treated in and have their hours of instruction calculated in the same manner as students attending an onsite institutional setting.

Offsite instruction is available to students:

1. meeting the residency requirements for that district as provided in 1-1-215;
2. living in the district and eligible for educational services under the Individuals With Disabilities Education Act or under 29 U.S.C. 794; or
3. attending school in the district under a mandatory attendance agreement as provided in 20-5-321;
4. attending school in the nearest district offering offsite instruction that agrees to enroll the student when the student's district of residence does not provide offsite instruction in an equivalent course in which the student is enrolled. A course is not equivalent if the course does not provide the same level of advantage on successful completion, including but not limited to dual credit, advanced placement, and career certification. Attendance under this provision is subject to approval of the Trustees.

The Board of Trustees authorizes the supervising teacher or district administrator to permit students to utilize an offsite or online instructional setting at when circumstances require.

Proficiency-Based Learning

The Board of Trustees authorizes proficiency-based learning and ANB calculation in situations when a student demonstrates proficiency in a course area as determined by the Board of Trustees using District assessments consistent with District Policy 1005FE, or other measures approved by the Board of Trustees.

The Board of Trustees waives the minimum number of instructional hours for students who demonstrate proficiency in a course area using district assessments that include, but are not limited to, the course or class teacher's determination of proficiency as defined by the Board of Trustees. This determination shall be based on a review of the student's completed coursework, participation in course delivery, and other methods applicable to the specific course or class. The Board of Trustees authorizes the use of the proficiency determination process for students who have selected this method of delivery, students for whom the School District is unable to document satisfaction of the required minimum aggregate number of hours through the offsite or

onsite methods outlined in this policy, or other students whom School District personnel determine satisfy the definition of proficient or meeting proficiency.

This provision is based in the declaration by the Montana Legislature that any regulation discriminating against a student who has participated in proficiency-based learning is inconsistent with the Montana Constitution.

Legal Reference: Article X, Section 1, Montana Constitution
Section 20-1-101, MCA – Definitions
Section 20-1-301, MCA – School Fiscal Year
Section 20-9-311, MCA – Calculation of Average Number Belonging
Section 20-7-118, MCA - Offsite Provision of Educational Services
Section 20-7-1601, MCA – Transformational Learning –Legislative Intent
ARM 10.55.906(4)) – High School Credit

Cross Reference: Policy 1005FE – Proficiency-Based Learning
Policy 2100 – School Calendar
Policy 2140 – Guidance and Counseling
Policy 2168 – Distance Learning
Policy 2410 – Graduation
Policy 2420 – Grading and Progress Reports

Policy History:

Adopted on: 11/15/21

Reviewed on:

Revised on:

Terminated on:

2
3 **INSTRUCTION**

2100

page 1 of 2

4
5 School Year Calendar and Day

6
7 School Calendar

8
9 Subject to §§ 20-1-301 and 20-1-308, MCA, and any applicable collective bargaining agreement
10 covering the employment of affected employees, the trustees of a school district shall set the
11 number of hours in a school term, the length of the school day, and the number of school days in
12 a school week. When proposing to adopt changes to a previously adopted school term, school
13 week, or school day, the trustees shall: (a) negotiate the changes with the recognized collective
14 bargaining unit representing the employees affected by the changes; (b) solicit input from the
15 employees affected by the changes but not represented by a collective bargaining agreement; (c)
16 and from the people who live within the boundaries of the school district.

17
18 Commemorative Holidays

19
20 Teachers and students will devote a portion of the day on each commemorative holiday
21 designated in § 20-1-306, MCA, to study and honor the commemorated person or occasion. The
22 Board may from time to time designate a regular school day as a commemorative holiday.

23
24 Saturday School

25
26 In emergencies, including during reasonable efforts of the trustees to make up aggregate hours of
27 instruction lost during a declaration of emergency by the trustees under Section 20-9-806, MCA,
28 pupil instruction may be conducted on a Saturday when it is approved by the trustees.

29
30 Pupil instruction may be held on a Saturday at the discretion of a school district for the purpose
31 of providing additional pupil instruction beyond the minimum aggregate hours of instruction
32 required in Section 20-1-301, MCA, provided-student attendance is voluntary.

33
34 School Fiscal Year

35
36 At least the minimum number of aggregate hours must be conducted during each school fiscal
37 year. The minimum aggregate hours required by grade are:

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

42
43 The minimum aggregate hours, described above, are not required for any pupil demonstrating
44 proficiency pursuant to 20-9-311(4)(d), MCA.

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

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

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

Extended School Year

In accordance with Section 20-1-301, MCA, and any applicable collective bargaining agreement covering the employment of affected employees, the Board of Trustees may establish a school calendar with an earlier start date and a later end date to ensure students receive the minimum number aggregate instructional hours. The purpose of an extended school year will be to maximize flexibility in the delivery of instruction and learning for each student in the School District. When setting an extended school year, the School District will collaborate with students, parents, employees and other community stakeholders. When proposing to adopt changes to a previously adopted school term the Board of Trustees will follow the procedures outlined in in this policy.

Legal References:	§ 20-1-301, MCA	School fiscal year
	§ 20-1-302, MCA	School term, day and week
	§ 20-1-303, MCA	Conduct of School on Saturday or Sunday prohibited - exceptions
	§ 20-1-304, MCA	Pupil-instruction-related day
	§ 20-1-306, MCA	Commemorative exercises on certain days
	§ 20-9-311, MCA	Calculation of Annual Number Belonging (ANB)
	ARM 10.55.701	Board of Trustees
	ARM 10.65.101, 103	Pupil-Instruction-Related Days
	ARM 10.55.714	Professional Development
	ARM 10.55.906	High School Credit

Policy History:

Adopted on:

Reviewed on: 10/21/19

Revised on: 3/16/09, 8/15,11, 09/19/2011, 03/18/19, 07/19/21

Terry K-12 Schools

R

INSTRUCTION

2105

Grade Organization

The District maintains instructional levels for grades kindergarten (K) through twelve (12). The grouping and housing of instructional levels in school facilities will be according to plans developed by the administrator and approved by the Board.

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

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

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

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

Policy History:

Adopted on:

Reviewed on: 3/16/09; 10/21/19

Revised on:

1 **Terry K-12 Schools**

2
3 **INSTRUCTION**

2110

4
5 Objectives

6
7 Continuous Progress Education

8
9 The Board acknowledges its responsibility to develop and implement a curriculum designed to
10 provide for sequential intellectual and skill development necessary for students to progress on a
11 continuous basis from elementary through secondary school.

12
13 The Superintendent is directed to develop instructional programs which will enable each student
14 to learn at the student's best rate. The instructional program will strive to provide for:

- 15
16 1. Placement of a student at the student's functional level;
17
18 2. Learning materials and methods of instruction considered to be most appropriate to the
19 student's learning style; and
20
21 3. Evaluation to determine if the desired student outcomes have been achieved.

22
23 Each year, the Superintendent will determine the degree to which such instructional programs are
24 being developed and implemented. Accomplishment reports submitted annually will provide the
25 Board with the necessary information to make future program improvement decisions.
26
27
28

29 Policy History:

30 Adopted on:

31 Reviewed on: 3/16/09; 10/21/19

32 Revised on: 03/19/2014

INSTRUCTION

2120

Curriculum and Assessment

The Board is responsible for curriculum adoption and must approve all significant changes, including the adoption of new textbooks and new courses, before such changes are made. The Superintendent is responsible for making curriculum recommendations. The District shall ensure their curriculum is aligned to all content standards and the appropriate learning progression for each grade level.

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

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

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

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

Cross Reference: 2000 Philosophy
 2110 Objectives

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

Policy History:

Adopted on:

Reviewed on: 3/16/09; 10/21/19

Revised on: 03/19/2014

1 **Terry K-12 Schools**

2
3 **INSTRUCTION**

2130

4
5 Program Evaluation and Diagnostic Tests

6
7 The Board strives for efficiency and effectiveness in all facets of its operations. To achieve this
8 goal, the Board will set forth:

- 9
10 1. A clear statement of expectations and purposes for the District instructional program;
11
12 2. A provision for staff, resources, and support to achieve stated expectations and purposes;
13 and
14
15 3. A plan for evaluating instructional programs and services to determine how well
16 expectations and purposes are being met.
17

18 Parents who wish to examine any assessment materials may do so by contacting the
19 administrator. Parental approval is necessary before administering an individual intelligence test
20 or a diagnostic personality test. No tests or measurement devices which include questions about
21 a student's or the student's family's personal beliefs and practices in family life, morality, and
22 religion will be administered, unless the parent gives written permission for the student to take
23 such test, questionnaire, or examination.
24
25
26

27 Legal Reference: 20 U.S.C. § 1232h Protection of pupil rights
28 10.55.603, ARM Curriculum and Assessment
29 10.56.101, ARM Student Assessment
30

31 Policy History:

32 Adopted on:

33 Reviewed on: 10/21/19

34 Revised on: 3/16/09

2
3 **INSTRUCTION**

2132

page 1 of 3

4
5 Student and Family Privacy Rights

6
7 Surveys - General

8
9 All surveys requesting personal information from students, as well as any other instrument used
10 to collect personal information from students, must advance or relate to the District's educational
11 objectives as identified in Board Policy. This applies to all surveys, regardless of whether the
12 student answering the questions can be identified and regardless of who created the survey.

13
14 Surveys Created by a Third Party

15
16 Before the District administers or distributes a survey created by a third party to a student, the
17 student's parent(s)/guardian(s) may inspect the survey upon request and within a reasonable time
18 of their request.

19
20 This section applies to every survey: (1) that is created by a person or entity other than a District
21 official, staff member, or student, (2) regardless of whether the student answering the questions
22 can be identified, and (3) regardless of the subject matter of the questions.

23
24 Surveys Requesting Personal Information

25
26 School officials and staff members shall not request, nor disclose, the identity of any student who
27 completes ANY survey containing one (1) or more of the following items:

- 28
29 1. Political affiliations or beliefs of the student or the student's parent/guardian;
30 2. Mental or psychological problems of the student or the student's family;
31 3. Behavior or attitudes about sex;
32 4. Illegal, antisocial, self-incriminating, or demeaning behavior;
33 5. Critical appraisals of other individuals with whom students have close family
34 relationships;
35 6. Legally recognized privileged or analogous relationships, such as those with lawyers,
36 physicians, and ministers;
37 7. Religious practices, affiliations, or beliefs of the student or the student's parent/guardian;
38 8. Income (other than that required by law to determine eligibility for participation in a
39 program or for receiving financial assistance under such program).

40
41 The student's parent(s)/guardian(s) may:

- 42
43 1. Inspect the survey within a reasonable time of the request, and/or
44 2. Refuse to allow their child to participate in any survey requesting personal information.
45 The school shall not penalize any student whose parent(s)/guardian(s) exercise this
46 option.

Instructional Material

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

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

Collection of Personal Information From Students for Marketing Prohibited

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

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

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

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

Notification of Rights and Procedures

The administrator or designee shall notify students' parents/guardians of:

1. This policy as well as its availability from the administration office upon request;

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

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

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

Cross Reference:	2311	Instructional Materials
	3200	Student Rights and Responsibilities
	3410	Student Health
	3600F1	Student Records

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

Policy History:

Adopted on:

Reviewed on: 10/21/19

Revised on: 3/16/09

Terry K-12 Schools

INSTRUCTION

2140

Guidance and Counseling

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

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

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

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

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

Policy History:

Adopted on:

Reviewed on: 3/16/09, 11/15/21

Revised on: 3/19/10

1 **Terry K-12 Schools**

2
3 **INSTRUCTION**

2150

Page 1 of 2

4
5
6 Suicide Awareness and Prevention

7
8 Professional Development

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

12
13 The District will provide, at a minimum, two (2) hours of youth suicide awareness and
14 prevention training every five (5) years. All new employees who work directly with any student
15 enrolled in the school district will be provided two (2) hours of training the first year of
16 employment.

17
18 Youth suicide and prevention training may include:

- 19
20 A. In-person attendance at a live training;
21 B. Videoconference;
22 C. An individual program of study of designated materials;
23 D. Self-review modules available online; and
24 E. Any other method chosen by the local school board that is consistent with professional
25 development standards.

26
27 Prevention and Response

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

- 30
31 A. Promote collaboration with families and with community providers in all aspects of
32 suicide prevention and response;
33 B. Include high quality intervention services for students;
34 C. Promote interagency cooperation that enables school personnel to identify and access
35 appropriate community resources for use in times of crisis;
36 D. Include reintegration of youth into a school following a crisis, hospitalization, or
37 residential treatment;
38 E. Provide for leadership, planning, and support for students and school personnel to ensure
39 appropriate responses to attempted or completed suicides.

40
41 No cause of action may be brought for any loss or damage caused by any act or admission
42 resulting from the implementation of the provisions of this policy or resulting from any training,
43 or lack of training, related to this policy. Nothing in this policy shall be construed to impose a
44 specific duty of care.

45
46 This policy will be reviewed by the Board of Trustees on a regular basis.

Legal Reference: § 20-7-1310, MCA Youth suicide awareness and prevention training
 ARM 10.55.720 Suicide Prevention and Response

Policy History:

Adopted on: 7/24/2017

Reviewed on:

Revised on: 12/16/19

1 **Terry K-12 Schools**

2
3 **INSTRUCTION**

2151

4
5 Interscholastic Activities

6
7 The District recognizes the value of a program of interscholastic activities as an integral part of
8 the total school experience. The program of interscholastic activities will include all activities
9 relating to competitive sport or intellectual contests, games or events, or exhibitions involving
10 individual students or teams of students of this District, when such events occur between schools
11 outside this District.

12
13 All facilities and equipment utilized in the interscholastic activity program, whether or not the
14 property of the District, will be inspected on a regular basis. Participants will be issued
15 equipment which has been properly maintained and fitted.

16
17 The Board recognizes that certain risks are associated with participation in interscholastic
18 activities. While the District will strive to prevent injuries and accidents to students, each parent
19 or guardian will be required to sign an “assumption of risk” statement indicating that the parents
20 assume all risks for injuries resulting from such participation. Each participant will be required
21 to furnish evidence of physical fitness (physical form) prior to becoming a member of an athletic
22 team sanctioned by the Montana High School Association (MHSA). A participant who has been
23 medically restricted must have a doctors release prior to continued participation in the activities.

24
25 Coaches and/or trainers may not issue medicine of any type to students. This provision does not
26 preclude the coach and/or trainer from using approved first aid items.

27
28
29
30 Cross Reference: 3416 Administering Medicines to Students

31
32 Legal Reference: 10.55.707, ARM Teacher and Specialist Licensure
33 37.111.825, ARM Health Supervision and Maintenance
34

35 Policy History:

36 Adopted on: 3/16/09

37 Reviewed on:

38 Revised on:

TERRY K-12 SCHOOLS ATHLETICS INFORMED CONSENT AND INSURANCE VERIFICATION FORM

Extracurricular activities may include physical contact and physical exertion. There is an inherent risk of injury in the activity. By signing this agreement, I acknowledge that the School District staff try to prevent accidents. I agree to accept responsibility for my student's participation in the school activities. The activity is strictly voluntary.

I, the undersigned, hereby acknowledge and understand that, regardless of all feasible safety measures that may be taken by the School District, participation in this event entails certain inherent risks. I certify that my student is physically fit and medically able to participate or have noted an applicable physical or medical diagnosis at the bottom of this form. I further certify that my student will honor all instructions of district staff and failure to honor instructions may result on dismissal from the activity. I have been informed of these risks, understand them, and feel that the benefits of participation outweigh the risks involved. My signature below gives my child permission to participate in a _____ School Activity.

I authorize qualified emergency medical professionals to examine and in the event of injury or serious illness, administer emergency care to my student. I understand every effort will be made to contact the family or contact person noted below to explain the nature of the problem prior to any involved treatment. In the event it becomes necessary for the district staff in charge to obtain emergency care for my student, I understand that neither the district employee in charge of the activity nor the school district assumes financial liability for expenses incurred because of an accident, injury, illness and/or unforeseen circumstances.

The School District DOES NOT provide medical insurance benefits for students who choose to participate in activities programs. Parents or guardians may request information from the school district regarding medical insurance for students. If parents or guardians have their own insurance coverage during the student's participation, that coverage information is provided below. Or parents may notify the School District that they do not have medical insurance.

_____ I have personal medical insurance to cover the student's participation;

INSURANCE (Company Name) _____

Policy # _____

_____ I do not have personal medical insurance to cover the student's participation and understand that the School District does not provide medical insurance to cover the students. I understand I will be responsible for any medical costs associated with the student's participation.

Signature Required Regardless of Insurance Coverage:

Student Athlete _____
(Please Print)

Parent/Guardian _____
(Signature)

Date: _____

INSTRUCTION

2158

Page 1 of 2

Family Engagement Policy

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

Parent/Family Involvement Goals and Plan

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

1. Promote families to actively participate in the life of the school and feel welcomed, valued, and connected to each other, to school staff, and to what students are learning and doing in class;
2. Promote families and school staff to engage in regular, two-way meaningful communication about student learning;
3. Promote families and school staff to continuously collaborate to support student learning and healthy development both at home and at school and have regular opportunities to strengthen their knowledge and skills to do so effectively;
4. Empower parents to be advocates for their own and other children, to ensure that students are treated equitably and have access to learning opportunities that will support their success;
5. Encourage families and school staff to be partners in decisions that affect children and families and together inform, influence, and create policies, practices, and programs; and
6. Encourage families and school staff to collaborate with members of the community to connect students, families, and staff to expand learning opportunities, community services, and civic participation.

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

1. Provide activities that will educate parents regarding the intellectual and developmental needs of their children at all age levels. This will include promoting cooperation between the district and other agencies or school/community groups (such as parent-teacher groups, Head Start, , etc.) to furnish learning opportunities and disseminate information regarding parenting skills and child/adolescent development.
2. Implement strategies to involve parents/families in the educational process, including:
 - < Keeping parents/families informed of opportunities for involvement and encouraging participation in various programs.
 - < Providing access to educational resources for parents/families to use together with their children.
 - < Keeping parents/families informed of the objectives of district educational programs as well as of their child's participation and progress within these programs.
3. Enable families to participate in the education of their children through a variety of roles. For example, parents/family members should be given opportunities to provide input into district policies and volunteer time within the classrooms and school programs.
4. Provide professional development opportunities for teachers and staff to enhance their understanding of effective parent/family involvement strategies.
5. Perform regular evaluations of parent/family involvement at each school and at the district level.
6. Provide access, upon request, to any instructional material used as part of the educational curriculum.
7. If practical, provide information in a language understandable to parents.

Legal Reference: 10.55.701(m), ARM Board of Trustees

Policy History:

Adopted on: 03/19/2014

Reviewed on:

Revised on:

2
3 **INSTRUCTION**

2160

page 1 of 2

4
5 Title I Parent Involvement

6
7 The District endorses the parent and family engagement goals of Title I and encourages the
8 regular participation of parents and family members (including parents and families of migrant
9 students if applicable) of Title I eligible children in all aspects of the program to establish the
10 agency's expectations and objectives for meaningful parent and family involvement. The
11 education of children is viewed as a cooperative effort among the parents, family members,
12 school, and community. In this policy the word "parent" also includes guardians and other
13 family members involved in supervising the child's schools.
14

15 Pursuant to federal law the District will develop jointly with, agree upon with, and distribute to
16 parents of children participating in the Title I program a written parent and family engagement
17 policy. This may include meaningful consultation with employers, business leaders, and
18 philanthropic organizations, or individuals with expertise in effectively engaging parents and
19 family members in education.
20

21 At the required annual meeting of Title I parents and family members (including parents and
22 families of migrant students if applicable), parents and family members will have opportunities
23 to participate in the design, development, operation, and evaluation of the program for the next
24 school year. Proposed activities to fulfill the requirements necessary to address the requirements
25 of family engagement goals shall be presented.
26

27 In addition to the required annual meeting, at least three (3) additional meetings shall be held at
28 various times of the day and/or evening for parents and family members of children (including
29 parents and families of migrant children if applicable) participating in the Title I program. These
30 meetings shall be used to provide parents with:
31

- 32 1. Information about programs provided under Title I;
33
34 2. A description and explanation of the curriculum in use, the forms of academic assessment
35 used to measure student progress, and the proficiency levels students are expected to
36 meet;
37
38 3. Opportunities to formulate suggestions and to participate, as appropriate, in decisions
39 relating to the education of their children; and
40
41 4. The opportunity to bring parent comments, if they are dissatisfied with the school's Title
42 I program, to the District level.
43

44 Title I funding, if sufficient, may be used to facilitate parent attendance at meetings, through
45 payment of transportation and childcare costs.
46

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

Each school in the District receiving Title I funds shall develop jointly with parents and family members of children served in the program a "School-Parent Compact" outlining the manner in which parents, school staff, and students share the responsibility for improved student academic achievement in meeting state standards. The "School-Parent Compact" shall:

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

The activities authorized under this policy may include establishing a parent advisory board comprised of a sufficient number and representative group of parents or family members served by the district to adequately represent the needs of the population served by the district for the purposes of developing, revising, and reviewing the parent and family engagement policy.

Legal Reference: Title I of the Elementary and Secondary Education Act of 1965, 20 U.S.C. §§ 6301-6514, as implemented by 34 CFR parts 200, 201, 203, 205, and 212
Improving America's Schools Act, P.L. 103-382, § 1112 Local Education Agency Plans
P.L. 107-110, "No Child Left Behind Act of 2001," Title I – Improving the Academic Achievement of the Disadvantaged, § 1118

Policy History:

Adopted on:

Reviewed on: 3/16/09

Revised on: 3/18/19

INSTRUCTION

2160P

page 1 of 2

Title I Parent Involvement

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

Guidelines

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

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

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

Roles and Responsibilities

Parents

It is the responsibility of the parent to:

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

Staff

It is the responsibility of staff to:

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

Community

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

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

Administrator

It is the responsibility of the administrator to:

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

Procedure History:

Promulgated on:

Reviewed on:

Revised on: 3/16/09

1 **Terry K-12 Schools**

R

2
3 **INSTRUCTION**

2161

4
5 Special Education

6
7 The District will provide a free appropriate public education and necessary related services to all
8 children with disabilities residing within the District, as required under the Individuals with
9 Disabilities Education Act (IDEA), provisions of Montana law, and the Americans with
10 Disabilities Act.

11
12 For students eligible for services under IDEA, the District will follow procedures for
13 identification, evaluation, placement, and delivery of service to children with disabilities, as
14 provided in the current *Montana State Plan under Part B of IDEA*.

15
16 The District may maintain membership in one or more cooperative associations which may assist
17 in fulfilling the District's obligations to its disabled students.
18
19
20

21 Legal Reference: Americans with Disabilities Act, 42 U.S.C. § 12101, et seq.
22 Individuals with Disabilities Education Act, 20 U.S.C. § 1400, et seq.
23 § 20-7-Part Four, MCA Special Education for Exceptional Children
24

25 Policy History:

26 Adopted on:

27 Reviewed on: 3/16/09

28 Revised on:

INSTRUCTION

2161P

Page 1 of 6

Special EducationChild Find

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

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

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

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

F. Homeless Children

G. Dyslexia

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

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

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

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

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

Procedures for Evaluation and Determination of Eligibility

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

10.16.3320 - Referral;

10.60.103 - Identification of Children with Disabilities;

10.16.3321 - Comprehensive Educational Evaluation Process;

Procedural Safeguards and Parental Notification

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

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

- Upon initial referral or parent request for evaluation;

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

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

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

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

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

Evaluation of Eligibility

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

Individualized Education Programs

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

Independent Education Evaluations

The parents of a child with a disability have the right to obtain an independent educational evaluation of the child in accordance with law. Independent educational evaluation means an

evaluation conducted by a qualified examiner who is not employed by the District at District expense.

If the parents request an independent educational evaluation, the District will provide information about where an independent educational evaluation may be obtained and the criteria applicable for independent educational evaluations. The District may also ask for the parent's reason why he or she objects to the public evaluation.

A parent is entitled to only one independent educational evaluation at public expense each time the public agency conducts an evaluation with which the parent disagrees.. If the parent obtains an independent educational evaluation at District expense or shares with the public agency an evaluation obtained at private expense, the results of the evaluation will be handled in accordance with law.

If an independent educational evaluation is at District expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the public agency uses when it initiates an evaluation.

Least Restrictive Environment

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

Children in Private Schools/Out-of District Placement

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

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

Impartial Due Process Hearing

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

Special Education Records and Confidentiality of Personally Identifiable Information

A. Confidentiality of Information

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

B. Access Rights

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

C. List of Types and Locations of Information.

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

D. Safeguards

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

E. Destruction of Information

The District will inform parents five (5) years after the termination of special education services that personally identifiable information is no longer needed for program purposes. Medicaid reimbursement records must be retained for a period of at least six years and three months from the date on which the service was rendered or until any dispute or litigation concerning the services is resolved, whichever is later. The parent will be advised that such information may be important to establish eligibility for certain adult benefits. At the parent's request, the record information shall either be destroyed or made available to the parent or to the student if eighteen

(18) years or older. Reasonable effort shall be made to provide the parent with notification sixty (60) days prior to taking any action on destruction of records. Unless consent has been received from the parent to destroy the record, confidential information will be retained for five (5) years beyond legal school age.

F. Children's Rights

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

Discipline

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

Legal Reference:	34 CFR 300.1, et seq.	Individuals with Disabilities Act (IDEA)
	34 CFR 300.502	Independent educational evaluation
	§ 20-1-213, MCA	Transfer of school records
	10.16.3122 ARM	Local Educational Agency Responsibility for Students with Disabilities
	10.16.3220 ARM	Program Narrative
	10.16.3321 ARM	Comprehensive Educational Evaluation Process
	10.16.3340 ARM	Individualized Education Program and Placement Decisions
	10.16.3560 ARM	Special Education Records
	10.60.103 ARM	Identification of Children with Disabilities
	37.85.414 ARM	Maintenance of Records and Auditing (Medicaid)
	Chapter 227 (2019)	Montana Dyslexia Screening and Intervention Act

Policy History:

Adopted on:

Reviewed on:

Revised on: 3/16/09, 12/16/19, 4/19/2022

INSTRUCTION

2162

Section 504 of the Rehabilitation Act of 1973 (“Section 504”)

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

Cross Reference: 2161P Special Education

Legal Reference: Rehabilitation Act of 1973, Section 504, 29 U.S.C. § 794
34 C.F.R. 104.36 Procedural safeguards

Policy History:

Adopted on:

Reviewed on:

Revised on: 3/16/09

INSTRUCTION

2162P

page 1 of 2

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

- (1) Impartial Due Process Hearing. If the parent or legal guardian of a student who qualifies under Section 504 for special instruction or related services disagrees with a decision of the District with respect to: (1) the identification of the child as qualifying for Section 504; (2) the District's evaluation of the child; and/or (3) the educational placement of the child, the parents of the student are entitled to certain procedural safeguards. The student shall remain in his/her current placement until the matter has been resolved through the process set forth herein.
- A. The District shall provide written notice to the parent or legal guardian of a Section 504 student, prior to initiating an evaluation of the child and/or determining the appropriate educational placement of the child, including special instruction and/or related services;
- B. Upon request, the parent or legal guardian of the student shall be allowed to examine all relevant records relating to the child's education and the District's identification, evaluation, and/or placement decision;
- C. The parent or legal guardian of the student may make a request in writing for an impartial due process hearing. The written request for an impartial due process hearing shall identify with specificity the areas in which the parent or legal guardian is in disagreement with the District;
- D. Upon receipt of a written request for an impartial due process hearing, a copy of the written request shall be forwarded to all interested parties within three (3) business days;
- E. Within ten (10) days of receipt of a written request for an impartial due process hearing, the District shall select and appoint an impartial hearing officer who has no professional or personal interest in the matter. In that regard, the District may select a hearing officer from the list of special education hearing examiners available at the Office of Public Instruction, the county superintendent, or any other person who would conduct the hearing in an impartial and fair manner;
- F. Once the District has selected an impartial hearing officer, the District shall provide the parent or legal guardian and all other interested parties with notice of the person selected;
- G. Within five (5) days of the District's selection of a hearing officer, a prehearing conference shall be scheduled to set a date and time for a hearing, identify the issues to be heard, and stipulate to undisputed facts to narrow the contested

factual issues;

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

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

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

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

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

M. Appeals may be taken as provided by law. The parent or legal guardian may contact the Office of Civil Rights, 912 2nd Avenue, Seattle, WA 9814-1099; (206) 220-7900.

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

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

Procedure History:

Promulgated on:

Reviewed on: 3/16/09

Revised on:

1 **Terry K-12 Schools**

2
3 **INSTRUCTION**

2163

4
5 Traffic Education

6
7 Terry K-12 Schools will provide a drivers' training instruction program for students who live
8 within the geographic boundaries of the public school district, whether or not they are enrolled in
9 the public school district and provided that students enrolled in the course will have reached their
10 fifteenth (15th) birthday within six (6) months of course completion and have not yet reached
11 nineteen (19) years of age on or before September 10 of the school year in which the student
12 participates in traffic education.

13
14 All eligible students will be treated fairly and without bias in the notification, enrollment, and
15 class administration procedures associated with the traffic education program.

16
17 The purpose of the program is to introduce students to a course of study which should lead to the
18 eventual development of skills appropriate for a licensed driver. The traffic education program is
19 designed to meet the criteria established by the Superintendent of Public Instruction. These
20 criteria include requirements for instructional time, for instructor certification, recommendations
21 for course of study, and reimbursement procedures.

22
23
24
25 Legal Reference: § 20-7-502, MCA Duties of superintendent of public instruction
26 § 20-7-503, MCA District establishment of traffic education program
27 § 20-7-507, MCA District traffic education fund
28 10.13.307, ARM Program Requirements
29 10.13.312, ARM Student Enrollment
30

31 Policy History:

32 Adopted on:

33 Reviewed on: 12/16/19

34 Revised on: 3/16/09

Terry K-12 Schools

INSTRUCTION

2167

Correspondence Courses

The District will permit a student to enroll in an approved correspondence course from a school approved by the National University Extension Association or the Distance Education Accrediting Commission, in order that such student may include a greater variety of learning experiences within the student's educational program.

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

1. Prior permission has been granted by the principal;
2. The program fits the education plan submitted by the regularly enrolled student;
3. Credit is granted for the following approved schools:
 - a. Schools approved by the National University Extension Association or through one of the schools approved by the Distance Education Accrediting Commission;
 - b. Community colleges, vocational-technical institutes, four-(4)-year colleges and universities and state-approved private schools in the state of Montana; and
 - c. Other schools or institutions which are approved by the District after evaluation for a particular course offering.

The District shall not be obligated to pay for a student's correspondence courses unless otherwise specified in Policy 2170. Any courses the District does not pay for will not be included in the ANB calculation in accordance with Policy 3121.

Cross Reference:	2410 and 2410P 3121	High School Graduation Requirements Enrollment and Attendance
Legal Reference:	§ 20-7-116, MCA ARM 10.55.906 § 20-9-311, MCA	Supervised correspondence study High School Credit Calculation of average number belonging (ANB) -- three-year averaging.

Policy History:

Adopted on:

Reviewed on: 12/16/19

Revised on: 3/16/09, 03/18/19, 04/19/22

INSTRUCTION

2168

page 1 of 2

Distance, Online, and Technology-Delivered Learning

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

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

1. The distance, online, and technology-delivered learning programs and/or courses shall meet the learner expectations adopted by the District and be aligned with state content and performance standards;
2. The District shall provide a report to the Superintendent of Public Instruction, documenting how it is meeting the needs of students under the accreditation standards, who are taking a majority of courses during each grading period via distance, online, and/or technology-delivered programs;
3. The District will provide qualified instructors and/or facilitators as described in ARM 10.55.907(3)(a)(b)(c);
4. The District will ensure that the distance, online, and technology-delivered learning facilitators receive in-service training on technology-delivered instruction as described in ARM 10.55.907(3)(d); and
5. The District will comply with all other standards as described in ARM 10.55.907(4)(5)(a-e).

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

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

1. Prior permission has been granted by the principal;
2. The program fits the education plan submitted by the regularly enrolled student;
3. The course does not replace a required course offered by the District;

4. The course is needed as credit retrieval and cannot fit into the student's schedule; and
5. Credit is granted for schools and institutions approved by the District after evaluation for a particular course offering.

The District will not be obligated to pay for a student's distance learning courses unless otherwise specified in Policy 2170. Any courses the District does not pay for will not be included in the ANB calculation in accordance with Policy 3121.

The minimum aggregate hours are not required for any pupil demonstrating proficiency pursuant to 20-9-311(4)(d), MCA.

Cross Reference:	2170	Montana Digital Academy
	2410 and 2410P	High School Graduation Requirements
	2100	School Calendar and Year
	3121	Enrollment and Attendance
Legal Reference:	§ 20-9-311(4)(d), MCA	Calculation of Average Number Belonging
	ARM 10.55.705	Administrative Personnel; Assignment of School
	ARM 10.55.906	Administrators/Principals
	ARM 10.55.907	High School Credit
		Distance, Online, and Technology Delivered Learning

Policy History:

Adopted on: 3/16/09

Reviewed on:

Revised on: 3/18/19, 1/21/20, 04/19/22

Terry K-12 Schools

INSTRUCTION

2170

Digital Academy Classes

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

MTDA is authorized by Montana law to charge fees for students to access offered courses. The District shall pay fees for students enrolled in an MTDA class that is required for graduation as specified in District policy or the student handbook or as determined by the Superintendent or designee. The District may charge students a reasonable fee for an MTDA course or activity not required for graduation. The Board of Trustees authorizes the Superintendent to waive the fee in cases of financial hardship. Any courses the District does not pay for will not be included in the ANB calculation in accordance with Policy 3121.

The Superintendent, and/or designees, shall be responsible for developing procedures for the online learning program that address related topics that may include but are not limited to specification and determination of graduation requirements and fee collection for classes that are not required. Further, the online learning solutions providers ensure that:

- A. Online course providers are accredited by a nationally recognized accreditation program or agency or are approved and endorsed by the Montana Office of Public Instruction.
- B. Qualified district staff provides information and guidance to students and parents regarding the selection of appropriate online courses to meet their needs, as well as a suitable number of online courses in which a student may enroll.
- C. The curriculum requirements of the state and school district are met.
- D. All online courses taken by the students will be approved by the administration in advance of enrollment.
- E. All teacher-led online courses include licensed, highly qualified teachers.

Cross Reference:	2100	School Calendar and Day
	2170P	Digital Academy Procedures
	3520	Student Fees and Fines
	3121	Enrollment and Attendance
Legal Reference:	§20-7-1201, MCA	Montana digital academy – purposes - governance
	§20-7-1202, MCA	Funding – rulemaking authority
	§20-9-213, MCA	Fees
	§ 20-9-311, MCA	Calculation of average number belonging (ANB) -- three-year averaging.

Policy History:

Adopted on: 10/2010

Reviewed on: 12/16/19

Revised on: 04/19/22

1 **Terry K-12 Schools**

2
3 **INSTRUCTION**

2170P

4
5 Digital Academy Classes

6
7 The District will permit a student to enroll in Montana Digital Academy (MDA) classes in order
8 that such student may include a greater variety of learning experiences within the student's
9 educational program or enroll in a class for credit recovery.

10
11 The District will allow students in grades 7-12 to enroll in the Montana Digital Academy
12 program under the following conditions:

- 13
14 1. The student must be an enrolled student in the District.
- 15
16 2. A part-time student must be enrolled for a minimum of 180 aggregate hours of instruction
17 as provided in 20-9-311(4)(a)(i). This can be an or an MTDA classes
- 18
19 3. Determination of Montana High School Association (MHSA) eligibility will be based on
20 eligibility rules established by MHSA. Students who wish to take MTDA classes and
21 participate in MHSA activities must follow all extra-curricular eligibility rules.
- 22
23 4. The student will be required to take the class(es) during the Digital Academy course
24 within the schedule.
- 25
26 OR: The student will have the option of taking the MTDA class(es) in the school
27 building, during school time, or outside of the school building at a remote location,
28 depending how and when such MTDA class(es) is/are offered.
- 29
30 5. Any MTDA course offered may be made available to a student in the discretion of the
31 Superintendent or designee and all courses offered by MTDA shall be considered
32 approved by the Board of Trustees for the applicable school fiscal year.
- 33
34 6. The District shall pay fees for students enrolled in an MTDA class that required for
35 graduation as specified in District policy or the student handbook or as determined by the
36 Superintendent or designee.
- 37
38 7. The District shall not charge students a reasonable fee for an elective MTDA course or
39 activity not required for graduation. The Board of Trustees authorizes the Superintendent
40 to waive the fee in cases of financial hardship.

41
42 Policy History:

43 Adopted on: 10/2010

44 Reviewed on: 12/16/2019

45 Revised on: 08/16/2021

Terry K-12 Schools

R

INSTRUCTION

2171

Significant Writing Program

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

Legal References: 10.55.701(2) (p) ARM
 10.55.713 (4) ARM

Board of Trustees
Teacher Load and Class Size

Policy History:

Adopted on: 03/19/2014

Reviewed on: 12/16/19

Revised on:

1 **Terry K-12 Schools**

2
3 **INSTRUCTION**

2221

4
5 School Emergencies and Closures

6
7 The Superintendent may order closure of schools in the event of extreme weather or other
8 emergency, in compliance with established procedures for notifying parents, students, and staff.
9

10 The Board of Trustees is authorized to declare that a state of emergency exists within the
11 community. A declaration issued by the Board of Trustees is distinct from any declaration in
12 effect or previously issued by local, state or federal authorities. An emergency declaration issued
13 by the Board of Trustees authorizes the School District to take extraordinary measures to protect
14 students and staff while delivering education services in a manner authorized by law. The
15 method and location of instruction and related educational services shall be implemented in a
16 manner that serves the needs of students, their families, and staff and preserves the School
17 District's full entitlement of funding.
18

19 The trustees may order the emergency closure of schools for one (1) school day each year,
20 without the need to reschedule the lost pupil instruction time when the closure is the result of an
21 emergency. The 1-school-day closure under this subsection is not subject to the reduction in
22 BASE aid pursuant to Section 20-9-805, MCA.
23

24 In the event of a declared emergency, the School District shall avail itself of all flexibilities
25 allowed by law, rule, or regulation and shall be otherwise governed by the school finance laws
26 and rules of the state of Montana. The School District shall comply with auditing requirements
27 and reserves the authority to assert its rights to manage school district funds or seek state and
28 federal funds in a manner consistent with the full flexibility available under all applicable laws.
29

30 If a declaration of emergency is declared by the Board of Trustees, it may later adopt a resolution
31 that a reasonable effort has been made to reschedule the pupil-instruction time lost because of the
32 unforeseen emergency. If the trustees adopt the resolution, the pupil-instruction time lost during
33 the closure need not be rescheduled to meet the minimum requirement for aggregate hours that a
34 school district must conduct during the school year in order to be entitled to full BASE aid. At
35 least 75% of the pupil-instruction time lost due to the unforeseen emergency must have been
36 made up before the trustees can declare that a reasonable effort has been made.
37

38 For the purposes of this and related policies, "reasonable effort" means the rescheduling or
39 extension of the school district's instructional calendar to make up at least 75% of the hours of
40 pupil instruction lost due to an unforeseen emergency through any combination of the following
41 as outlined in accordance with Policies 2050 and 2100:

- 42 (a) extending the school year beyond the last scheduled day;
43 (b) the use of scheduled vacation days in the district's adopted school calendar
44 (c) the conduct of pupil instruction on Saturdays;
45 (d) extending instructional hours during the school day.
46

Cross Reference: 2100 School Calendar and Day
2050 Student Instruction
8110 Bus Routes and Schedules

Legal Reference: Section 20-9-801 - 802, MCA Emergency School Closure
Section 20-9-806, MCA School closure by declaration of emergency
Section 20-9-805. Rate of reduction in annual apportionment entitlement.

Policy History:

Adopted on:

Reviewed on: 12/16/19

Revised on: 3/16/09, 7/19/21

1 **Terry K-12 Schools**

R

2
3 **INSTRUCTION**

2250

4
5 Community and Adult Education

6
7 Efforts will be made to maximize the use of public school facilities and resources, realizing that
8 education is a lifelong process involving the whole community. The District may make its
9 resources available to adults and other non-students, within limits of budget, staff, and facilities,
10 provided there is no interference with or impairment of the regular school program. Community
11 and adult education and other offerings may be developed in cooperation with community
12 representatives, subject to approval and authorization by the Board.
13
14
15

16 Legal Reference: § 20-7-703, MCA Trustees' policies for adult education
17

18 Policy History:

19 Adopted on:

20 Reviewed on: 3/16/09; 1/21/20

21 Revised on:

INSTRUCTION

2309

Library Materials

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

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

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

Cross Reference: 1700 Uniform Complaint Procedure
2314 Learning Materials Review

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

Policy History:

Adopted on:

Reviewed on: 3/16/09; 1/21/20

Revised on:

INSTRUCTION

2310

Selection of Library Materials

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

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

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

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

The Board, acting through the administrator, thereby delegates authority for selection of library materials to the librarian in the school.

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

Policy History:

Adopted on: 3/16/09

Reviewed on: 1/21/20

Revised on:

1 **Terry K-12 Schools**

R

2
3 **INSTRUCTION**

2310P

4
5 Selection of Library Materials

6
7 Selection of library materials is a professional task conducted by library staff. In selecting library
8 materials, the librarian will evaluate the existing collection; assess curricula needs; examine
9 materials; and consult reputable, professionally prepared selection aids.

10
11 Weeding

12
13 When materials no longer meet criteria for selection, they will be weeded. Weeding is a
14 necessary aspect of selection, since every library will contain works which may have answered a
15 need at the time of acquisition, but which, with the passage of time, have become obsolete,
16 dated, unappealing, or worn out.

17
18 Materials will be discarded in compliance with § 20-6-604, MCA. When the decision to sell or
19 dispose of library materials is made, the Board will adopt a resolution to sell or otherwise
20 dispose of the material because it is or is about to become abandoned, obsolete, undesirable, or
21 unsuitable for the school purposes of the District. The Board will publish a notice of the
22 resolution in the newspaper of general circulation in Terry. The resolution may not become
23 effective for fourteen (14) days after notice is published.

24
25 Gifts

26
27 Gift materials may be accepted with the understanding they must meet criteria set for book
28 selection.

29
30
31
32 Procedure History:

33 Promulgated on:

34 Reviewed on: 1/21/20

35 Revised on: 3/16/09

INSTRUCTION

2311

Instructional Materials

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

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

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

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

Cross Reference: 2314 Learning Materials Review

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

Policy History:

Adopted on:

Reviewed on: 3/16/09; 1/21/20

Revised on:

INSTRUCTION

2311P

Selection, Adoption, and Removal of Textbooks and Instructional Materials

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

Selection and Adoption

Textbooks shall be selected by a curriculum committee representing the various staff who will likely be using the text. Each committee should develop, prior to selection, a set of selection criteria against which textbooks will be evaluated. The criteria should include the following, along with other appropriate criteria. Textbooks shall:

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

Removal

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

Procedure History:

Promulgated on: 3/16/09

Reviewed on: 1/21/20

Revised on:

INSTRUCTION

2312

Copyright

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

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

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

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

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

The display of dramatic performances, musical works, motion pictures or television programming to students may only occur for educational purposes under the following standards:

- During onsite instruction
- When viewed in a classroom or designated place of instruction
- With a lawfully made copy or via an authorized account
- As a regular part of instruction and directly related to the curriculum

Employees should contact the administration with inquiries about accessing lawful copies of materials or accounts to access materials available via online platforms to ensure compliance with copyright laws.

Any staff member who is uncertain as to whether reproducing or using copyrighted material complies with District procedures or is permissible under the law should consult the Superintendent. The Superintendent will assist staff in obtaining proper authorization to copy or use protected materials, when such authorization is required.

Legal Reference: 17 USC 101 - 1332 Federal Copyright Law of 1976

Policy History:

Adopted on:

Reviewed on: 03/16/09, 01/21/20

Revised on: 10/15/2012, 04/19/22

INSTRUCTION

2312P

page 1 of 5

Copyright ComplianceAuthorized Reproduction and Use of Copyrighted Material in Print

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

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

1. Brevity

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

2. Spontaneity. Should be at the “instance and inspiration” of the individual teacher when there is not a reasonable length of time to request and receive permission to copy.3. Cumulative Effect. Teachers are limited to using copied material for only one (1) course in the school in which copies are made. No more than one (1) short poem, article, story or two (2) excerpts from the same author may be copied, and no more than three (3) works can be copied from a collective work or periodical issue during one (1) class term. Teachers are limited to nine (9) instances of multiple copying for one (1) course during one (1) class term. Limitations do not apply to current news periodicals, newspapers, and current news sections of other periodicals.

Performances by teachers or students of copyrighted dramatic works without authorization from the copyright owner are permitted as part of a teaching activity in a classroom or instructional setting. All other performances require permission from the copyright owner.

The copyright law prohibits using copies to replace or substitute for anthologies, consumable works, compilations, or collective works. "Consumable" works include: workbooks, exercises, standardized tests, test booklets, and answer sheets. Teachers cannot substitute copies for the purchase of books, publishers' reprints or periodicals, nor can they repeatedly copy the same item from term-to-term. Copying cannot be directed by a "higher authority," and students cannot be charged more than actual cost of photocopying. Teachers may use copyrighted materials in overhead or opaque projectors for instructional purposes.

Authorized Reproduction and Use of Copyrighted Materials in the Library

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

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

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

Authorized Reproduction and Use of Copyrighted Music or Dramatic Works

Teachers may:

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

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

Performances of nondramatic musical works that are copyrighted are permitted without the authorization of the copyright owner, provided that:

- The performance is not for a commercial purpose;
- None of the performers, promoters or organizers are compensated; and,
- Admission fees are used for educational or charitable purposes only.

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

Recording of Copyrighted Programs

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

USE OF INFORMATION RESOURCES REGULATION

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

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

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

Authorized Reproduction and Use of Copyrighted Computer Software

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

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

Fair Use Guidelines for Educational Multimedia

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

USE OF INFORMATION RESOURCES REGULATION

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

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

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

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

- Motion media: ten percent or three minutes, whichever is less;
- Text materials: ten percent or 1,000 words, whichever is less;
- Poetry: an entire poem of fewer than 250 words, but no more than three poems from one author or five poems from an anthology. For poems of greater than 250 words, excerpts of up to 250

- words may be used, but no more than three excerpts from one poet or five excerpts from an anthology;
- Music, lyrics and music video: Up to ten percent, but no more than thirty seconds. No alterations that change the basic melody or fundamental character of the work;
- Illustrations, cartoons and photographs: No more than five images by an artist, and no more than ten percent or fifteen images whichever is less from a collective work;
- Numerical data sets: Up to ten percent or 2,500 field or cell entries, whichever is less;

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

Procedure History:

Promulgated on:

Reviewed on: 3/16/09; 1/21/20

Revised on: 10/15/2012

2
3 **INSTRUCTION**

2314

4
5 Learning Materials Review

6
7 Citizens objecting to specific materials used in the District are encouraged to submit a complaint
8 in writing and discuss the complaint with the administrator prior to pursuing a formal complaint.
9

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

16 Policy History:

17 Adopted on:

18 Reviewed on: 3/16/09; 2/10/20

19 Revised on:

1 **Terry K-12 Schools**

2
3 **INSTRUCTION**

2320

4
5 Field Trips, Excursions, and Outdoor Education

6
7 The Board recognizes that field trips, when used as a device for teaching and learning integral to
8 the curriculum, are an educationally sound and important ingredient in the instructional program
9 of the schools. Such trips can supplement and enrich classroom procedures by providing learning
10 experiences in an environment beyond the classroom. The Board also recognizes that field trips
11 may result in lost learning opportunities in missed classes. Therefore, the Board endorses the use
12 of field trips, when educational objectives achieved by the trip outweigh any lost in-class
13 learning opportunities.

14
15 All field trips must be scheduled at least one month in advance. Failure to observe the time limit
16 may result in the request being disapproved.

17
18 The Board will be kept informed of all field trips.

19
20 Staff members may not solicit students during instructional time for any privately arranged field
21 trip or excursion without Board permission.

22
23 The presence of a person with a currently valid first aid card is required during school-sponsored
24 activities, including field trips, athletic, and other off-campus events.

25
26
27
28 Legal Reference: ARM 37.111.825 Health Supervision and Maintenance

29
30 Policy History:

31 Adopted on:

32 Reviewed on: 2/10/20

33 Revised on: 3/16/09

2
3 **INSTRUCTION**

2330

4
5 Controversial Issues and Academic Freedom

6
7 The District will offer courses of study which will afford learning experiences appropriate to
8 levels of student understanding. The instructional program respects the right of students to face
9 issues, to have free access to information, to study under teachers in situations free from
10 prejudice, and to form, hold, and express their own opinions without personal prejudice or
11 discrimination.

12
13 Teachers will guide discussions and procedures with thoroughness and objectivity to acquaint
14 students with the need to recognize various points of view, importance of fact, value of good
15 judgment, and the virtue of respect for conflicting opinions.

16
17 The Board encourages and supports the concept of academic freedom, recognizing it as a
18 necessary condition to aid in maintaining an environment conducive to learning and to the free
19 exchange of ideas and information.

20
21 In a study or discussion of controversial issues or materials, however, the Board directs teaching
22 staff to take into account the following criteria:

- 23
24 1. Relative maturity of students;
25 2. District philosophy of education;
26 3. Community standards, morals, and values;
27 4. Necessity for a balanced presentation; and
28 5. Necessity to seek administrative counsel and guidance in such matters.

29
30
31
32 Legal Reference: Article X, Sec. 8, Montana Constitution - School district trustees
33 § 20-3-324(16) and (17), MCA Powers and duties
34

35 Policy History:

36 Adopted on:

37 Reviewed on: 3/16/09; 2/10/20

38 Revised on:

Terry K-12 Schools

INSTRUCTION

2332

page 1 of 3

Religion and Religious Activities

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

Student Prayer and Discussion

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

Staff Members

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

Graduation Ceremonies

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

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

Baccalaureate Ceremonies

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

any religious services.

Assemblies, Extracurricular and Athletic Events

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

Student Religious Expression and Assignments

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

Religion in the Curriculum

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

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

Student Religious Groups

Students may gather as non-curricular groups ~~clubs~~ to discuss or promote religion in accordance with District Policy 3233.

Distribution of Religious Literature

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

Religious Holidays

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

Cross Reference: Policy 3550 – Student Clubs
 Policy 3233 - Student Use of Buildings
 Policy 3510 - School Sponsored Activities

Policy History:

Adopted on:

Reviewed on: 3/16/09, 6/22/20

Revised on: 10/15/2012

INSTRUCTION

2333

Participation in Commencement Exercises
Statement of Policy

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

Organization and Content of Commencement Exercises

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

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

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

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

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

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

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

Policy History:

Adopted on: 3/16/09

Reviewed on: 2/10/20

Revised on: 10/15/2012, 7/24/2017

1 **Terry K-12 Schools**

2
3 **INSTRUCTION**

2334

4
5 Release Time for Religious Instruction

6
7 The District may provide for a religious instruction released time program, under which a student
8 may be released, on written request of a parent(s) or guardian(s), except that no such program
9 will take place in public school property. Such release will not adversely affect a student's
10 attendance and may not exceed one (1) hour per week.
11
12
13

14 Legal Reference: Art. II, Sec. 5, Montana Constitution - Freedom of religion
15 Art. X, Sec. 7, Montana Constitution - Nondiscrimination in education
16 § 20-1-308, MCA Religious instruction released time program
17

18 Policy History:

19 Adopted on:

20 Reviewed on: 3/16/09; 2/10/20

21 Revised on:

Health Enhancement

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

Policy History:

Revised on: 3/16/09, 10/15/2012

1 **Terry K-12 Schools**

2
3 **INSTRUCTION**

2410

4
5 High School Graduation Requirements

6
7 The Board will award a regular high school diploma to every student enrolled in the District who
8 meets graduation requirements established by the District. The official transcript will indicate the
9 specific courses taken and level of achievement.

10
11 The Board will establish graduation requirements which, at a minimum, satisfy those established
12 by the Board of Public Education (A.R.M. 10.55.904 and 905). Generally, any change in
13 graduation requirements promulgated by the Board will become effective for the next class to
14 enter ninth (9th) grade. Exceptions to this general rule may be made, when it is determined by the
15 Board that proposed changes in graduation requirements will not have a negative effect on
16 students already in grades nine (9) through twelve (12). The Board will approve graduation
17 requirements as recommended by the administrator.

18
19 To graduate from Terry High School, a student must have satisfactorily completed the last
20 quarter prior to graduation as a Terry High School student. Highly unusual exceptions may be
21 considered by the Superintendent, such as a student exchange program in a recognized school.

22
23 A student with a disabling condition will satisfy those competency requirements incorporated
24 into the individualized education program (IEP). Satisfactory completion of the objectives
25 incorporated in the IEP will serve as the basis for determining completion of a course.

26
27 A student may be denied participation in graduation ceremonies, in accordance with § 20-5-
28 201(3), MCA. In such instances the diploma will be awarded after the official ceremony has
29 been held.

30
31
32
33 Legal Reference: § 20-5-201, MCA Duties and sanctions
34 10.55.904, ARM Basic Education Program Offerings: High School
35 10.55.905, ARM Graduation Requirements
36 10.55.906, ARM High School Credit

37
38 Policy History:

39 Adopted on:

40 Reviewed on: 8/12/19

41 Revised on: 3/16/09

1 **Terry K-12 Schools**

2
3 **INSTRUCTION**

2410P
page 1 of 3

4
5 High School Graduation Requirements

6
7 Publication of Graduation Requirements

8
9 Prior to registering in high school, each student will be provided with a copy of the current
10 graduation requirements. Graduation requirements shall also be included in the student
11 handbook.

12
13 Credits

14
15 Students shall be expected to earn a total of 24 units in order to complete graduation
16 requirements. Special education students who have successfully completed their IEP leading to
17 completion of high school will be awarded a diploma.

18
19 Waiver of Requirement

20
21 Graduation requirements generally will not be waived under any circumstances. The Board may
22 waive specific course requirements based on individual student needs and performance levels.
23 Waiver requests shall also be considered with respect to age, maturity, interest, and aspirations of
24 the students and shall be in consultation with the parents or guardians.

25
26 Alternative Programs

27
28 A student may be given credit for a course satisfactorily completed in a period of time shorter or
29 longer than normally required and, provided that the course meets the district's curriculum and
30 assessment requirements, which are aligned with the content standards stated in the education
31 program. Credit toward graduation requirements may be granted for planned learning
32 experiences from accredited programs, such as summer school, university courses, and
33 correspondence courses, extension, and distance learning courses, adult education, summer
34 school, work study, work-based learning partnerships, and other experiential learning
35 opportunities, custom-designed courses, and challenges to current courses. The District shall
36 accept units of credit taken with the approval of the District and which appear on the student's
37 official school transcript. Credit for work experience may be offered when the work program is a
38 part of and supervised by the school.

39
40 All classes attempted at Terry High School and all acceptable transfer credits shall be recorded
41 on the transcript. All grades earned, including failures and retakes, shall be recorded as such and
42 utilized in the calculation of Grade Point Average and class rank. Credit shall be awarded only
43 once regardless of repetition of the course.

Dual Credit

Dual credit allows high schools students to simultaneously earn credit toward both a high school diploma and college coursework that can lead to a postsecondary degree or certificate, or toward transfer to another college. As noted in the Student Handbook, the District will assign the grade given the classroom teacher to the student's report card. The primary purpose of offering dual credit courses is to deliver high quality, introductory, college level courses to high-performing high school students. The

Terry School District has dual credit partnerships with several Montana Colleges and Universities. Students interested in dual credit opportunities must meet with their building administration to determine available options.

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

Honor Roll

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

Class Rank (Grade Point Average)

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

Early Graduation

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

The Board hereby authorizes the [high school principal] [superintendent] [administration] to recommend to the Board for early graduation students who have completed the minimum requirements for graduation in less than eight semesters.

Post-Graduation

The Board may admit an individual who has graduated from high school but is not yet 19 years of age even though no special circumstances exist for waiver of the age requirements outlined in

Policy 3310. The Board authorizes the administration to notify parents and students of this opportunity to enroll after earning a diploma or purposes post-secondary or career preparation. Any student enrolled under this provision shall be included in the District's ANB calculation.

Educational Disruption

If a student who has experienced an educational disruption meets the minimum high school credit requirement for graduation as established by administrative rules of the Board of Public Education but will not meet a higher credit requirement established by Board of Trustees, the District shall award the student a diploma. The District may distinguish the diploma in a reasonable manner from standard diplomas issued under this policy.

For the purposes of this policy, "educational disruption" means a disruption experienced during grades nine through twelve caused by homelessness, involvement in the child welfare system or juvenile justice system, a medical or mental health crisis, or another event considered a qualifying educational disruption by the District.

Cross Reference:	1005FE –	Proficiency Based Learning
	2600	Work Based Learning
	3125	Homeless Students

Legal Reference:	§ 20-9-313, MCA	Circumstances under which regular average number belonging may be increased
	10.55.906, ARM	High School Credit
	10.55.905, ARM	Graduation Requirements
	§ 10-1-1402, MCA	Montana Youth Challenge
	Chapter 80 -	2021 General Legislative Session
	HB 246 –	2021 General Legislative Session

Policy History:

Adopted on:

Reviewed on: 08/12/19

Revised on: 03/16/09, 01/19/15, 03/18/19, 07/19/21

2
3 **INSTRUCTION**

2413

page 1 of 2

4
5 Credit Transfer and Assessment for Placement

6
7 Grades 9-12

8
9 Requests for transfer of credit or grade placement from any non-accredited, nonpublic school
10 will be subject to examination and approval before being accepted by the District. This will be
11 done by the school counselor and the administrator.

12
13 The administrator and school counselor will:

- 14
15 1. Document that a student has spent approximately the same number of classroom hours in
16 home school as would have been spent in a regular class in the District;
17
18 2. Document that a student followed a curriculum essentially similar to that of a course for
19 which credit is requested;
20
21 3. Document that in the event of a credit request in a lab, industrial arts, or music course,
22 equipment and facilities were sufficient to meet required learning activities of the course;
23
24 4. Require that a student has satisfactorily passed, in all courses in which a final exam
25 normally is given, a final exam prepared and administered by a staff member in the
26 District.

27
28 The District will give credit only for home schools which have met all requirements as specified
29 in Montana law. Credit from home schools will be accepted only when a like course is offered in
30 the District.

31
32 The school transcripts will record courses taken in home schools or non-accredited schools by
33 indicating title of the course, school where the course was taken, and grade.

34
35 For the purpose of calculation of class rank, only those courses taken in an accredited school will
36 be used.

37
38 Grades 1-8

39
40 Requests from parents of students in non-accredited, nonpublic schools for placement in the
41 District school system will be evaluated by an assessment-for-placement team. That team will
42 include:

- 43
44 1. The administrator;
45
46 2. One (1) teacher of the grade in which the student is being considered for enrollment; and

3. One (1) counselor (grades 6-8 only) (OPTIONAL).

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

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

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

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

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

Legal Reference: § 20-5-110, MCA School district assessment for placement of a child who enrolls from a nonaccredited, nonpublic school

Policy History:

Adopted on:

Reviewed on: 3/16/09; 6/22/20

Revised on:

1 **Terry K-12 Schools**

2
3 **INSTRUCTION**

2420

4
5 Grading and Progress Reports

6
7 The Board believes cooperation of school and home is a vital ingredient in the growth and
8 education of students and recognizes its responsibility to keep parents informed of student
9 welfare and progress in school.

10
11 The issuance of grades and progress reports on a regular basis serves as a basis for continuous
12 evaluation of student performance and for determining changes that should be made to effect
13 improvement. These reports will be designed to provide information helpful to the students,
14 teachers, counselors, and parents.

15
16 The Board directs the administrator to establish a system of reporting student progress and will
17 require all staff to comply with such a system as part of their teaching responsibility. Staff and
18 parents will be involved.

19
20
21
22 Policy History:

23 Adopted on:

24 Reviewed on: 3/16/09; 6/22/20

25 Revised on:

1 **Terry K-12 Schools**

2
3 **INSTRUCTION**

2421

4
5 Promotion and Retention

6
7 Student placement, promotion, or retention shall be made in the best interests of the student after
8 a careful evaluation of the advantages and disadvantages of alternatives.
9

10 When any alteration in a student's normal progression through school is contemplated, all factors
11 must be considered. Quantitative measures, such as age, physical size, ability, and level of
12 academic achievement, shall be supplemented by a qualitative assessment of student motivation,
13 self-image, and social adjustment. Students will not be promoted for purely social reasons.
14

15 Parents will be involved directly in the retention decision process.
16

17 Recommendations for retention or promotion must be data driven. Data includes, but is not
18 limited to, attendance, test scores, etc.
19

20 Teaching staff and the administrator will make final decisions respecting promotion or retention.
21

22 Decisions may be appealed to the Board of Trustees at the next regularly scheduled board
23 meetings following the recommendation.
24
25
26

27 Policy History:

28 Adopted on:

29 Reviewed on: 3/16/09; 6/22/20

30 Revised on: 2/24/15

1 **Terry K-12 Schools**

2
3 **INSTRUCTION**

2430

4
5 Homework

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

12
13 Teachers may give homework to students to aid in the students' educational development.
14 Homework should be an application or adaption of a classroom experience, and should not be
15 assigned for disciplinary purposes.

16
17
18
19 Policy History:

20 Adopted on:

21 Reviewed on: 3/16/09; 6/22/20

22 Revised on:

2
3 INSTRUCTION

2450

4
5 Recognition of Native American Cultural Heritage

6
7 The District recognizes the distinct and unique cultural heritage of Native Americans and is
8 committed in the District's educational goals to the preservation of such heritage.

9
10 In furtherance of the District's educational goals, the District is committed to:

- 11
- 12 • Working cooperatively with Montana Tribes in close proximity to the District, when
13 providing instruction, when implementing educational goals or adopting rules relating to
14 education of students in the District;
 - 15
 - 16 • Periodically reviewing its curriculum to ensure the inclusion of cultural heritage of
17 Native Americans, which will include but not necessarily be limited to:
18
 - 19 • Considering methods by which to provide books and materials reflecting
20 authentic historical and contemporary portrayals of Native Americans;
 - 21
 - 22 • Taking into account individual and cultural diversity and differences among
23 students;
 - 24
 - 25 • Providing necessary training for school personnel, with the objective of gaining an
26 understanding and awareness of Native American culture, which will assist the District's
27 staff in its relations with Native American students and parents.
- 28

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

31
32
33
34 Legal Reference: Art. X, Sec. 1(2), Montana Constitution
35 §§ 20-1-501, et seq., MCA Indian Education for All
36 10.55.603 ARM Curriculum and Assessment
37 10.55.701 ARM Board of Trustees
38 10.55.803 ARM Learner Access
39

40 Policy History:

41 Adopted on:

42 Reviewed on: 3/16/09; 6/22/20

43 Revised on:

INSTRUCTION

2510

page 1 of 2

School Wellness

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

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

1. *Community involvement*, including input from teachers of physical education and school health professionals, parents, students, school food service, the school Board, school administrators, educators, and the public. Training of this team of people on the components of a healthy school nutrition environment is recommended.
2. *Goals for nutrition education, nutrition promotion, physical activity, and other school-based activities* that are designed to promote student wellness in a manner that the local education agency determines appropriate.
3. *Implementation, Periodic Assessment, and Public Updates*, including expanding the purpose of the team of collaborators beyond the development of a local wellness policy to also include the implementation of the local wellness policy with periodic review and updates, inform and update the public every three years, at a minimum, (including parents, students, and others in the community) about the content and implementation of the local wellness policies, and to measure periodically and make available to the public an assessment of the local wellness policy, including:
 - The extent to which schools are in compliance with the local wellness policy;
 - The extent to which the LEA's local wellness policy compares to model local school wellness policies; and
 - The progress made in attaining the goals of the local wellness policy.
4. *Nutrition guidelines* for all foods available on each school campus under the local education agency during the school day, with the objectives of promoting student health and nutrient-rich meals and snacks. This includes food and beverages sold in a la carte sales, vending machines, and student stores; and food and beverages used for classroom rewards and fundraising efforts.
5. *Guidelines for reimbursable school meals* to ensure that the District offers school meal programs with menus meeting the meal patterns and nutrition standards established by the U.S. Department of Agriculture.
6. *A plan for measuring implementation* of the local wellness policy, including designation of one or more persons within the local education agency or at each school, as appropriate, charged with operational responsibility for ensuring that each school fulfills the District's local wellness policy.

The suggested guidelines for developing the wellness policy include:

Nutrition Education and Nutrition Promotion

All students K-12 shall receive nutrition education that teaches the knowledge and skills needed to adopt healthy eating behaviors and is aligned with the Montana Health Enhancement Standards. Nutrition education shall be integrated into the curriculum. Nutrition information and education shall be offered and promoted throughout the school campus and based on the U.S. Dietary Guidelines for Americans. Staff who provide nutrition education shall have the appropriate training, such as in health enhancement or family and consumer sciences.

Health Enhancement and Physical Activity Opportunities

The District shall offer health enhancement opportunities that include the components of a quality health enhancement program taught by a K-12 certified health enhancement specialist, if permitted by staffing levels. Health enhancement shall equip students with the knowledge, skills, and values necessary for lifelong physical activity. Health enhancement instruction shall be aligned with the Montana Health Enhancement Standards.

All K-12 students of the District shall have the opportunity to participate regularly in supervised, organized or unstructured, physical activities, to maintain physical fitness, and to understand the short- and long-term benefits of a physically active and healthy lifestyle.

Nutrition Standards

The District shall ensure that reimbursable school meals and snacks meet the program requirements and nutrition standards found in federal regulations including but not limited to Smart Snacks in School Nutrition Standards. The District shall encourage students to make nutritious food choices through accessibility, advertising and marketing efforts of healthful foods.

The District shall monitor all food and beverages sold or served to students during the normal school day, including those available outside the federally regulated child nutrition programs (i.e., a la carte, vending, student stores, classroom rewards, fundraising efforts). The District shall consider nutrient density and portion size before permitting food and beverages to be sold or served to students. The Superintendent shall continually evaluate vending policies and contracts. Vending contracts that do not meet the intent and purpose of this policy shall be modified accordingly or not renewed.

Other School-Based Activities Designed to Promote Student Wellness

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

Maintaining Student Wellness

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

Legal Reference: PL 108-265 The Child Nutrition and WIC Reauthorization Act of 2004
 PL 111-296 The Healthy, Hunger-Free Kids Act of 2010

Policy History:

Adopted on: 03/16/09

Reviewed on: 06/22/20

Revised on: 02/22/12, 01/17/17, 02/19/19, 04/19/22

1 **Terry K-12 Schools**

2
3 **INSTRUCTION**

2600

Page 1 of 2

4
5 Work Based Learning Program

6
7 The Board recognizes that education should be making classroom experiences a meaningful
8 process of learning about all practical aspects of life. The Board believes that the inclusion of
9 career education in the basic curriculum will provide students with information about the many
10 career opportunities available and will establish a relationship between what is taught in the
11 classroom and the world of work.

12
13 Work-based learning must provide all participating students with on-the-job experience and
14 training along with career and complimentary vocational/technical classroom instruction to
15 contribute to each student's employability. The students' classroom activities and on-the-job
16 experiences must be planned and supervised by the school and the employer to ensure that both
17 activities contribute to the student's employability. Students enrolled in a work-based learning
18 program must receive credit for related classroom instruction and on-the-job training. In the
19 absence of a proficiency model, the time requirement for students in work-based learning must
20 be converted and is equivalent to the time requirement for credit to be earned.

21
22 Students may submit a proposal for a tailored Work Based Learning program that divides their
23 time between instruction in school and specific learning at a job. Each proposed program will be
24 planned by Work Based Learning coordinators and the employer (or employer groups) and shall
25 be in accordance with state and federal laws and regulations governing employment of students
26 under age 18. The Work Based Learning coordinators will communicate with employers on a
27 monthly basis and will visit work sites to determine if the placement is appropriate for student
28 employment.

29
30 The particular program designed for each student shall be set forth in a written protocol approved
31 by the student, his or her parents or guardians, the work-experience coordinator and the
32 employer. This shall stipulate the terms of employment and the provision for academic credit.

33
34 The Work Based Learning coordinator shall make such arrangements as necessary with
35 employers for evaluating the student's on-the-job performance and for keeping records of job
36 attendance.

37
38 The employer or supervisor shall complete District volunteer agreement form and satisfy a
39 name-based and fingerprint criminal background check in accordance with District Policies 5120
40 and 5122. The employee and District shall also complete workers compensation insurance and
41 general liability insurance requirements in accordance with the attached procedure in a manner
42 consistent with the Work Based Learning opportunity provided to student.

43
44 Cross Reference: 2600P Work Based Learning Procedures
45 2600F Work Based Learning Affiliation Agreement and Consent Form
46

Legal reference: Title 41, Chapter 2, MCA
Fair Labor Standards Act 29 U.S.C. 212 and 213, et seq.
Chapter 247 2021 General Legislative Session
Section 29-71-118(7), MCA Employee, worker, volunteer, volunteer
firefighter, and volunteer emergency care provider defined --election of
coverage.

Policy History:

Adopted on: 03/18/19

Reviewed on: 06/22/20

Revised on: 08/16/21

WORK BASED LEARNING AFFILIATION AGREEMENT

2600F

This Affiliation Agreement is entered into between Terry High School and
_____ (workplace learning site).

WHEREAS High School has established a _____ Work Based Learning program for students interested in career exploration opportunities; and

WHEREAS High School wishes to affiliate with _____ (workplace learning site) for the purpose of providing Career Exploration and Assessment experiences for students enrolled in the _____ Work Based Learning Program; and

WHEREAS the Workplace Learning Site is willing to permit the Career Exploration experience on its premises with the terms set forth in this Affiliation Agreement;

NOW THEREFORE, the parties agree as follows:

1. The High School shall assume full responsibility for planning and execution of the student program of instruction including curriculum content, Work Based Learning orientation, emergency contact information, and parent/guardian consent.
2. The High School shall ensure participating students have completed safety instruction specific to the work site prior to participation in the Work Based Learning experience.
3. The High School shall provide a Work Based Learning Coordinator responsible for instruction and coordination with appropriate Workplace Learning Site personnel for the planning, selecting, and evaluating of students' experiences.
4. The Work Based Learning Coordinator, Workplace Supervisor, and student will work collaboratively to determine the career readiness, employability skills, and proficiency guidelines set forth in the personalized work based learning program.
5. The Workplace Learning Site agrees to designate a Workplace Supervisor, who has completed the Volunteer Agreement Form, and whose responsibility it shall be to assist the Work Based Learning Coordinator in selection and coordination of student experiences appropriate to the level of learning.
6. The Workplace Learning Site professional practitioners shall be responsible for overseeing the students' experience and training activities. They shall orient the students to their activities, direct their activities and supervise their activities to assure safe and satisfactory experiences and performance.
7. The High School shall be responsible for assigning students to the Workplace Learning Site for experience. The High School shall notify the Workplace Learning Site at least one (1) month in advance of its planned schedule of students and types of experiences to be provided. This schedule shall be subject to approval of the Workplace Learning Site.
8. The Workplace Learning Site shall make available the necessary equipment and supplies as determined by the Workplace Learning Site in conjunction with the High School.
9. The Workplace Learning Site shall provide the Work Based Learning Coordinator with frequent student performance evaluations in the manner and frequency so designated by the High School.
10. The High School shall work with the Workplace Learning Site regarding the removal of any student from the Workplace Learning Site whenever the student is not performing or meeting the workplace requirements. Responsibility for student disciplinary measures, if any, shall be with High School and not with the Workplace Learning Site.

Workplace Supervisor initials the selection specific to this Work Based Learning placement:

_____ Employer pays the student to work for them in a paid capacity. Student learns from the employer like a newly hired employee and skill sets are acquired through doing actual work for the employer. Student may earn school credit for employment as documented in the Work Based Learning plan. Employer is required to show proof of workers compensation coverage for the student via a copy of a current workers compensation policy if the Work Based Learning plan shows the student will receive school credit for the employment. Medical costs and other related workers compensation claim expenses for accepted workers compensation claims due to injury to the student while working in the course and scope as part of the Work Based Learning opportunity shall be covered by the employer's workers compensation coverage.

_____ Employer does not pay the student. Student does not earn school credit as part of a Work Based Learning plan but student may be assigned credit as part of another course. Employer has a volunteer endorsement added to their workers compensation policy and pays that premium to their carrier. School District requires the employer to show proof of workers compensation coverage with the volunteer endorsement added via a copy of a current workers compensation policy. Medical costs and other related workers compensation claim expenses for accepted workers compensation claims due to injury to the student while working in the course and scope as part of the Work Based Learning opportunity shall be covered by the employer's workers compensation coverage.

_____ Employer does not pay student. Student earns school credit for the Work Based Learning opportunity as outlined the Work Based Learning plan. School district adds a school to work endorsement onto the school workers' compensation policy. School District pays the workers compensation premium costs for the endorsement and other required insurance coverage. Parent liability risk forms should be signed in advance to recognize the inherent risks present with this learning opportunity and to clearly state the student has personal medical insurance coverage in place. Medical costs and other related workers compensation claim expenses for accepted workers compensation claims due to injury to the student while working in the course and scope as part of the Work Based Learning opportunity shall be covered by the School District's workers compensation coverage.

Terry School District provides a work-based learning opportunity off school grounds. The learning opportunity takes place during school period hours, awards school credit hours toward graduation requirements, and is led by a teacher of the school district and/or co-taught by a trade person or general contractor. No workers compensation coverage being provided. School District is responsible for general liability coverage for the students and parent liability risk forms should be signed in advance to recognize the inherent risks present with this learning opportunity and to clearly state the student has personal medical insurance coverage in place.

Workplace Supervisor

Date

Work Based Learning Coordinator

Date

PARENT/GUARDIAN CONSENT FOR WORK BASED LEARNING EXPERIENCE

I, (full name) _____ as legal guardian of
_____ (child's full name) a student
enrolled in the Terry High School acknowledge the following:

The program of study includes opportunities for my child to participate in an off-campus Work Based Learning opportunity, and I give my consent to my child participating in the offsite Work Based Learning component, and I agree to support and assist with enforcement of the content included in the Work Based Learning placement

I agree to accept responsibility for my student's participation in the above-referenced activity. I understand any negligence arising out of the student's participation in the program shall be attributed to me as comparative negligence within the meaning of Section 27-1-702, MCA. I agree to counsel my child to abide by the rules and regulations set forth by the workplace learning site.

I have signed the Parent/Guardian Consent and agree to the stated conditions.

Parent/Guardian signature

Date

Parent/Guardian printed name Phone number

Address City/State/Zip code

1 **Terry K-12 Schools**

2
3 **INSTRUCTION**

2600P
Page 1 of 2

4
5
6 Work Based Learning Program - Insurance

7
8 The School District Work Based Learning coordinator will work with School District
9 administration to identify the appropriate insurance coverage for a student's tailored work-
10 experience opportunity. A student will not commence a Work Based Learning opportunity until
11 the appropriate insurance option has been identified and implemented by all parties. The option
12 selected will be noted as part of the student's Work Based Learning plan.

13
14 Option 1

15 Employer pays the student to work for them in a paid capacity. Student learns from the employer
16 like a newly hired employee and skill sets are acquired through doing actual work for the
17 employer. Students earns school credit for employment as documented in the Work Based
18 Learning plan. Employer is required to show proof of workers compensation coverage for the
19 student via a copy of a current workers compensation policy if the Work Based Learning plan
20 shows the student will receive school credit for the employment. Medical costs and other related
21 workers compensation claim expenses for accepted workers compensation claims due to injury
22 to the student while working in the course and scope as part of the Work Based Learning
23 opportunity shall be covered by the employer's workers compensation coverage.

24
25 Option 2

26 Employer does not pay the student. Student earns school credit as part of a Work Based Learning
27 plan but student may be assigned credit as part of another course. Employer has a volunteer
28 endorsement added to their workers compensation policy and pays that premium to their
29 carrier. School District requires the employer to show proof of workers compensation coverage
30 with the volunteer endorsement added via a copy of a current workers compensation
31 policy. Medical costs and other related workers compensation claim expenses for accepted
32 workers compensation claims due to injury to the student while working in the course and scope
33 as part of the Work Based Learning opportunity shall be covered by the employer's workers
34 compensation coverage.

35
36 Option 3

37 Employer does not pay student. Student earns school credit for the Work Based Learning
38 opportunity as outlined the Work Based Learning plan. School district adds a school to work
39 endorsement onto the school workers' compensation policy. School District pays the workers
40 compensation premium costs for the endorsement and other required insurance coverage. Parent
41 liability risk forms should be signed in advance to recognize the inherent risks present with this
42 learning opportunity and to clearly state the student has personal medical insurance coverage in
43 place. Medical costs and other related workers compensation claim expenses for accepted
44 workers compensation claims due to injury to the student while working in the course and scope
45 as part of the Work Based Learning opportunity shall be covered by the School District's
46 workers compensation coverage.

Option 4

School District provides a work-based learning opportunity off school grounds. The learning opportunity takes place during school period hours, awards school credit hours toward graduation requirements, and is led by a teacher of the school district and/or co-taught by a trade person or general contractor. No workers compensation coverage being provided. School District is responsible for general liability coverage for the students and parent liability risk forms should be signed in advance to recognize the inherent risks present with this learning opportunity and to clearly state the student has personal medical insurance coverage in place.

Policy History:

Adopted on: 03/18/19

Reviewed on: 6/22/10

Revised on: 08/17/21

TERRY K-12 SCHOOLS

R = required

3000 SERIES STUDENTS

TABLE OF CONTENTS

	3110	Entrance, Placement, and Transfer
R	3120	Compulsory Attendance
	3121 - 3121P	Enrollment and Attendance Records
	3122	Attendance Policy
R	3123	Attendance Policy – Truancy
	3124	Military Compact Waiver
R	3125	Education of Homeless Children
	3125F	McKinney-Vento Homeless Assistance Dispute Resolution Form
	3130	Students of Legal Age
	3141	Discretionary Nonresident Student Attendance Policy
	3145-3145P	Foreign Exchange Students
	3150	Part-Time Attendance
	3200	Student Rights and Responsibilities
R	3210	Equal Education, Nondiscrimination and Sex Equity
	3220	Food and Beverage Policy
	3221	Student Publications
	3222	Distribution and Posting of Materials
	3224	Student Dress
R	3225	Sexual Harassment/Intimidation of Students
	3225F	Harassment Reporting Form for Students
R	3226	Bullying/Harassment/Intimidation/Hazing
	3231 - 3231P	Searches and Seizure
	3233	Student Use of Buildings: Equal Access
	3235	Video Surveillance
R	3300	Suspension and Expulsion
	3305	Seclusion and Restraint
R	3310	Student Discipline
	3310P	Discipline of Students With Disabilities
	3310P1	Risk Assessments
	3311	Firearms and Weapons
	3312	Detention
	3330	Use of Alcohol-Sensor Device
	3340	Extra- and Co-Curricular Alcohol, Drug, and Tobacco Use
	3350	Extra-Curricular Activities of Non-Enrolled Students
	3410	Student Health/Physical Screenings/Examinations
	3413	Student Immunization
	3413F1	Medical Exemption Form for Immunization
	3413F2	Religious Exemption Form for Immunization
R	3415-3415P	Management of Sports Related Concussions
R	3415F	Student Athlete & Parent/Legal Custodian Concussion Statement
	3416	Administering Medicines to Students
	3416F	Montana Authorization to Carry and Self-Administer Medication
	3417	Communicable Diseases
	3420	Head Lice
	3431	Emergency Treatment
	3431F	Accident Report

	3440 - 3440P	Removal of Student During School Day
	3510	School Sponsored Student Activities
R	3520	Student Fees, Fines, and Charges
	3550-3550F	Student Clubs
	3600 - 3600P - 3600F1	Student Records
	3600F2	Student Directory Information Notification
R	3606	Transfer of Student Records
R	3608	Receipt of Confidential Records
R	3612	District-Provided Access to Electronic Information, Services, and Networks
R	3612P	Acceptable Use of Electronic Networks
R	3612F	Internet Access Conduct Agreement
	3650	Pupil Online Personal Information

1 **Terry K-12 Schools**

2
3 **STUDENTS**

3110
page 1 of 3

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

13
14 Non-resident students may be admitted at the discretion of the Trustees. Children will be
15 enrolled in the grade identified in accordance with District policy or at the discretion of the of the
16 administration in consultation with the student's parents or guardians. The District requires
17 proof of identity and an immunization record for every child to be admitted to District schools.

18
19 The trustees may at their discretion assign and admit a child to a school in the district who is
20 under 5 years of age or an adult who is 19 years of age or older if there are exceptional
21 circumstances that merit waiving the age provision. The trustees may also admit an individual
22 who has graduated from high school but is not yet 19 years of age even though no special
23 circumstances exist for waiver of the age provision of this Policy.

24
25 School Entrance

- 26
27 1. The District requires that a student's parents, legal guardian, or legal custodian present
28 proof of identity of the child¹ to the school within forty (40) days of enrollment, as well
29 as proof of residence in the District. Students who are not residents of the District may
30 apply for admission pursuant to Policy 3141.
31
32 2. To be admitted to District schools, in accordance with the Montana Immunization Law, a
33 child must have been immunized against varicella, diphtheria, pertussis, tetanus,
34 poliomyelitis, rubella, mumps, and measles in the manner and with immunizing agents
35 approved by the department. Immunizations may not be required if a child qualifies for
36 conditional attendance or an exemption is filed as provided by Montana law.
37
38 3. The above requirements are not to serve as barriers to immediate enrollment of students
39 designated as homeless or foster children as required by the Every Student Succeeds Act
40 (ESSA) and the McKinney-Vento Act as amended by ESSA. The District shall work
41 with the local child welfare agency, the school last attended, or other relevant agencies to
42 obtain necessary enrollment documentation and ensure a student receives education
43 services in the best interests of the child. The Superintendent or designee shall serve as
44 point of contact with all applicable agencies to review records, facilitate services and
45 resolve disputes.
46

Placement

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

Children of Relocated Military Families

The Board shall assign and admit a child whose parent or guardian is being relocated to Montana under military orders to a school in the district and allow the child to preliminarily enroll in classes and apply for programs offered by the District prior to arrival and establishing residency.

The student will be placed in student data management system as soon as enrolled under this provision. The student will attend classes during preliminary enrollment and the Board authorizes the administration to provide offsite instruction to the student if not present in the District. The District will include a student enrolled under this provision as part of the calculation of ANB.

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
	Chapter 20 – 2021 General Legislative Session	
	HB 246 – 2021 General Legislative Session	

Policy History:

Adopted on:

Reviewed on:

Revised on: 3/16/09, 3/19/10, 07/15/15, 7/24/2017, 03/18/19; 1/21/20, 07/19/21

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

STUDENTS

3120

Compulsory Attendance

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

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

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

The provisions above do not apply in the following cases:

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

Compulsory attendance stated above will not apply when children:

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

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

Policy History:

Adopted on:

Reviewed on: 3/16/09, 12/17/20

Revised on: 02/22/2012

1 **Terry K-12 Schools**

2
3 **STUDENTS**

3121
page 1 of 2

4
5 Enrollment and Attendance Records

6
7 Since accurate enrollment and attendance records are essential both to obtain state financial
8 reimbursement and to fulfill the District's responsibilities under the attendance laws, staff shall
9 be diligent in maintaining such records.

10
11 A district may only include, for ANB purposes, any student who participates in pupil instruction
12 as defined in Section 20-1-101(17), MCA and for whom ANB may be claimed under Title 20,
13 including but not limited to an enrolled student who is:

- 14
15 • A resident of the district or a nonresident student admitted by trustees under a student
16 attendance agreement and who is attending a school of the district;
17
- 18 • Unable to attend school due to a medical reason certified by a medical doctor and
19 receiving individualized educational services supervised by the district, at district
20 expense, at a home or facility that does not offer an educational program;
21
- 22 • Unable to attend school due to the student's incarceration in a facility, other than a youth
23 detention center, and who is receiving individualized educational services supervised by
24 the district, at district expense, at a home or facility that does not offer an educational
25 program;
26
- 27 • Living with a caretaker relative under Section 1-1-215, MCA;
28
- 29 • Receiving special education and related services, other than day treatment, under a
30 placement by the trustees at a private nonsectarian school or private program if the
31 student's services are provided at the district's expense under an approved individual
32 education plan supervised by the district;
33
- 34 • Participating in the Running Start Program at district expense under Section 20-9-706,
35 MCA;
36
- 37 • Receiving education services, provided by the district, using appropriately licensed
38 district staff at a private residential program or private residential facility licensed by the
39 Department of Public Health and Human Services;
40
- 41 • Enrolled in an educational program or course provided at district expense using electronic
42 or offsite delivery methods, including but not limited to tutoring, distance learning
43 programs, online programs, and technology delivered learning programs, while attending
44 a school of the district or any other nonsectarian offsite instructional setting with the
45 approval of the trustees of the district;
46

- A student of the district completing work on a proficiency basis in accordance with Sections 20-9-311(4)(d) and 20-9-324(18)(b), MCA;
- A student enrolled by the Board for exceptional circumstances as defined in applicable District policies and in accordance with Section 20-5-101, MCA.
- A student gaining credit for participating in a work-based learning program pursuant to Section 20-7-1510, MCA, and Policy 2600;
- A student participating in an “innovative educational program” as defined in Section 15-30-3102, MCA;
- A resident of the district attending a Montana job corps program under an interlocal agreement with the district under Section 20-9-707, MCA; or
- A resident of the district attending a Montana Youth Challenge Program under an interlocal agreement with the district under Section 20-9-707, MCA.
- A student with a disability who is over 19 years old but under 21 years of age, has been enrolled by the Board of Trustees in accordance with Policy 3110, and qualifies in accordance with Section 20-9-311(7), MCA, to remain enrolled and be served by schools, if the following criteria are satisfied:
 - the student has not graduated;
 - the student is eligible for special education services and is likely to be eligible for adult services for individuals with developmental disabilities due to the significance of the student's disability; and
 - the student's individualized education program has identified transition goals that focus on preparation for living and working in the community following high school graduation since age 16 or the student's disability has increased in significance after age 16.

In order for a student who is served through distance learning or offsite delivery methods to be included in the calculation of average number belonging, the student must meet one or more of the conditions for participating in offsite instruction pursuant to Section 20-7-118, MCA.

Enrollment for Purposes of Participation in Extracurricular Activities By an Unenrolled Child or Part Time Enrolled Student

The District shall include for ANB purposes a child who during the prior school year:

- a. resided in the District;
- b. was not enrolled in the District or was not enrolled full time; and

- c. completed an extracurricular activity with a duration of at least 6 weeks in accordance with Policy 3510.

Each completed extracurricular activity that, inclusive of practices and post-season tournaments, lasts 6 weeks or longer shall be counted as one-sixteenth enrollment. Each completed extracurricular activity lasting longer than 18 weeks may be counted as one-eighth enrollment. A child may not be counted as more than one full-time enrollment for ANB purposes.

For purposes of calculating ANB under this section, "extracurricular activity" means:

- a. a sport or activity sanctioned by an organization having jurisdiction over interscholastic activities, contests, and tournaments;
- b. an approved career and technical student organization, pursuant to Section 20-7-306, MCA; or
- c. a school theater production.

Homeless Youth and Foster Children

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

Cross References:	Policy 3510	School Sponsored Activities
	Policy 2600	Work Based Learning
	Policy 1010FE/3100	Early Enrollment for Exceptional Circumstances
Legal Reference:	§ 1-1-215, MCA	Residence – rules for determining
	§ 20-9-311, MCA	Calculation of average number belonging (ANB)
	§ 20-9-706, MCA	Running start program
	§ 20-9-707, MCA	Agreement with Montana youth challenge program or accredited Montana job corps program
	§ 20-5-101, MCA	Admittance of child to school
	§ 20-5-112, MCA	Participation in Extracurricular Activities
	§ 20-1-101, MCA	Definitions
	§ 20-3-324, MCA	Powers and Duties
	§20-7-1510, MCA	Credit for participating in work-based learning partnerships
	29 U.S.C. 794	Nondiscrimination under Federal grants and programs
	34 CFR 300.1, et seq.	Assistance to states for the education of children with disabilities

Policy History:

Adopted on: 3/16/09

Reviewed on:

Revised on: 08/17/09, 07/24/2017, 8/16/21

1 **Terry K-12 Schools**

2
3 **STUDENTS**

3121P
page 1 of 2

4
5 Enrollment and Attendance Records

6
7 Average Number Belonging

8
9 Average Number Belonging (ANB) is the enrollment measure used for the State Foundation
10 Program calculations as defined in § 20-9-311, MCA. The ANB of one year is based on the
11 attendance records of the preceding year. Funding for districts is based on ANB, which is based
12 on “aggregate hours” per year and must be accurate. “Aggregate hours” means the hours of pupil
13 instruction for which a school course or program is offered or for which a pupil is enrolled.
14

15 For a child to be counted for ANB purposes:

- 16
17 a) The child must meet the definition of pupil as found in § 20-1-101(11), MCA;
18
19 b) Attending 181 to 359 aggregate hours = One-quarter time enrollment
20
21 c) Attending 360 to 539 aggregate hours = One-half time enrollment
22
23 d) Attending 540 to 719 aggregate hours = Three-quarter time enrollment
24
25 e) Attending 720 aggregate hours or more = Full-time enrollment
26

27 A school district may include in its calculation of ANB a pupil who is enrolled in a program
28 providing fewer than the required aggregate hours of pupil instruction required under subsection
29 20-9-311(4)(a) or (4)(b) if the pupil had demonstrated proficiency in the content ordinarily
30 covered by the instruction as determined by the school board using district assessments. The
31 ANB must be converted to an hourly equivalent based on the hours of instruction ordinarily
32 provided for the content over which the student has demonstrated proficiency. 20-9-311(4)(d).
33

34 Homebound Students

35
36 Students who are receiving instructional services, who were in the education program and, due to
37 medical reasons certified by a medical doctor, are unable to be present for pupil instruction, may
38 be counted as enrolled for ANB purposes, if the student:
39

- 40 a) Is enrolled and is currently receiving organized and supervised pupil instruction;
41
42 b) Is in a home or facility which does not offer a regular educational program; and
43
44 c) Has instructional costs during the absence, which are financed by the District’s general
45 fund.
46

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

Attendance Accounting

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

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

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

Procedure History:

Promulgated on: 3/16/09

Reviewed on: 12/17/20

Revised on: 8/19/13, 07/15/15, 7/18/16

1 **Terry K-12 Schools**

2
3 **STUDENTS**

3122

4
5 Attendance Policy

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

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

19
20 Specific rules and regulations regarding attendance and tardies can be found in the respective
21 student handbook.

22
23
24
25 Policy History:

26 Adopted on:

27 Reviewed on: 3/16/09, 12/17/20

28 Revised on: 7/16/18

Terry K-12 Schools

R

STUDENTS

3123

Attendance Policy - Truancy

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

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

The Terry School District's definition of non-attendance without excuse is stated in the respective student handbooks.

The Terry School District has appointed the County Superintendent as the attendance officer.

Upon the board designating one or more of its staff as the attendance officer(s), the attendance officer(s) shall have the powers and duties as stated in 20-5-105(1) (Section 2), MCA.

Legal Reference:	§ 20-5-103, MCA	Compulsory attendance and excuses
	§ 20-5-104, MCA	Attendance officer
	§ 20-5-105, MCA	Attendance officer – powers and duties
	§ 20-5-106, MCA	Truancy
	§ 20-5-107, MCA	Incapacitated and indigent child attendance
	§ 41-5-103(22), MCA	Definitions

Procedure History:

Promulgated on: 08/19/2013

Reviewed on: 12/17/20

Revised on:

Terry K-12 Schools

Adopted on: 11/21/17
Reviewed on: 12/17/20

3124-R

STUDENTS

Revised on:

Page 1 of 5

Military Compact Waiver

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

Purpose

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

Applicability

This Compact applies only to children of:

1. Active duty members of the uniformed services as defined in the Compact, including member of the national guard and reserve on active duty orders pursuant to 10 U.S.C., 12301(d) and 12304;
2. Members of the veterans of the uniformed services who are severely injured and medically discharged or retired for a period of 1 year after medical discharge or retirement; and
3. Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of 1 year after death.

Educational Records and Enrollment

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

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

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

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

3. **Immunizations:** The District shall provide a period of thirty (30) days from the date of enrollment, or such other time frame as determined by the rules of the Interstate Commission, within which students may obtain any immunizations required by the District. Where the District's requirements include a series of immunizations, initial vaccinations must be obtained within thirty (30) days, or within the timeline determined to be reasonable by the Interstate Commission.

4. **Kindergarten and First Grade Entrance Age:** Students shall be allowed to continue their enrollment at grade level at the District, commensurate with their grade level from their receiving school, including kindergarten, at the time of transition. However, the provisions of Montana Code 20-5-101 regarding trustees enrolling a child in kindergarten or in first grade whose fifth (5th) or sixth (6th) birthday occurs on or before the tenth (10th) day of September of the school year in which the child is to enroll but is not yet 19 years of age, shall continue to apply.

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

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

Placement and Attendance

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

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

Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. This requirement does not preclude the District from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the course(s).

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

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

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

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

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

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

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

Eligibility

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

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

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

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

Graduation

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

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

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

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

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

- A. Exit exams or end-of-course exams required for graduation from the sending school;
- B. National norm-referenced achievement tests; or

C. Alternative testing.

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

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

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

Conflicts

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

Cooperation

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

Cross Reference:	2333	Participation in Commencement Exercises
	2410 – 2410P	High School Graduation Requirements
	2413	Credit Transfer and Assessment for Placement
	3110	Entrance, Placement, and Transfer
Legal Reference:	20-1-230, MCA	Enactment – interstate Compact on Educational Opportunity for Military Children - provisions

STUDENTS

3125

Education of Homeless Children

Every child of a homeless individual and every homeless child are entitled to equal access to the same free, appropriate public education as provided to children with permanent housing. The District must assign and admit a child who is homeless to a District school regardless of residence and irrespective of whether the homeless child is able to produce records normally required for enrollment. The District may not require an out-of-District attendance agreement and tuition for a homeless child.

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

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

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

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

The Superintendent will give special attention to ensuring the enrollment and attendance of homeless children and youths not currently attending school. The Superintendent will appoint a liaison for homeless children. A “homeless individual” is defined as provided in the McKinney Homeless Assistance Act.

Anyone having a concern or complaint regarding placement or education of a homeless child will first present it orally and informally to the District homeless liaison. To further ensure that the District is removing barriers to the educational access and success of children and youths who are homeless, and to ensure that Title 1 funding is expended in an appropriate manner, the District has adopted the dispute resolution form at 3125F.

Cross Reference:	1700	Uniform Complaint Procedure
	3125F	McKinney-Vento Homeless Educational Assistance Dispute Resolution
Legal Reference:	42 U.S.C. § 11431, et seq.	McKinney Homeless Assistance Act
	§ 20-5-101, MCA	Admittance of child to school

Policy History:

Adopted on:

Reviewed on: 3/16/09, 12/17/20

Revised on: 7/24/2017, 03/18/19

Terry K-12 Schools

Adopted on: 7/24/2017
Reviewed on: 12/17/20
Revised on:

3125F

STUDENTS

**MCKINNEY-VENTO HOMELESS EDUCATION ASSISTANCE
DISPUTE RESOLUTION FORM**

School District _____ Liaison _____
Telephone _____

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

Homeless Student's Name _____

Describe the issue(s) in question _____

School District Contact _____ Telephone _____
(Superintendent/Principal)

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

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

Describe Resolution Results _____

Homeless Coordinator Signature _____

This form must be filed with

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

Terry School District

STUDENTS

3130

page 1 of 2

Students of Legal Age

Every student eighteen (18) years of age or older like all other students, will comply with the rules established by the District, pursue the prescribed course of study, and submit to the authority of teachers and other staff members as required by policy and state law. The administration is authorized to make exceptions to this policy for students related to reasons that include but are not limited to homelessness, emancipation, or applicable court order.

Forms

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

Admission to School

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

Field Trips/Athletic Programs

Approved forms for participation will be required of all students. The form should indicate that the signature is that of the parent.

Absence/Lateness/Tuancy

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

Suspension/Expulsion

All suspension and/or expulsion proceedings will conform to the requirements of state statutes. Notification of all such proceedings will be sent to parents or guardians.

Withdrawal From School

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

Permission to Inspect Student Records

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

Report Cards

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

Excuses From School

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

Financial Responsibility

Adult students can be held financially responsible for damage to school property.

Policy History:

Adopted on:

Reviewed on:

Revised on: 5/17/21

1 **Terry K-12 Schools**

2
3 **STUDENTS**

3141

page 1 of 2

4
5 Discretionary Nonresident Student Attendance Policy

- 6
- 7 1. Except as required by § 20-5-321, MCA, the District will admit nonresident students at
8 its discretion.
9
 - 10 2. The administrator will recommend to the Board any nonresident student admission in
11 accordance with this policy, with the Board making the final decision on admission.
12
 - 13 3. The District will examine a student's records from this district and other school districts
14 before any Board approval for admission. Review of the records and decisions regarding
15 admission cannot be inconsistent with district policies regarding nondiscrimination.
16
 - 17 4. Every nonresident student who attends District schools must reapply for admission for
18 the succeeding school year by June 15. Admission in one school year does not infer or
19 guarantee admission in subsequent years.
20
 - 21 5. The District will not admit nonresident students when doing so would cause the district
22 to exceed the class size standards under 10.55.712 and 10.55.713, ARM.
23
 - 24 6. All resident students who become nonresidents because their parents or guardians move
25 out of the District may continue attendance for the school year, barring registration in
26 another District. At the completion of the school year, a student must apply as a
27 nonresident student in accordance with #4.
28
 - 29 7. The Board reserves the right to charge tuition for nonresident students. At its discretion,
30 the Board may charge or waive tuition for all students whose tuition is required to be paid
31 by one kind of entity, defined as either a parent or guardian or a school district. Any
32 waiver of tuition will be applied equally to all students whose tuition is paid by the same
33 kind of entity (i.e., if the District charges tuition in those circumstances where a resident
34 district pays but waives tuition in those circumstances where a parent or guardian is
35 responsible for tuition, the tuition waiver will be applicable to all students whose parents
36 or guardians bear the responsibility for payment).
37
 - 38 8. All nonresident students will be considered ineligible transportees for school
39 transportation services (§ 20-10-101, MCA).
40
 - 41 9. The Board may, on a case-by-case basis, admit any student who is expelled from another
42 school district.
43
 - 44 10. Nonresident students enrolled under this policy are subject to all district policies, rules,
45 regulations on the same basis as resident students.
46

Cross Reference:	Policy 2161 – 2161P	Special Education
	Policy 3110	Entrance, Placement, and Transfer
	Policy 3125	Education of Homeless Children
	Policy 3210	Equal Education, Nondiscrimination and Sex Equity
Legal Reference:	§ 20-5-314, MCA	Reciprocal attendance agreement with adjoining state or province
	§ 20-5-320, MCA	Attendance with discretionary approval
	§ 20-5-321, MCA	Attendance with mandatory approval – tuition and transportation
	§ 20-5-322, MCA	Residency determination – notification – appeal for attendance agreement
	§ 20-5-323, MCA	Tuition and transportation rates
	10.10.301B, ARM	Out-of-District Attendance Agreements
	10.55.712, ARM	Class Size Elementary
	10.55.713, ARM	Teacher Load and Class Size – High School

Policy History:

Adopted on:

Reviewed on:

Revised on: 3/16/09, 7/16/18, 2/15/21

1 **Terry K-12 Schools**

2
3 **STUDENTS**

3145

4
5 Foreign Exchange Students

6
7 It is the policy of the Board to recognize the benefits from foreign exchange students in the
8 District. The Board does not, however, sponsor foreign exchange programs or provide financial
9 contributions to any foreign exchange students. The Board assumes no responsibility or control
10 over items such as travel, living accommodations, funding, insurance, etc., which remain the
11 responsibility of the sponsor and/or student.
12

13 J-1 visa holders (students sponsored by an approved foreign exchange organization) are eligible
14 to attend either elementary or secondary school. Any sponsoring organization must have a local
15 representative, be a nonprofit organization, and be approved by the Council on Standards for
16 International Education Travel. F-1 visa holders (individual foreign students sponsored by
17 relatives or friends) may not attend elementary school or a publicly funded Adult Education
18 program. They may, however, attend secondary school, if the student has prepaid tuition to the
19 District.
20

21 Foreign exchange students will not graduate from or receive a diploma from the High School,
22 but they may participate in the ceremonies and receive an honorary certificate of attendance.
23

24 **Student Opportunities/Responsibilities:**

- 25 • Foreign exchange students will be expected to enroll in the following academic classes
26 while attending Terry Public High School:
 - 27 ○ One (1) English class;
 - 28 ○ One (1) United States history class or one (1) government class
- 29

30 The Board reserves the right to withdraw approval and to regulate the number of students
31 participating.
32
33
34

35 Legal Reference: 20 U.S.C. 221, et seq. Foreign and Exchange Students

36
37 Policy History:

38 Adopted on:

39 Reviewed on: 3/16/09

40 Revised on: 8/15/16, 8/21/2017

1 **Terry School District**

2
3 **STUDENTS**

3145P
page 1 of 2

4
5 Foreign Exchange Students

6
7 Admission Requirements

- 8
9 1. Foreign exchange students must be eighteen (18) years of age or younger at the time of
10 enrollment.
11
12 2. Foreign exchange students must reside with a legal resident of the District. Limited
13 exceptions may be granted at the discretion of the Board.
14
15 3. Foreign exchange students must have sufficient knowledge of the English language to
16 enable effective communication and to use instructional materials and textbooks printed
17 in English.
18
19 a. An English proficiency test of the District's own choosing may be administered
20 and will supersede all other tests.
21
22 b. If an organization places a student who, upon arrival, is deemed by the District to
23 be deficient in English language proficiency, the organization will do one of the
24 following:
25
26 i. Terminate the student's placement.
27 ii. Provide, and pay for, tutorial help until the student reaches proficiency, as
28 determined by the District.
29

30 Academic Standards and Graduation

- 31
32 1. Foreign exchange students will be expected to meet all appropriate standards required of
33 any student enrolled in the District.
34
35 2. Foreign exchange students will not graduate from or receive a diploma from the High
36 School, but they may participate in the ceremonies and receive a certificate of attendance.
37

38 Student Opportunities/Responsibilities

- 39
40 1. Foreign exchange students will be expected to enroll in the following academic classes
41 while attending Terry High School:
42
43 a. One (1) English class;
44 b. One (1) United States history class or one (1) government class;
45 c. Maintain enrollment in at least six (6) classes.
46

2. Foreign exchange students are eligible to participate in the High School Activities Program. Guidelines for participation are set by District policy and by the Montana High School Association, as follows:
 - a. RECOGNITION. The student must be a participant of an “official Foreign Exchange Program” as defined in the publication from the National Association of Secondary School Principals, entitled *Advisory List of International Educational Travel and Exchange Programs*.
 - b. GRADUATION. The student cannot have graduated or received a diploma in his/her own country.
3. Foreign exchange students are expected to pay all yearbook fees, lab fees, prom tickets, yearbook costs, athletic fees, cap and gown fees, lunch prices, and all other school incurred expenses that are expected of other students enrolled in the High School.
4. Foreign exchange students must maintain passing grades in all classes, follow rules and regulations of District student policies, and show satisfactory discipline and attendance. Failure to comply with these expectations shall result in dismissal of the student from the District’s Foreign Exchange Program.

Policy History:

Adopted on:

Reviewed on:

Revised on: 2/15/21

Terry K-12 Schools

STUDENTS

3150

Part-Time Attendance

The District will review requests for part-time enrollment of students for purposes of academic courses on a case-by-case basis, with a building principal making a preliminary decision pursuant to the criteria set forth in this Policy. Denial of part-time enrollment may be appealed pursuant to policy 1700

Criteria for accepting students for part-time enrollment are the following:

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

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

Participation in District Extracurricular Activities by Unenrolled Children

This policy does not restrict or limit the ability of unenrolled children to seek to participate in extracurricular activities in accordance with Policy 3510. The District may secure ANB for unenrolled children participating in identified extracurricular activities in accordance with Policy 3121.

Cross References:	Policy 3510	School Sponsored Activities
	Policy 3121	Enrollment and Attendance
Legal Reference:	§ 20-9-311(a), MCA	Calculation of average number belonging (ANB) –
		3-year averaging
	Chapter 297	2021 General Legislative Session
	Chapter 269	2021 General Legislative Session

Policy History:

Adopted on:

Reviewed on: 1/18/2021

Revised on: 03/16/09, 08/16/2021

1 **Terry K-12 Schools**

2
3 **STUDENTS**

3200

4
5 Student Rights and Responsibilities

6
7 The District recognizes fully that all students are entitled to enjoy the rights protected under
8 federal and state constitutions and law for persons of their age and maturity in a school setting.
9 The District expects students to exercise these rights reasonably and to avoid violating the rights
10 of others. The District may impose disciplinary measures whenever students violate the rights of
11 others or violate District policies or rules.
12
13
14

15 Cross Reference: 3231 Searches and Seizure
16 3310 Student Discipline
17

18 Legal Reference: § 20-4-302, MCA Discipline and punishment of pupils – definition of
19 corporal punishment – penalty – defense
20 § 20-5-201, MCA Duties and sanctions
21 *Tinker v. Des Moines Ind. Sch. Dist.*, 89 S.Ct. 733 (1969)
22

23 Policy History:

24 Adopted on:

25 Reviewed on: 3/16/09, 12/17/20

26 Revised on:

STUDENTS

3210

Equal Educational Opportunity, Nondiscrimination, and Sex Equity

The District will make equal educational opportunities available for all students without regard to race, color, national origin, ancestry, sex, ethnicity, language barrier, religious belief, physical or mental handicap or disability, economic or social condition, actual or potential marital or parental status. No student will be denied equal access to programs, activities, services, or benefits or be limited in the exercise of any right, privilege, or advantage, or denied equal access to educational and extracurricular programs and activities.

Inquiries regarding sexual harassment, sex discrimination, or sexual intimidation should be directed to the District Title IX Coordinator, to the Assistant Secretary for Civil Rights of the Department of Education, or both. The Board designates the following individual to serve as the District's Title IX Coordinator:

Title: Superintendent _____
Office address: 215 East Park. Terry, MT _____
Email: _____
Phone number(406) 653-5533 _____

Inquiries regarding discrimination on the basis of disability or requests for accommodation should be directed to the District Section 504 Coordinator. The Board designates the following individual to serve as the District's Section 504 Coordinator:

Title: Superintendent _____
Office address: 215 East Park. Terry, MT _____
Email: _____
Phone number(406) 653-5533 _____

Any individual may file a complaint alleging violation of this policy, Policy 3200-Student Rights and Responsibilities, Policy 3225/3225P-Sexual Harassment, or Policy 3226-Bullying/Harassment/Intimidation/Hazing by following those policies or Policy 1700-Uniform Complaint Procedure.

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

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

1 **Terry K-12 Schools**

2
3 **STUDENTS**

3221

4
5 Student Publications

6
7 Student publications produced as part of the school's curriculum or with the support of student
8 body funds are intended to serve both as vehicles for instruction and student communications.
9 They are operated and substantively financed by the student body and the District.

10
11 Material appearing in such publications should reflect all areas of student interest, including
12 topics about which there may be controversy and dissent. Controversial issues may be presented
13 provided they are treated in depth and represent a variety of viewpoints. Such materials may not
14 be libelous, obscene, or profane nor may they cause a substantial disruption of the school, invade
15 the privacy rights of others, demean any race, religion, gender, or ethnic group, or advocate the
16 violation of the law. They may not advertise tobacco, nicotine, liquor, illicit drugs or drug
17 paraphernalia.

18
19 The administrator shall develop guidelines to implement these standards and shall establish
20 procedures for the prompt review of any materials which appear not to comply with the
21 standards.

22
23
24
25 Policy History:

26 Adopted on:

27 Reviewed on: 3/16/09, 12/17/20

28 Revised on: 3/19/10

1 **Terry K-12 Schools**

2
3 **STUDENTS**

3222

4
5 Distribution and Posting of Materials

6
7 District policy allows distribution of materials of parent and student organizations sponsored by
8 the District or other governmental agencies. The District also may allow distribution of materials
9 that provide information valued or needed by the District.

10
11 The administrator must approve all materials before they may be distributed by any organization.

12
13 To facilitate the distribution of materials with information about student activities, each school
14 may maintain a centrally located bulletin board for the posting of materials, and/or maintain a
15 table available to students for placing approved materials.

16
17
18
19 Policy History:

20 Adopted on:

21 Reviewed on: 3/16/09, 11/15/21

22 Revised on:

1 **Terry K-12 Schools**

2
3 **STUDENTS**

3224

4
5 Student Dress

6
7 The District recognizes that a student's choice of dress and grooming habits demonstrate
8 personal style and preference. The District has the responsibility to ensure proper and appropriate
9 conditions for learning, along with protecting the health and safety of its student body. Even
10 though the schools will allow a wide variety of clothing styles, dress and grooming must not
11 materially or substantially disrupt the educational process of the school or create a health or
12 safety hazard for students, staff, or others.

13
14 The administrator shall establish procedures for the monitoring of student dress and grooming in
15 school or while engaging in extracurricular activities. Students attending public events
16 sponsored by the school district are permitted to honor their American Indian heritage through
17 the display of culturally significant tribal regalia at a public event sponsored by the school
18 district. Any item that promotes drug use, weapon use, threats of violence, sexual harassment,
19 bullying, or other intimidation, or violates another district policy, state, or federal law may not be
20 worn at a public event sponsored by the school district. Specific regulations shall be published
21 annually in student handbooks.

22
23
24 Cross Reference: Policy 2333 Participation in Commencement Exercises

25
26
27 Legal Reference: SB 319-Chapter 229 Tribal regalia and objects of cultural significance
28 allowed at public events

29
30
31
32 Policy History:

33 Adopted on:

34 Reviewed on: 12/17/20

35 Revised on: 3/16/09, 9/18/17

STUDENTS

3225

page 1 of 3

Sexual Harassment of Students

The District does not discriminate on the basis of sex in any education program or activity that it operates. The District is required by Title IX of the Education Amendments of 1972 and the regulations promulgated through the U.S. Department of Education not to discriminate in such a manner. Inquiries about the application of Title IX to the District may be referred to the District's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the Department of Education, or both.

The Board designates the following individual to serve as the District's Title IX Coordinator:

Title: Superintendent

Office address: 215 East Park. Terry, MT

Email:

Phone number(406) 653-5533

Any person may report sex discrimination, including sexual harassment, at any time, including during non-business hours. Such a report may be made in person, by mail, by telephone or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

For purposes of this policy and the grievance process, "sexual harassment" means conduct on the basis of sex that satisfies one or more of the following:

1. A District employee conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the District's education program or activity or
3. "Sexual assault" as defined in 20 USC 1092(f)(6)(A)(v), "dating violence" as defined in 34 USC 12291(a)(10), "domestic violence" as defined in 34 USC 12291(a)(8) or "stalking" as defined in 34 USC 12291(a)(30).

When the harassment or discrimination on the basis of sex does not meet the definition of sexual harassment, the Title IX Coordinator directs the individual to the applicable sex discrimination process for investigation.

An individual is not required to submit a report of sexual harassment involving the Title IX coordinator. In the event the Title IX Coordinator is responsible for or a witness to the alleged harassment, the individual may report the allegations to the building principal or superintendent or other unbiased school official.

Retaliation Prohibited

The District prohibits intimidation, threats, coercion or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation proceeding or hearing, if applicable. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this part, constitutes retaliation.

Confidentiality

The District must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any individual who has been alleged to be the victim or perpetrator of conduct that could constitute sexual harassment, and any witness, except as may be permitted by Family Educational Rights and Privacy Act (FERPA) or as required by law, or to carry out the purposes of the Title IX regulations, including the conduct of any investigation, hearing or judicial proceeding arising thereunder.

Notice Requirements

The District provides notice to applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, employees and the union(s) with the name or title, office address, email address and telephone number of the Title IX Coordinator and notice of the District grievance procedures and process, including how to report or file a complaint of sex discrimination, how to file a formal complaint of sexual harassment and how the District will respond. The District also posts the Title IX Coordinator's contact information and Title IX policies and procedures in a prominent location on the District website and in all handbooks made available by the District.

Training Requirements

The District ensures that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receives training on the definition of sexual harassment, the scope of the District's education program or activity, how to conduct an investigation and grievance process including hearings, appeals and informal resolution processes, when applicable, and how to serve impartially including by avoiding prejudgment of the facts at issue, conflicts of interest and bias. The District also ensures that decision-makers and investigators receive training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual

behavior are not relevant as set forth in the formal procedures that follow, and training on any technology to be used at a live hearing, if applicable. Investigators also receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. All materials used to train individuals who receive training under this section must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment and are made publicly available on the District's website.

Conflict of Interest and Bias

The District ensures that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process do not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

Determination of Responsibility

The individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment is presumed not responsible for alleged conduct. A determination regarding responsibility will be made by the decision-maker at the conclusion of the investigation in accordance with the process outlined in Policy 3225P. No disciplinary sanctions will be imposed unless and until a final determination of responsibility is reached.

Cross Reference: Policy 3210 - Equal Education, Nondiscrimination and Sex Equity
Policy 3225P – Sexual Harassment Procedures

Legal References: Art. X, Sec. 1, Montana Constitution – Educational goals and duties
§§ 49-3-101, et seq., MCA Montana Human Rights Act
Civil Rights Act, Title VI; 42 USC 2000d et seq.
Civil Rights Act, Title VII; 42 USC 2000e et seq.
Education Amendments of 1972, Title IX; 20 USC 1681 et seq.
34 CFR Part 106 Nondiscrimination on the basis of sex in
education programs or activities receiving
Federal financial assistance
10.55.701(1)(f), ARM Board of Trustees
10.55.719, ARM Student Protection Procedures
10.55.801(1)(a), ARM School Climate

Policy History:

Adopted on:

Reviewed on: 3/16/09

Revised on: 03/18/19, 09/17/20

Sexual Harassment Reporting/Intake Form for Students

This form is not required. Complaints may be submitted in any manner noted in Policy 3225. The form may be used by the Title IX Coordinator to document allegations.

School _____ Date _____

Student's name _____

• Who was responsible for the harassment or incident(s)? _____

• Describe the incident(s). _____

• Date(s), time(s), and place(s) the incident(s) occurred. _____

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

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

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

If so, name the witnesses. _____

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

If yes, what action did you take? _____

• Were there any prior incidents? ☐ yes ☐ no

If so, describe any prior incidents. _____

Signature of complainant _____

Signatures of parents/legal guardians _____

Retaliation is prohibited by federal law and district policy. The identity of the individual signing this form will remain confidential in accordance with law and policy.

2
3 **STUDENTS**

3225P

page 1 of 9

4
5
6 Sexual Harassment Grievance Procedure - Students

7
8 The Board requires the following grievance process to be followed for the prompt and equitable
9 resolution of student complaints alleging any action that would be prohibited as sexual
10 harassment by Title IX. The Board directs the process to be published in accordance with all
11 statutory and regulatory requirements.

12
13 Definitions

14
15 The following definitions apply for Title IX policies and procedures:

16
17 “Actual knowledge:” notice of sexual harassment or allegations of sexual harassment to the
18 District’s Title IX Coordinator or any official of the District who has authority to institute
19 corrective measures on behalf of the District, or to any employee of an elementary or secondary
20 school.

21
22 “Education program or activity:” includes locations, events or circumstances over which the
23 District exercised substantial control over both the individual who has been reported to be the
24 perpetrator of conduct that could constitute sexual harassment, and the context in which the
25 sexual harassment occurs.

26
27 “Complainant:” an individual who is alleged to be the victim of conduct that could constitute
28 sexual harassment.

29
30 “Respondent:” an individual who has been reported to be the perpetrator of conduct that could
31 constitute sexual harassment.

32
33 “Formal complaint:” a document filed by a Complainant or signed by the Title IX Coordinator
34 alleging sexual harassment against a Respondent and requesting that the District investigate the
35 allegation of sexual harassment.

36
37 “Supportive measures:” non-disciplinary, non-punitive individualized services offered as
38 appropriate, as reasonably available and without fee or charge to the Complainant or Respondent
39 before or after the filing of a formal complaint or where no formal complaint has been filed.

40
41 District Requirements

42
43 When the District has actual knowledge of sexual harassment in an education program or activity
44 of the District, the District will respond promptly in a manner that is not deliberately indifferent.
45 When the harassment or discrimination on the basis of sex does not meet the definition of sexual
46 harassment, the Title IX Coordinator will direct the individual to the applicable sex
47 discrimination process for investigation.

The District treats individuals who are alleged to be the victim (Complainant) and perpetrator (Respondent) of conduct that could constitute sexual harassment equitably by offering supportive measures. Supportive measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, leaves of absence, increased security and monitoring of certain areas of the District's property, campus escort services, changes in work locations and other similar measures.

The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Upon the receipt of a complaint, the Title IX Coordinator must promptly contact the Complainant to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the Complainant the process for filing a formal complaint. If the District does not provide the Complainant with supportive measures, then the District must document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Timelines

The District has established reasonably prompt time frames for the conclusion of the grievance process, including time frames for filing and resolving appeals and informal resolution processes. The grievance process may be temporarily delayed or extended for good cause. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. In the event the grievance process is temporarily delayed for good cause, the District will provide written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action.

Response to a Formal Complaint

At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the District with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, by electronic mail, or other means designated by the District.

The District must follow the formal complaint process before the imposition of any disciplinary sanctions or other actions that are not supportive measures. However, nothing in this policy precludes the District from removing a Respondent from the District's education program or activity on an emergency basis, provided that the District undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student

or other individual arising from the allegations of sexual harassment justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal. A period of removal may include the opportunity for the student to continue instruction in an offsite capacity. The District may also place a non-student employee Respondent on administrative leave during the pendency of the grievance process. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

Upon receipt of a formal complaint, the District must provide written notice to the known parties including:

1. Notice of the allegations of sexual harassment, including information about the identities of the parties involved in the incident, the conduct allegedly constituting sexual harassment, the date and location of the alleged incident, and any sufficient details known at the time. Such notice must be provided with sufficient time to prepare a response before any initial interview;
2. An explanation of the District's investigation procedures, including any informal resolution process;
3. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made by the decision-maker at the conclusion of the investigation;
4. Notice to the parties that they may have an advisor of their choice who may be, but is not required to be, an attorney, and may inspect and review any evidence; and
5. Notice to the parties of any provision in the District's code of conduct or policy that prohibits knowingly making false statements or knowingly submitting false information.

If, in the course of an investigation, the District decides to investigate allegations about the Complainant or Respondent that are not included in the notice initially provided, notice of the additional allegations must be provided to known parties.

The District may consolidate formal complaints as to allegations of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Investigation of a Formal Complaint

When investigating a formal complaint and throughout the grievance process, the District must:

1. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the District and not the parties’;
2. Provide an equal opportunity for the parties to present witnesses and evidence;
3. Not restrict either party’s ability to discuss the allegations under investigation or to gather and present relevant evidence;
4. Allow the parties to be accompanied with an advisor of the party’s choice who may be, but is not required to be, an attorney. The District may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;
5. Provide written notice of the date, time, location, participants, and purpose of any interview or meeting at which a party is expected to participate, with sufficient time for the party to prepare to participate;
6. Provide the parties equal access to review all the evidence collected which is directly related to the allegations raised in a formal complaint and comply with the review periods outlined in this process;
7. Objectively evaluate all relevant evidence without relying on sex stereotypes;
8. Ensure that Title IX Coordinators, investigators, decision-makers and individuals who facilitate an informal resolution process, do not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent;
9. Not make creditability determinations based on the individual’s status as Complainant, Respondent or witness;
10. Not use questions or evidence that constitute or seek disclosure of privileged information unless waived.

Dismissal of Formal Complaints

If the conduct alleged in the formal complaint would not constitute sexual harassment even if proved, did not occur in the District’s education program or activity, or did not occur against a

person in the United States, then the District must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under this policy.

The Title IX Coordinator also may dismiss the formal complaint or any allegations therein at any time during the investigation or hearing, if applicable, when any of the following apply:

1. a Complainant provides written notification to the Title IX Coordinator that the Complainant would like to withdraw the formal complaint or any allegations therein;
2. the Respondent is no longer enrolled or employed by the District or;
3. specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon dismissal, the Title IX Coordinator promptly sends written notice of the dismissal and the reasons for dismissal simultaneously to both parties.

Evidence Review

The District provides both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. The evidence provided by the District must include evidence that is directly related to the allegations in the formal complaint, evidence upon which the District does not intend to rely in reaching a determination regarding responsibility, and any inculpatory or exculpatory evidence whether obtained from a party or other source. Prior to completion of the investigative report, the Title IX Coordinator must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The parties have 10 calendar days to submit a written response to the Title IX Coordinator, which the investigator will consider prior to completion of the investigative report.

Investigative Report

The investigator must prepare an investigative report that fairly summarizes relevant evidence and send the report to the Title IX Coordinator. The Title IX Coordinator must send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. The parties have 10 calendar days to submit a written response to the Title IX Coordinator.

Decision-Maker's Determination

The investigative report is submitted to the decision-maker. The decision-maker cannot be the same person(s) as the Title IX Coordinator or the investigator. The decision-maker cannot hold a

hearing or make a determination regarding responsibility until 10 calendar days from the date the Complainant and Respondent receive the investigator's report.

Prior to reaching a determination regarding responsibility, the decision-maker must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. Questions must be submitted to the Title IX Coordinator within three calendar days from the date the Complainant and Respondent receive the investigator's report.

The decision-maker must issue a written determination regarding responsibility based on a preponderance of the evidence standard. The decision-maker's written determination must:

1. Identify the allegations potentially constituting sexual harassment;
2. Describe the procedural steps taken, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
3. Include the findings of fact supporting the determination;
4. Draw conclusions regarding the application of any District policies and/or code of conduct rules to the facts;
5. Address each allegation and a resolution of the complaint including a determination regarding responsibility, the rationale therefor, any recommended disciplinary sanction(s) imposed on the Respondent, and whether remedies designed to restore or preserve access to the educational program or activity will be provided by the District to the Complainant and
6. The procedures and permissible bases for the Complainant and/or Respondent to appeal the determination.

A copy of the written determination must be provided to both parties simultaneously, and generally will be provided within 60 calendar days from the District's receipt of a formal complaint.

The determination regarding responsibility becomes final either on the date that the District provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Where a determination of responsibility for sexual harassment has been made against the Respondent, the District will provide remedies to the Complainant that are designed to restore or preserve equal access to the District's education program or activity. Such remedies may include supportive measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent. The Title IX Coordinator is responsible for effective implementation of any remedies. Following any determination of responsibility, the District may implement disciplinary sanctions in accordance with State or Federal law and or/the negotiated agreement. For students, the sanctions may include disciplinary action, up to and including permanent exclusion.

Appeals

Either the Complainant or Respondent may appeal the decision-maker's determination regarding responsibility or a dismissal of a formal complaint, on the following bases:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time that could affect the outcome and
3. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent that affected the outcome.

The request to appeal must be made in writing to the Title IX Coordinator within seven calendar days after the date of the written determination. The appeal decision-maker must not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent and cannot be the Title IX Coordinator, the investigator, or the decision-maker from the original determination.

The appeal decision-maker must notify the other party in writing when an appeal is filed and give both parties a reasonable equal opportunity to submit a written statement in support of, or challenging, the outcome. After reviewing the evidence, the appeal decision-maker must issue a written decision describing the result of the appeal and the rationale for the result. The decision must be provided to both parties simultaneously, and generally will be provided within 10 calendar days from the date the appeal is filed.

Informal Resolution Process

Except when concerning allegations that an employee sexually harassed a student, at any time during the formal complaint process and prior to reaching a determination regarding responsibility, the District may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and determination of responsibility, provided that the District:

1. Provides to the parties a written notice disclosing:
 - A. The allegations;
 - B. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the Title IX formal complaint process with respect to the formal complaint; and
 - C. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
2. Obtains the parties' voluntary, written consent to the informal resolution process.

The informal resolution process generally will be completed within 30 calendar days, unless the parties and the Title IX Coordinator mutually agree to temporarily delay or extend the process. The formal grievance process timelines are stayed during the parties' participation in the informal resolution process. If the parties do not reach resolution through the informal resolution process, the parties will resume the formal complaint grievance process, including timelines for resolution, at the point they left off.

Recordkeeping

The District must maintain for a period of seven years records of:

1. Each sexual harassment investigation, including any determination regarding responsibility, any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant designed to restore or preserve equal access to the District's education program or activity;
2. Any appeal and the result therefrom;
3. Any informal resolution and the result therefrom; and

4. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The District must make these training materials publicly available on its website.

The District must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the District must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the District's education program or activity.

Cross Reference:	Policy 3210	Equal Education, Nondiscrimination and Sex Equity
	Policy 3225	Sexual Harassment
	Policy 3310	Student Discipline

Legal References:	Art. X, Sec. 1, Montana Constitution – Educational goals and duties
	Section 49-3-101, et seq., MCA, Montana Human Rights Act
	Civil Rights Act, Title VI; 42 USC 2000d et seq.
	Civil Rights Act, Title VII; 42 USC 2000e et seq.
	Education Amendments of 1972, Title IX; 20 USC 1681 et seq.
	Section 20-5-201, MCA, Duties and Sanctions
	Section 20-5-202, MCA, Suspension and Expulsion
	34 CFR Part 106
	Nondiscrimination on the basis of sex in
	education programs or activities receiving
	Federal financial assistance
	10.55.701(1)(f), ARM
	Board of Trustees
	10.55.719, ARM
	Student Protection Procedures
	10.55.801(1)(a), ARM
	School Climate

Policy History:

Adopted on: 09/17/20

Reviewed on:

Revised on:

STUDENTS

3226

Page 1 of 3

Bullying/Harassment/Intimidation/Hazing

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

Definitions

1. "Third parties" include but are not limited to coaches, school volunteers, parents, school visitors, service contractors or others engaged in District business, such as employees of businesses or organizations participating in cooperative work programs with the District, and others not directly subject to District control at inter-district and intra-District athletic competitions or other school events.
2. "District" includes District facilities, District premises, and non-District property if the student or employee is at any District-sponsored, District-approved, or District-related activity or function, such as field trips or athletic events, where students are under the control of the District or where the employee is engaged in District business.
3. "Hazing" includes but is not limited to any act that recklessly or intentionally endangers the mental or physical health or safety of a student for the purpose of initiation or as a condition or precondition of attaining membership in or affiliation with any District-sponsored activity or grade-level attainment, including but not limited to forced consumption of any drink, alcoholic beverage, drug, or controlled substance, forced exposure to the elements, forced prolonged exclusion from social contact, sleep deprivation, or any other forced activity that could adversely affect the mental or physical health or safety of a student; requires, encourages, authorizes, or permits another to be subject to wearing or carrying any obscene or physically burdensome article, assignment of pranks to be performed, or other such activities intended to degrade or humiliate.
4. "Bullying" means any harassment, intimidation, hazing, or threatening, insulting, or demeaning gesture or physical contact, including any intentional written, verbal, or electronic communication ("cyberbullying") or threat directed against a student that is persistent, severe, or repeated, and that substantially interferes with a student's educational benefits, opportunities, or performance, that takes place on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation, at any official school bus stop, or anywhere conduct may reasonably be considered to be a threat or an attempted intimidation of a student or staff member or an interference with school purposes or an educational function, and that has the effect of:
 - a. Physically harming a student or damaging a student's property;
 - b. Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student's property;
 - c. Creating a hostile educational environment, or;
 - d. Substantially and materially disrupts the orderly operation of a school.
5. "Electronic communication device" means any mode of electronic communication, including but not limited to computers, cell phones, PDAs, or the internet.

Reporting

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

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

Exhaustion of administrative remedies

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

Responsibilities

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

When an employee has actual knowledge that behavior in violation of this policy is sexual harassment, the employee must contact the Title IX Coordinator. The Title IX sexual harassment grievance process will be followed, if applicable, prior to imposing any discipline that cannot be imposed without resolution of the Title IX process.

Consequences

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

Retaliation and Reprisal

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

Cross Reference: 3225 Sexual Harassment
 3225 Sexual Harassment Grievance Procedure
 3225F Harassment Reporting/Intake Form for Students

Legal Reference: § 20-5-207, MCA “Bully-Free Montana Act”
 § 20-5-208, MCA Definition
 § 20-50-209, MCA Bullying of student prohibited

1	§ 20-5-210, MCA	Enforcement – exhaustion of administrative remedies
2	10.55.701(2)(f), ARM	Board of Trustees
3	10.55.719, ARM	Student Protection Procedures
4	10.55.801(1)(d), ARM	School Climate
5	<u>Policy History:</u>	
6	Adopted on:	
7	Reviewed on:	
8	Revised on 03/16/09, 03/19/2014, 7/15/15, 09/17/20	

1 **Terry K-12 Schools**

2
3 **STUDENTS**

3231

page 1 of 2

4
5 Searches and Seizure

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

14
15 The search of a student, by authorized school authorities, is reasonable, if it is both: (1) justified
16 at its inception, and (2) reasonably related in scope to the circumstances which justified the
17 interference in the first place.

18
19 School authorities are authorized to utilize any reasonable means of conducting searches,
20 including but not limited to the following:

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

26
27 The “pat down” or “search” of a student, if conducted, will be conducted by a school official or
28 employee of the same gender as the student being searched.

29
30 School Property and Equipment and Personal Effects of Students

31
32 School authorities may inspect and search school property and equipment owned or controlled
33 by the District (such as lockers, desks, and parking lots).

34
35 The administrator may request the assistance of law enforcement officials, including their use of
36 specially trained dogs, to conduct inspections and searches of lockers, desks, parking lots, and
37 other school property and equipment for illegal drugs, weapons, or other illegal or dangerous
38 substances or material.

39
40 Students

41
42 School officials may search any individual student, his/her property, or district property under
43 his/her control when there is a reasonable suspicion that the search will uncover evidence that
44 he/she is violating the law, Board policy, administrative regulation, or other rules of the district
45 or the school. Reasonable suspicion shall be based on specific and objective facts that the search
46 will produce evidence related to the alleged violation. The types of student property that may be

searched by school officials include, but are not limited to, lockers, desks, purses, backpacks, student vehicles parked on district property, cellular phones, or other electronic communication devices.

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

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

Seizure of Property

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

Legal Reference: *Redding v. Safford Unified School District*, 504 F.3d 828, 2007 WL 2743594 (C.A. 9 (Ariz.))
 Terry v. Ohio, 392 U.S. 1, 20 (1968)
 B.C. v. Plumas, (9th Cir. 1999) 192 F.3d 1260

Policy History:

Adopted on:

Reviewed on: 11/15/21

Revised on: 3/16/09, 01/19/15

1 **Terry K-12 Schools**

2
3 **STUDENTS**

3231P

4
5 Searches and Seizure

6
7 The following rules shall apply to any searches and the seizure of any property by school
8 personnel:
9

- 10 1. The administrator and authorized assistants shall be authorized to conduct any searches or
11 to seize property on or near school premises, as further provided in this procedure.
12
13 2. If the authorized administrator has reasonable suspicion to believe that any locker, car, or
14 other container of any kind on school premises contains any item or substance which
15 constitutes an imminent danger to the health and safety of any person or to the property
16 of any person or the District, the administrator is authorized to conduct a search of any
17 car, locker, or container and to seize any such item or substance of any kind on school
18 premises without notice or consent.
19
20 3. No student shall hinder, obstruct, or prevent any search authorized by this procedure.
21
22 4. Whenever circumstances allow, any search or seizure authorized in this procedure shall
23 be conducted in the presence of at least one (1) adult witness, and a written record of the
24 time, date, and results shall be made by the administrator. A copy shall be forwarded to
25 the administrator as soon as possible.
26
27 5. In any instance where an item or substance is found which would appear to be in
28 violation of the law, the circumstance shall be reported promptly to the appropriate law
29 enforcement agency.
30
31
32

33 Procedure History:

34 Promulgated on:

35 Reviewed on: 12/17/20

36 Revised on: 3/16/09, 03/19/2014

1 **Terry K-12 Schools**

2
3 **STUDENTS**

3233

4
5 Student Use of Buildings: Equal Access

6
7 Non-curricular groups of students not previously recognized as curricular student organization
8 under Policy 3510 or 3550 may gather on school premises under the following guidelines
9 without restriction on the basis of the religious, political, philosophical, or other content of the
10 meeting. Students wishing to form curricular groups or organizations recognized by the school
11 administration may do so in accordance with policy 3510 or 3550.

12
13 The following guidelines must be met:

- 14
15 1. The meeting is voluntary and student-initiated.
16
17 2. There is no sponsorship of the meeting by the school district, or its agents or employees.
18
19 3. The meeting must occur during non-instructional time on regular school days.
20
21 4. Employees or agents of the school district are present only in a capacity outside of their
22 official duties.
23
24 5. The meeting does not materially and substantially interfere with the orderly conduct of
25 educational activities within the school.
26
27 6. Non-school persons may not direct, conduct, control, or regularly attend activities.
28

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

31
32 This policy pertains to student meetings. The school has the authority, through its agent or
33 employees, to maintain order and discipline on school premises and to protect the well-being of
34 students and faculty.

35
36 Cross Reference: Policy 3510 School Sponsored Activities
37 Policy 3222 – Distribution and Posting Materials
38 Policy 4331 – Use of School Property for Posting Notices
39

40 Legal Reference: 20 U.S.C. 4071 Equal Access Act
41 *Board of Education v. Mergens*, 110 S.Ct. 2356 (1990)
42

43 Policy History:

44 Adopted on:

45 Reviewed on: 3/16/09

46 Revised on: 2/15/21, 08/16/21

1 **Terry School District**

2
3 **STUDENTS**

3235

4
5 Video Surveillance

6
7 The Board authorizes the use of video cameras on District property to ensure the health, welfare,
8 and safety of all staff, students, and visitors to District property and to safeguard District
9 buildings, grounds, and equipment. The Superintendent will approve appropriate locations for
10 video cameras.

11
12 The Superintendent will notify staff and students, through staff and student handbooks or by
13 other means, that video surveillance may occur on District property. A notice will also be posted
14 at the main entrance of all District buildings, and on all buses, indicating the use of video
15 surveillance.

16
17 The District may choose to make video recordings a part of a student's educational record or of a
18 staff member's personnel record. The District will comply with all applicable state and federal
19 laws related to record maintenance and retention.

20
21 Video recordings will be totally without sound.

22
23 Cross Reference: 3600 Student Records

24
25 Policy History:

26 Adopted on:

27 Reviewed on: 11/15/21

28 Revised on:

2
3 **STUDENTS**

3300

page 1 of 3

4
5 Suspension and Expulsion - Corrective Actions and Punishment

6
7 The Board recognizes that every student is entitled to due process rights that are provided by law.

8
9 Suspension

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

14
15 The procedure set forth below will be followed when a proposed punishment of a student is to include
16 denial of the right of school attendance from any single class or from a full schedule of classes for at least
17 one (1) day.

18
19 Before any suspension is ordered, a building administrator will meet with a student to explain charges of
20 misconduct, and the student will be given an opportunity to respond to the charges.

21
22 When a student’s presence poses a continuing danger to persons or property or poses an ongoing threat of
23 disruption to the educational process, a pre-suspension conference will not be required, and an
24 administrator may suspend a student immediately. In such cases, a building administrator will provide
25 notice of and schedule a conference as soon as practicable following the suspension.

26
27 A building administrator will report any suspension immediately to a student’s parent or legal guardian.
28 An administrator will provide a written report of suspension that states reasons for a suspension,
29 including any school rule that was violated, and a notice to a parent or guardian of the right to a review of
30 a suspension. An administrator will send a copy of the report and notice to the Superintendent.

31
32 The Superintendent will conduct a review of any suspension on request of a parent or legal guardian. A
33 student and parent or legal guardian may meet with the Superintendent to discuss suspension. After the
34 meeting and after concluding a review, the Superintendent will take such final action as appropriate.

35
36 Upon a finding by a school administrator that the immediate return to school by a student would be
37 detrimental to the health, welfare, or safety of others or would be disruptive of the educational process, a
38 student may be suspended for one (1) additional period not to exceed ten (10) school days, if the student
39 is granted an informal hearing with the school administrator prior to the additional suspension, and if the
40 decision to impose the additional suspension does not violate the Individuals with Disabilities Education
41 Act (IDEA) or Rehabilitation Act.

42
43 Students who are suspended from any class or from school entirely do not have the right to make up any
44 work missed.

45
46 Expulsion

- 47
48 • “Expulsion” is any removal of a student for more than twenty (20) school days without the
49 provision of educational services. Expulsion is a disciplinary action available only to the Board.

50
51 The Board, and only the Board, may expel a student from school and may do so only after following due
52 process procedures set forth below.

53
54 The Board will provide written notice to a student and parent or legal guardian of a hearing to consider a
55 recommendation for expulsion, which will be sent by registered or certified mail at least five (5) school

days before the date of the scheduled hearing. The notice will include time and place of hearing, information describing the process to be used to conduct the hearing, and notice that the Board intends to conduct the hearing in closed session unless a parent or legal guardian waives the student's right to privacy.

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

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

Each school shall maintain a record of any disciplinary action that is educationally related, with explanation, taken against the student. When the Board of Trustees takes disciplinary action against a student, the Board must keep a written record of the action taken, with detailed explanation, even if the disciplinary action is decided during a closed session. A disciplinary action that is educationally related is an action that results in the expulsion or out-of-school suspension of the student.

Procedures for Suspension and Expulsion of Students With Disabilities

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

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

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

Legal Reference: 20 U.S.C. 1400, et seq. Individuals with Disabilities Education Act
34 CFR 300.519-521 Procedural Safeguards
§ 20-4-302, MCA Discipline and punishment of pupils –definition of
corporal punishment – penalty – defense
§ 20-4-402, MCA Duties of district superintendent or county high
school principal
§ 20-5-105, MCA Attendance officer – powers and duties
§ 20-5-106, MCA Truancy
§ 20-5-201, MCA Duties and sanctions
§ 20-5-202, MCA Suspension and expulsion
ARM 10.16.3346 Aversive Treatment Procedures
ARM 10.55.910 Student Discipline Records
Goss v. Lopez, 419 US 565 (1975)
Section 504 IDEA

Policy History:

Adopted on:

Reviewed on: 12/21/2020

Revised on: 3/16/09, 8/17/09, 8/19/13, 03/19/2014, 7/24/2017

1 **Terry K-12 Schools**

2
3 **STUDENTS**

3305

Page 1 of 3

4
5 Use of Restraint, Seclusion, and Aversive Techniques for Students

6
7 Conduct of Employees Directed Toward Students

8
9 The use by appropriately trained District personnel towards or directed at any student of any
10 form of restraint or seclusion as defined in this policy, is prohibited except in circumstances
11 where proportional restraint or seclusion of a student is necessary when a student's conduct
12 creates a reasonable belief in the perspective of a District employee, that the conduct of the
13 student has placed the student, the employee, or any other individual in imminent danger of
14 serious bodily harm.

15
16 The employee or any employee who is a witness to this event shall immediately seek out the
17 assistance of the school's administration or, if such administrator is not available, a certified or
18 classified employee with special training in seclusion and restraint, if available. Upon the arrival
19 of such individual, the administrator or if no administrator is available, the most senior trained
20 individual on seclusion or restraint shall take control over the situation.

21
22 Seclusion or restraint of a student shall immediately be terminated when it is decided that the
23 student is no longer an immediate danger to him or herself or to any other third person or if it is
24 determined that the student is exhibiting extreme distress or at such time that appropriate
25 administrative personnel have taken custody of the child or upon such time that the parent/legal
26 guardian of the child has retaken custody of the child.

27
28 Regardless of employee training status, no District personnel shall use any form of aversive
29 technique or corporal punishment against any student. All seclusion will be in compliance with a
30 student's IEP or Section 504 Plan.

31
32 If a situation occurs where a properly trained District employee must use acts of restraint or
33 seclusion against a school student, the following shall occur:

- 34
35 1. The employee shall immediately report to their building principal, in writing, the
36 following information:
37 A. The date the event occurred;
38 B. The circumstances leading to the event;
39 C. The student involved; and
40 D. Other witnesses or participants to the event.
41
42 2. The building principal shall notify the Superintendent's office of the event, providing the
43 Superintendent's office with a copy of the report of events.
44
45 3. The building principal shall ascertain if any of the school's video equipment captured the
46 event on a recording. If such event was captured on recording, the principal shall take all

best efforts to maintain a copy of the recording and provide such to the Superintendent's Office for the Superintendent's official records of the event.

4. The Superintendent or designee shall ascertain the special needs status of the student involved in the seclusion or restraint and shall ascertain and maintain documentation as to whether or not such events were consistent with or contraindicated due to the student's psychiatric, medical, or physical condition(s).
5. The Superintendent or designee of the Superintendent shall notify the parent or legal guardian of the subject student of the situation and the event of restraint or seclusion via telephone and provide the parent/legal guardian with the name and telephone contact information of the building principal where the parent may obtain additional information regarding the event.
6. The Superintendent or designee of the Superintendent shall provide the parent/legal guardian of the student with written notice of the event of restraint or seclusion of their student.
7. The Superintendent's office shall maintain documentation as to events of restraint and seclusion and shall prepare any and all necessary reports to legal entities upon whom such reports are or may become due pursuant to State and federal regulations.

Training of School Personnel

As part of the training and preparation of each certified administrator, certified teacher, and in-building classified employee of the District, the following shall occur:

1. Training to personnel as to proper situations and events leading to student seclusion and intervention, including possible preventative alternatives to seclusion and restraint, safe physical escort, de-escalation of student crisis situations, and positive behavioral intervention techniques and supports;
2. Training of personnel in crisis/conflict management and emergency situations which may occur in the school setting, including examples and demonstrations of proper activities and techniques and trainers observing employee use of proper activities and techniques in the training setting;
3. Techniques to utilize to limit the possibility of injury to the student, the employee and any other third party in the area;
4. Information as to the school's student seclusion areas in each respective school building to which the employee is assigned;

5. Training in CPR and basic first aid; and

6. Provision of the employee with a copy of this policy.

It is a goal that all new employees are trained in the area of student restraint and seclusion during their first week of employment. However, this may not be possible due to realities of the operation of a school district. If an employee has not yet undergone training and a situation necessitating student restraint or seclusion occurs, and another properly trained employee of the District is present at the event, the properly trained employee shall take the lead in addressing the student crisis.

Designated Locations

Each school building for which students are present must have a building designated location for student seclusion. It is the responsibility of the building's principal, or designee of the principal, to assure that the building's designated seclusion location is a safe and clean location and that such location has appropriate supervision when any student has been placed into seclusion pursuant to this policy. All seclusion will be in compliance with a student's IEP or Section 504 Plan. Appropriate supervision shall include an adult in the seclusion location which has continuous visual observation of the secluded student.

Definitions

For the purposes of this policy, the following definitions shall apply:

Restraint: The immobilization or reduction of a student's freedom of movement for the purpose of preventing harm to students or others through chemical, manual method, physical, or mechanical device, material, or equipment.

Seclusion: Involuntary confinement in a room or other space during which a student is prevented from leaving or reasonably believes that the he or she can leave or be prevented from leaving through manually, mechanically, or electronically locked doors that, when closed, cannot be opened from the inside; blocking or other physical interference by staff; or coercive measures, such as the threat of restraint, sanctions, or the loss of privileges that the student would otherwise have, used for the purpose of keeping the student from leaving the area of seclusion.

Aversive Technique: Physical, emotional, or mental distress as a method of redirecting or controlling behavior including but not limited to corporal punishment.

Policy History:

Adopted on: 04/19/22

Revised on:

Reviewed on:

STUDENTS

3310

page 1 of 3

Student Discipline

The Board grants authority to a teacher or principal to hold a student to strict accountability for disorderly conduct in a school building, on property owned or leased by a school district, on a school bus, on the way to or from school, or during intermission or recess.

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

- Using, possessing, distributing, purchasing, or selling tobacco products, and alternative nicotine and vapor products as defined in 16-11-302, MCA.
- Using, possessing, distributing, purchasing, or selling alcoholic beverages, including powdered alcohol. Students who may be under the influence of alcohol will not be permitted to attend school functions and will be treated as though they had alcohol in their possession.
- Using, possessing, distributing, purchasing, or selling drug paraphernalia, illegal drugs, marijuana, controlled substances, or any substance which is represented to be or looks like a narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, stimulant, depressant, or intoxicant of any kind, including such substances that contain chemicals which produce the same effect of illegal substances including but not limited to Spice and K2. Students who may be under the influence of such substances will not be permitted to attend school functions and will be treated as though they had drugs in their possession.
- Using, possessing, controlling, or transferring a firearm or other weapon in violation of Policy 3311.
- Using, possessing, controlling, or transferring any object that reasonably could be considered or used as a weapon as referred to in Policy 3311.
- Disobeying directives from staff members or school officials or disobeying rules, violating state or federal law, or not honoring regulations governing student conduct.
- Using violence, force, noise, coercion, threats, intimidation, fear, or other comparable conduct toward anyone or urging other students to engage in such conduct.
- Causing or attempting to cause damage to, or stealing or attempting to steal, school property or another person's property.
- Engaging in any activity that constitutes an interference with school purposes or an educational function or any other disruptive activity.
- Unexcused absenteeism. Truancy statutes and Board policy will be utilized for chronic and habitual truants.
- Intimidation, harassment, sexual harassment, sexual misconduct, hazing or bullying; or retaliation against any person who alleged misconduct under Policy 3225 or 3226 or participated in an investigation into alleged misconduct under Policy 3225 or 3226.
- Defaces or damages any school building, school grounds, furniture, equipment, or book belonging to the district.

- Forging any signature or making any false entry or attempting to authorize any document used or intended to be used in connection with the operation of a school.
- Records or causes to be recorded a conversation by use of a hidden electronic or mechanical device which may include any combination of audio or video that reproduces a human conversation without the knowledge of all parties to the conversation.
- Engaging in academic misconduct which may include but is not limited to: cheating, unauthorized sharing of exam responses or graded assignment work; plagiarism, accessing websites or electronic resources without authorization to complete assigned coursework, and any other act designed to give unfair academic advantage to the student.

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

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

Disciplinary Measures

Disciplinary measures include but are not limited to:

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

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

Non-Disciplinary Measures

The Superintendent or designee is authorized to assign a student to non-disciplinary offsite

instruction pending the results of an investigation or for reasons related to the safety or well-being of students and staff. During the period of non-disciplinary offsite instruction, the student will be permitted to complete all assigned schoolwork for full credit. The assignment of non-disciplinary offsite instruction does not preclude the Superintendent or designee from disciplining a student who has, after investigation, been found to have violated a School District policy, rule, or handbook provision.

Delegation of Authority

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

Cross Reference: 3300 Suspension and Expulsion
 3225 Sexual Harassment of Students
 3226 Bullying, Harassment
 5015 Bullying, Harassment

Legal Reference:	§ 16-11-302(1)(7), MCA	Definitions
	§ 20-4-302, MCA	Discipline and punishment of pupils – definition of corporal punishment – penalty – defense
	§ 20-5-202, MCA	Suspension and expulsion
	§ 45-8-361, MCA	Possession or allowing possession of weapon in school building – exceptions – penalties – seizure and forfeiture or return authorized – definitions
	§ 45-5-637, MCA	Possession or consumption of tobacco products, alternative nicotine products, or vapor products by persons under 18 years of age is prohibited – unlawful attempt to purchase - penalties
	29 U.S.C. § 701	Rehabilitation Act of 1973
	§ 45-8-213, MCA	Privacy in communications
	Title 16, Chapter 12 MCA	Montana Marijuana Regulation and Taxation

Policy History:

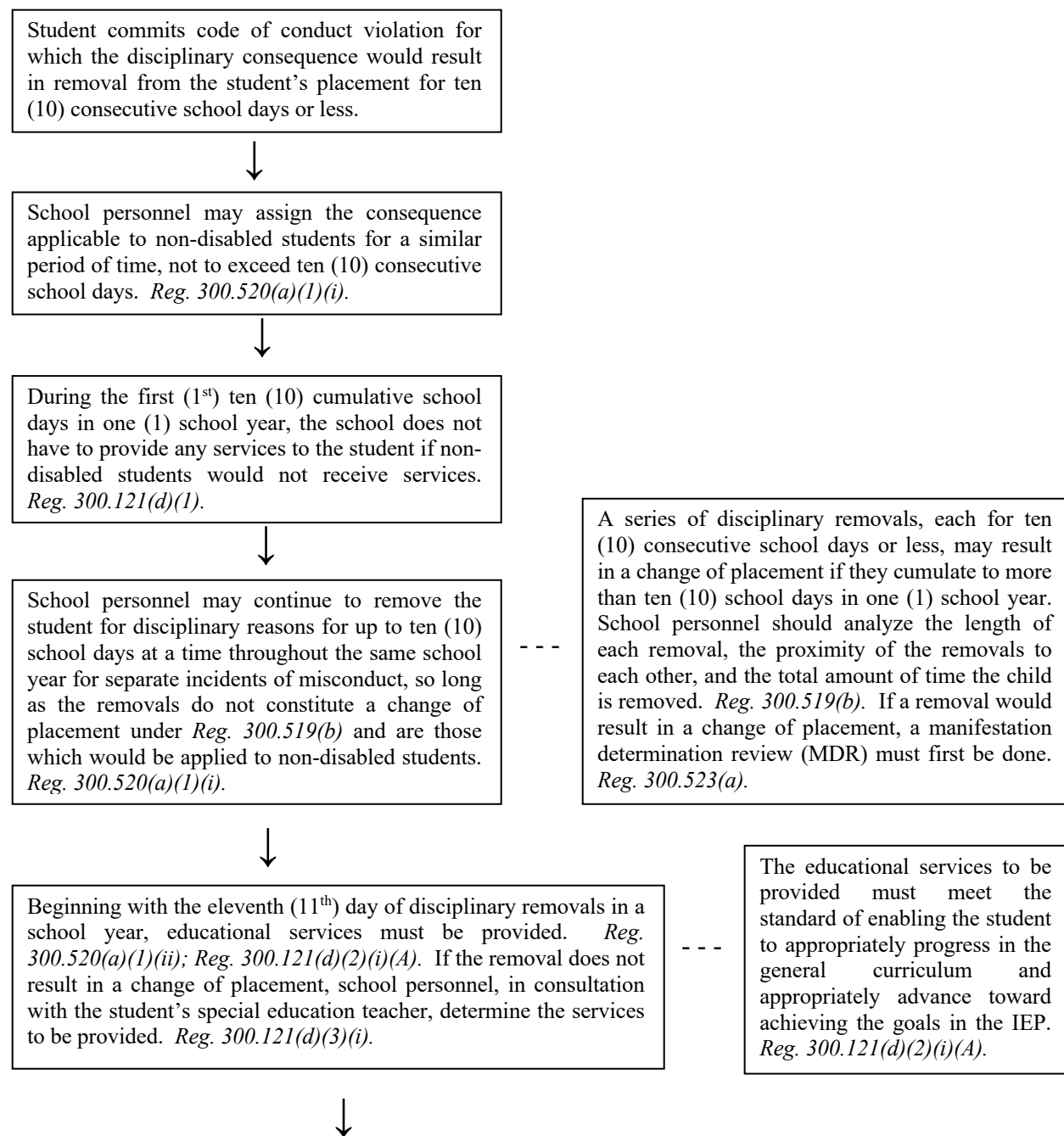
Adopted on: 04/19/22

Reviewed on:

Revised on: 3/16/09, 09/19/2011, 03/19/2014, 07/15/15, 5/17/21, 4/19/22

Discipline of Students With Disabilities

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



Beginning with the eleventh (11th) day of disciplinary removals in a school year, the IEP Team must address behavioral issues. If the removal does not result in a change of placement, the IEP Team must meet within ten (10) business days of first removing the student for more than ten (10) school days in a school year, to develop a plan to conduct a functional behavioral assessment, if one was not conducted before the behavior that resulted in the removal. *Reg. 300.520(b)(1)(i).*



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



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



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

If the student's IEP already includes a behavior intervention plan, within ten (10) business days of first removing the student for more than ten (10) school days in a school year, the IEP Team must meet to review the behavior intervention plan and its implementation, and modify the plan and its implementation as necessary to address the behavior. *Reg. 300.520(b)(1)(ii).*



Code of Conduct Violations by Students With Disabilities for Which Recommended Disciplinary Consequences Would Result in Change of Placement for More Than Ten (10) School Days (Excluding Drug and Weapon Offenses)

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



The recommended disciplinary consequence may be for a removal from the current educational placement for less than ten (10) consecutive school days, but may constitute a change of placement because the student has already been removed for disciplinary reasons for ten (10) or more school days in the current school year, and the length of each removal, their proximity to each other, and the total amount of time the student has been removed result in a change of placement. *Reg. 300.519(b).*

School personnel may remove from current educational placement for ten (10) school days or less (*Reg. 300.520(a)(1)(i)*) and recommend further discipline according to the code of conduct. (The ten-(10)-day-or-less alternative must be one equally applicable to non-disabled. See pp. 1-2 for educational services to be provided during a short removal.) If a criminal act has been committed, charges may be filed, and law enforcement authorities to whom the crime was reported must be provided special education and disciplinary records to the extent disclosure is permitted by FERPA. *Sec. 1415(k)(9). Reg. 300.529.*



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



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



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

- The IEP and placement were appropriate;
 - Consistent with the content of the student's IEP and placement, special education services, supplementary aids, and behavior intervention strategies were actually provided;
 - The disability did not impair the ability of the student to understand the impact and consequences of the misbehavior; and
 - The disability did not impair the ability of the student to control the misbehavior.
- Sec. 1415(k)(4)(C); Reg. 300.523(c).*



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



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

- - -

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

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

When a parent requests a hearing in a drug or weapon case to challenge the interim alternative placement or the manifestation determination, student remains in interim placement until decision of hearing officer or forty-five (45) days expires, whichever comes first, unless the parent and school agree otherwise. *Reg. 300.526(a).* Then student returns to current placement (defined as placement prior to interim alternative educational setting). School can ask for expedited hearing before special education hearing officer to prevent this return, if the student is substantially likely to injure self or others. *Reg. 300.526(b), (c).* The hearing officer applies the standards in *Reg. 300.121. Reg. 300.526(c).* Hearing officer can order another placement for up to forty-five (45) days. *Reg. 300.526(c)(3).* This procedure may be repeated as necessary. *Sec. 1415(k)(7); Reg. 300.526(c)(4).*

- - -

The standard the educational services must meet is to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals in the IEP. *Reg. 300.121(d)(2)(i)(B); Reg. 300.524(a).* The IEP Team must determine what services are necessary to meet this standard. *Reg. 300.121(d)(3)(ii).*

Drug and Weapon Offenses by Students With Disabilities

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



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

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

Weapon – A firearm and more. Something used for or readily capable of causing death or serious bodily injury. Excludes pocket knife with blade of 2½ inches or less. *Sec. 1415(k)(10)(D); Reg. 300.520(d)(3).*

School personnel may remove from current educational placement for ten (10) school days or less, and recommend further discipline according to the code of conduct. *Sec. 1415(k)(1)(A)(i); Reg. 300.520(a)(1)(i).* (The ten-(10)-day-or-less alternative must be one equally applicable to non-disabled students. See pp. 1-2 for education services to be provided during a short removal.) If a criminal act has been committed, charges may be filed, and special education and disciplinary records will be transmitted to law enforcement authorities to whom the crime was reported, to the extent disclosure is permitted by FERPA. *Sec. 1415(k)(9); Reg. 300.529.*



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



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



The forty-five-(45)-day alternative interim placement must:

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

Comments to regulations: Students may be subject to multiple forty - five - (45) - day interim placements for separate drug and weapon offenses. The forty - five - (45) - day interim placement may be completed even if drug or weapon offense was manifestation of disability. If misbehavior was not a manifestation of disability, regular disciplinary consequence can be applied in addition to forty - five - (45) - day interim placement.

- - -

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

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

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



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

- or -

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

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

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

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

The standard the education services must meet is to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals in the IEP. *Reg. 300.121(d)(2)(i)(B); Reg. 300.524(a)*. The IEP Team must determine what services are necessary to meet this standard. *Reg. 300.121(d)(3)(ii)*.

Students Dangerous to Self or Others

IDEA discipline procedures are followed for a non-drug or weapon offense, the penalty for which would result in expulsion or removal from the student's placement for more than ten (10) school days.

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



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



Hearing officer holds expedited hearing to consider request. School has burden of proof to show by more than a preponderance of the evidence that maintaining the child in the current placement is substantially likely to result in injury to self or others. *Sec. 1415(k)(2)(A), (10)(D); Reg. 300.521(a).* Hearing officer must also:

- Consider the appropriateness of the current placement.
- Consider whether the school has made reasonable effort to minimize the risk of harm in the current placement, including the use of supplemental aids and services.
- Determine that the interim alternative setting proposed by the school personnel, in consultation with special education teacher:
 - Enables the student to participate in the general curriculum, although in another setting;
 - Enables the student to continue to receive those services and modifications, including those described in the student's current IEP, that will enable the student to meet the goals set out in the IEP; and
 - Include services and modification designed to address the behavior so that it does not recur.

Sec. 1415(k)(2); Reg. 300.521(b), (c), (d); Reg. 300.522(b); Reg. 300.121(d)(2)(ii)(B).

If parent appeals forty-five-(45)-day interim alternative placement by IEP Team in drug or weapon case, hearing officer applies these standards in expedited hearing. *Sec. 1415(k)(6)(B)(ii); Reg. 300.525(b)(2).*

- - -



If all requirements are met, hearing officer may order a change of placement to the interim alternative educational setting for up to forty-five (45) days. *Sec. 1415(k)(2); Reg. 300.521.*



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

Procedure History:

Promulgated on:

Reviewed on: 3/16/09, 12/21/2020

Revised on:

2
3 **STUDENTS**

4
5 Student Risk Assessments

6
7 The District may establish a risk assessment team for students whose behavior may pose a risk to
8 the safety of school staff or students.

9
10 Each team shall:

- 11 1. Provide guidance to students, faculty, and staff regarding recognition of threatening or
- 12 aberrant behavior that may represent a risk to the community, school, or self;
- 13 2. Include persons with expertise in counseling, instruction, school administration, and law
- 14 enforcement.
- 15 3. Identify members of the school community who should be informed of behavior;
- 16 4. Implement school board policies for the assessment of and intervention with students
- 17 whose behavior poses a risk to the safety of school staff or students including response
- 18 plans; and
- 19 5. Utilize available forms and procedures.

20
21 All District employees, volunteers, and contractors are required to report any expressed risks or
22 behavior that may represent a risk to the community, school, or self. In cases determined to be
23 appropriate, teams shall follow established procedures for referrals to community services,
24 boards, or health care providers for evaluation or treatment when appropriate.

25
26 Upon a preliminary determination that a student poses a risk of violence or physical harm to self
27 or others, a risk assessment team shall immediately report its determination to the superintendent
28 or designee. The superintendent or designee shall immediately attempt to notify the student's
29 parent or legal guardian. Nothing in this policy shall prevent a District employee from acting
30 immediately to address an imminent risk.

31
32 The superintendent may establish a committee charged with oversight of the risk assessment
33 teams. An existing committee may be designated to assume the oversight responsibility;
34 however, any such team shall include individuals with expertise in human resources, education,
35 school administration, mental health, and law enforcement.

36
37 Regardless of risk assessment activities, disciplinary action and referral to law enforcement are
38 to occur as required by school board policy and Montana law. The District may, in accordance
39 with the provisions in Policy 3600P, release student records or information in connection with an
40 emergency, without parental consent, if the knowledge of such information is necessary to
41 protect the health or safety of the student or other persons.

42
43 Policy History:

44 Adopted on: 5/23/22

45 Revised on:

46 Reviewed on:

STUDENTS

3311

Page 1 of 3

Firearms and Other WeaponsFirearms

It is the policy of the School District to comply with the federal Gun Free Schools Act of 1994 and Section 20-5-202 (2), MCA, pertaining to students who bring a firearm to, or possess a firearm at, any setting that is under the control and supervision of the school district.

The District does not allow students to possess firearms on District property or at any setting that is under the control and supervision of the District. In accordance with Section 20-5-202 (3), MCA, a teacher, superintendent, or a principal shall suspend immediately for good cause a student who is determined to have brought a firearm to, or possess a firearm at, any setting that is under the control and supervision of the District. The Policy does not govern conduct in a student's home, a locked vehicle, a parking lot, or a commercial business when the student is participating in an online, remote, or distance-learning setting. In accordance with Montana law, a student who is determined to have brought a firearm to, or possess a firearm at, any setting that is under the control and supervision of the school district must be expelled from school for a period of not less than 1 year.

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

However, the Board of Trustees through this policy authorizes the Superintendent, or principal of a school without a Superintendent, to use his/her discretion on a case-by-case basis and modify the requirement of expulsion of a student if he/she deems such modification to be warranted under the circumstances. *Note: Under this Option, there is no expulsion hearing unless the administration determines that the circumstances warrant a recommendation of expulsion of the student for a period of one (1) year to the Board.*

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

Before holding a hearing to determine if a student has violated this Policy, the Board shall, in a clear and timely manner, notify the student if the student is an adult or notify the parent or guardian of a student if the student is a minor that the student may waive the student's privacy interest by requesting that the hearing be held in public and invite other individuals to attend the hearing.

Before expelling a student under this Policy, the Board shall hold a due process hearing that includes presentation of a summary of the information leading to the allegations and an

opportunity for the student to respond to the allegations. The student may not be expelled unless the trustees find that the student knowingly, as defined in Section 1-1-204, MCA, brought a firearm to school or possessed a firearm at school.

When a student subject to a hearing is found to have not violated this Policy, the student's school record must be expunged of the incident.

The provisions of this Policy do not require the Board to expel a student who has brought a firearm to school or possesses a firearm at school if the firearm is secured in a locked container approved by the school district or in a locked motor vehicle the entire time the firearm is at school, except while the firearm is in use for a school-sanctioned instructional activity.

Possession of Weapons other than Firearms

The District does not allow students to possess other weapons on District property or at any setting that is under the control and supervision of the District. Any student found to have possessed, used or transferred a weapon on school property will be subject to discipline in accordance with the District's discipline policy. For purposes of this section, "weapon" means any object, device, or instrument designed as a weapon or through its use is capable of threatening or producing bodily harm or which may be used to inflict self-injury, including but not limited to air guns; pellet guns; BB guns; fake (facsimile) weapons; all knives; blades; clubs; metal knuckles; numchucks (also known as nunchucks); throwing stars; explosives; fireworks; mace or other propellants; stun guns; ammunition; poisons; chains; arrows; and objects that have been modified to serve as a weapon.

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

Definitions, Exceptions and Referral to Law Enforcement

The District may refer to law enforcement for immediate prosecution any student who possesses, carries, or stores a weapon in a school building as specified in Section 45-8-361, MCA. In addition the District will refer for possible prosecution a parent or guardian of any minor violating this policy on grounds of allowing a minor to possess, carry, or store a weapon in a school building. For the purposes of this section of the policy, "school property" means within school buildings, in vehicles used for school purposes, or on owned or leased school land or grounds. "Building" specifically means a combination of any materials, whether mobile, portable, or fixed, to form a structure and the related facilities for the use or occupancy by persons or property owned or leased by a local school district that are used for instruction or for student activities as specified in Section 50-60-101(2), MCA and Section 45-8-361, MCA. The

term is construed as though followed by the words "or part or parts of a building" and is considered to include all stadiums, bleachers, and other similar outdoor facilities, whether temporary or permanently fixed.

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

This section does not apply to a law enforcement officer acting in the officer's official capacity or an individual previously authorized by the Board of Trustees to possess a firearm or weapon in a school building.

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

Cross Reference:	3310	Student Discipline
	4332	Conduct of School Property
	5332	Personal Conduct

Legal Reference:	§ 20-5-202, MCA	Suspension and expulsion
	§ 45-8-361, MCA	Possession or allowing possession of a weapon in a school building
	20 U.S.C. § 7151, et seq.	Gun Free Schools Act of 1994
	18 U.S.C. § 921	Definitions
	ESSA, Section 4141	Gun Free Requirements

Policy History:

Adopted on: 09/19/2011

Reviewed on: 12/21/2020

Revised on: 8/19/13, 8/16/21

1 **Terry K-12 Schools**

2
3 **STUDENTS**

3312

4
5 Detention

6
7 For minor infractions of school rules or regulations, or for minor misconduct, staff may detain
8 students.

9
10 Preceding the assessment of such punishment, the staff member shall inform the student of the
11 nature of the offense charged and/or the specific conduct which allegedly constitutes the
12 violation. The student shall be afforded an opportunity to explain or justify his/her actions to the
13 staff member. Parents must be notified prior to a student serving an after-school detention.

14
15 Students detained for corrective action or punishment shall be under the supervision of the staff
16 member or designee.

17
18 Excessive detention will result in suspension from school.
19
20
21

22 Policy History:

23 Adopted on:

24 Reviewed on: 12/21/2020

25 Revised on: 3/16/09

1 **Terry K-12 Schools**

2
3 **STUDENTS**

3330

4
5 Use of Alcohol-Sensor Device

6
7 Students are prohibited by Montana law and District policy from using or possessing alcoholic
8 beverages. It is District policy to deter use or possession of alcoholic beverages by students on
9 District property or at school-sponsored or related activities or events, through use of an alcohol-
10 sensor device.

11
12 Anytime the administrator or a teacher has reasonable suspicion that a student has consumed an
13 alcoholic beverage, the student will be given an opportunity to admit or deny consumption of
14 alcohol. If the student admits consumption of alcohol, appropriate disciplinary action will be
15 taken under applicable District policies and student handbook provisions, including potential
16 restriction of or exclusion from participation in extra- and co-curricular activities.

17
18 If the student denies consumption of alcohol, the administrator or another District employee
19 designated by the administrator may utilize an alcohol-sensor device to either confirm alcohol
20 consumption or eliminate the suspicion. Confirmation of alcohol consumption will result in
21 appropriate disciplinary action under applicable District policies and student handbook
22 provisions, including potential restriction of participation in or exclusion from extra- and co-
23 curricular activities.

24
25 If the student refuses to submit to testing for the presence of alcohol, the District may rely upon
26 other evidence of alcohol consumption in determining whether District policy has been violated.
27
28
29

30 Cross Reference: 1312 Administrative Procedures
31 3300 Suspension and Expulsion
32 3300P Corrective Actions and Punishment
33 3310 Student Discipline
34 3310P Discipline of Students with Disabilities
35 3340 Extra- and Co-Curricular Alcohol, Drug, and Tobacco Use
36

37 Legal Reference: § 20-5-201, MCA Duties and sanctions
38 § 45-5-624, MCA Unlawful attempt to purchase or possession of
39 intoxicating substance – interference with sentence
40 or court order
41

42 Policy History:

43 Adopted on: 3/16/09

44 Reviewed on: 12/17/20

45 Revised on:

1 **Terry K-12 Schools**

2
3 **STUDENTS**

3350

4
5 **Extra-Curricular Activities of Non-Enrolled Students**

6
7 The Terry Public School District recognizes the value of a program of extra-curricular activities
8 as an integral part of the total school experience. The program of extra-curricular activities will
9 include all activities relating to competitive sport or intellectual contests, games or events, or
10 exhibitions involving individual students or teams of students of this District, when such events
11 occur between schools outside this District.

12
13 The opportunity to participate in the extracurricular activities is a privilege granted to all
14 ENROLLED eligible students of the Public School District.

15
16
17 **Legal Reference:** Kaptein vs. Conrad School District (1997), No. 96-490.

18
19
20
21
22 **Policy History:**

23 Adopted on: 10/2010, 8/21/2017

24 Reviewed on: 12/21/2020

25 Revised on:

1 **Terry K-12 Schools**

2
3 **STUDENTS**

3410

4
5 Student Health/Physical Screenings/Examinations

6
7 The Board may arrange each year for health services to be provided to all students. Such services may
8 include but not be limited to:

- 9
10 1. Development of procedures at each building for isolation and temporary care of students who
11 become ill during the school day;
12 2. Consulting services of a qualified specialist for staff, students, and parents;
13 3. Vision and hearing screening;
14 4. Scoliosis screening;
15 5. Immunization as provided by the Department of Public Health and Human Services.

16
17 Parents/guardians will receive written notice of any screening result which indicates a condition that
18 might interfere or tend to interfere with a student's progress.

19
20 In general the District will not conduct physical examinations of a student without parental consent to do
21 so or by court order, unless the health or safety of the student or others is in question. Further, parents
22 will be notified of the specific or approximate dates during the school year, when screening administered
23 by the District is conducted, which is:

- 24
25 1. Required as a condition of attendance.
26 2. Administered by the school and scheduled by the school in advance.
27 3. Not necessary to protect the immediate health and safety of the student or other students.

28
29 Parents or eligible students will be given the opportunity to opt out of the above-described non-
30 emergency screenings.

31
32 Students who wish to participate in certain extracurricular activities may be required to submit to a
33 physical examination to verify their ability to participate in the activity. Students participating in
34 activities governed by the Montana High School Association will be required to follow the rules of that
35 organization, as well as other applicable District policies, rules, and regulations.

36
37 All parents will be notified of requirements of the District's policy on physical examinations and
38 screening of students, at least annually at the beginning of the school year and within a reasonable period
39 of time after any substantive change in the policy.

40
41 Legal Reference: § 20-3-324(20), MCA Powers and duties
42 20 U.S.C. 1232h(b) General Provisions Concerning Education

43
44 Policy History:

45 Adopted on:

46 Reviewed on: 3/16/09, 12/21/2020

47 Revised on: 03/19/2014

1 **Terry K-12 Schools**

2
3 **STUDENTS**

3413

Page 1 of 2

4
5 Student Immunization

6
7 The Board requires all students to present evidence of their having been immunized against the following
8 diseases: varicella, diphtheria, pertussis (whooping cough), poliomyelitis, measles (rubeola), mumps,
9 rubella, and tetanus in the manner and with immunizing agents approved by the department.

10 Haemophilus influenza type “b” immunization is required for students under age five (5). Upon initial
11 enrollment, an immunization status form shall be completed by the student’s parent or guardian. The
12 certificate shall be made a part of the student’s permanent record.

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

26
27 The administrator may allow the commencement of attendance in school by a student who has not been
28 immunized against each disease listed in § 20-5-403, MCA, if that student has received one or more doses
29 of varicella, polio, measles (rubeola), mumps, rubella, diphtheria, pertussis, and tetanus vaccine, except
30 that Haemophilus influenza type “b” vaccine is required only for children under 5 years of age.

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

36
37 This policy does not apply to or govern vaccinations against COVID-19. The Board does not require
38 immunization against COVID-19 in order to enroll in the District in accordance with Montana
39 law. District officials shall not inquire about the COVID-19 vaccination status of students, employees, or
40 visitors. District officials shall not make decisions regarding access to District services for students,
41 employees, or visitors based upon an individual’s COVID-19 vaccination status. Students enrolled in dual
42 credit courses in accordance with District policies may be subject to distinct immunization requirements
43 of the applicable post-secondary institution.

44
45 Legal Reference: § 20-3-324(20), MCA Powers and duties
46 § 20-5-402 - 410, MCA Health
47 § 20-5-403, MCA Immunization required – release and acceptance
48 of immunization records
49 § 20-5-405, MCA Medical or religious exemption
50 Chapter 418 2021 General Legislative Session

1
2
3 Policy History:
4 Adopted on:
5 Reviewed on: 3/16/09, 12/21/2020
6 Revised on: 07/15/15, 08/16/21

Medical Exemption Statement

Form HES 101A
Montana Schools



For questions, contact the Montana Department of Immunizations at (406) 444-5580

A prospective student seeking to enroll in a Montana school is not required to receive any immunizations for which they are medically contraindicated. The Medical Exemption Statement, may be completed by a qualifying healthcare provider and utilized as an exemption. In lieu of this form, a written and signed statement from a qualifying healthcare provider will also be accepted under the conditions outlined in ARM 37.114.715.

Pursuant to HB 334 (Ch. 294, L. 2021), a qualifying healthcare provider means a person who: (1) is licensed, certified, or authorized in any U.S. State or Canada to provide health care; (2) is authorized within the person's scope of practice to administer the immunization(s) to which the exemption applies; and (3) has previously provided health care to the student *or* has administered a vaccine to which the student has had an adverse reaction. Once completed, this form should be filed at the student's school along with their most current immunization record.

Student Name: _____ **Parent/Guardian Name:** _____

Student Address: _____ **Student Date of Birth:** _____

Select the vaccine(s) needing medical exemption, then provide a brief description of the contraindication or precaution for each vaccine:

- | | |
|--|--|
| <input type="checkbox"/> DTaP (Diphtheria, Tetanus, and Pertussis) | <input type="checkbox"/> MMR (Measles, Mumps, and Rubella) |
| <input type="checkbox"/> Tdap (Diphtheria, Tetanus, and Pertussis) | <input type="checkbox"/> IPV (Polio) |
| <input type="checkbox"/> Varicella (Chickenpox) | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Hib (<i>Haemophilus influenzae</i> type b) | |

Contraindication/Precaution:

A complete list of medical contraindications and precautions can be found on the Centers for Disease Control and Prevention's website:
<https://www.cdc.gov/vaccines/hcp/acip-recs/general-recs/contraindications.html>.

Duration of exemption: _____

Provider's Name (print): _____ **Title:** _____ **Phone:** _____

Address: _____

Provider's Signature: _____ **Date:** _____

Affidavit of Exemption on Religious Grounds

Form HES 113
Montana Schools



For questions, contact the Montana Department of Immunizations at (406) 444-5580

Student's Full Name

Birth Date

Age

Sex

School _____

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

Street address and city: _____

Telephone: _____

I, the undersigned, declare under penalty of perjury that immunization against the following is contrary to my religious tenets and practices (check all that apply):

- | | |
|---|--|
| <input type="checkbox"/> <i>Diphtheria, Pertussis, Tetanus (DTaP, DT, Tdap)</i> | <input type="checkbox"/> <i>Polio</i> |
| <input type="checkbox"/> <i>Measles, Mumps and Rubella (MMR)</i> | <input type="checkbox"/> <i>Varicella (chickenpox)</i> |
| <input type="checkbox"/> <i>Haemophilus Influenzae type b (Hib)</i> | <input type="checkbox"/> <i>Other: _____</i> |

I also understand that:

Pursuant to section 20-5-405, MCA, in the event of an outbreak of one of the diseases listed above, the above-exempted student may be excluded from school by the local health officer or the Department of Public Health and Human Services until the student is no longer at risk for contracting or transmitting that disease.

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

Date

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

Signature: Notary Public for the State of Montana

Print Name: Notary Public for the State of Montana

Seal

Residing in _____
My commission expires _____

Terry K-12 Schools

STUDENTS

3415

Management of Sports Related Concussions

The Terry School District recognizes that concussions and head injuries are commonly reported injuries in children and adolescents who participate in sports and other recreational activities.

The Board acknowledges the risk of catastrophic injuries or death is significant when a concussion or head injury is not properly evaluated and managed. Therefore, all K-12 competitive youth athletic activities in the District will be identified by the administration.

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

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

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

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

Legal Reference: Dylan Steigers Youth Athlete Protection Act

Cross Reference: 3415F Student-Athlete & Parent/Legal Custodian Concussion Statement

Policy History:

Adopted on: 10/2010

Reviewed on: 12/21/2020

Revised on: 8/19/13

Student-Athlete & Parent/Legal Guardian Concussion Statement 3415F

Because of the passage of the Dylan Steigers' Protection of Youth Athletes Act, schools are required to distribute information sheets for the purpose of informing and educating student-athletes and their parents of the nature and risk of concussion and head injury to student athletes, including the risks of continuing to play after concussion or head injury. Montana law requires that each year, before beginning practice for an organized activity, a student-athlete and the student-athlete's parent(s)/legal guardian(s) must be given an information sheet, and both parties must sign and return a form acknowledging receipt of the information to an official designated by the school or school district prior to the student-athletes participation during the designated school year. The law further states that a student-athlete who is suspected of sustaining a concussion or head injury in a practice or game shall be removed from play at the time of injury and may not return to play until the student-athlete has received a written clearance from a licensed health care provider.

Student-Athlete Name: _____

This form must be completed for each student-athlete, even if there are multiple student-athletes in each household.

Parent/Legal Guardian Name(s): _____

☐ We have read the *Student-Athlete & Parent/Legal Guardian Concussion Information Sheet*.

If true, please check box

After reading the information sheet, I am aware of the following information:

Student-Athlete Initials		Parent/Legal Guardian Initials
	A concussion is a brain injury, which should be reported to my parents, my coach(es), or a medical professional if one is available.	
	A concussion can affect the ability to perform everyday activities such as the ability to think, balance, and classroom performance.	
	A concussion cannot be "seen." Some symptoms might be present right away. Other symptoms can show up hours or days after an injury.	
	I will tell my parents, my coach, and/or a medical professional about my injuries and illnesses.	N/A
	If I think a teammate has a concussion, I should tell my coach(es), parents, or licensed health care professional about the concussion.	N/A
	I will not return to play in a game or practice if a hit to my head or body causes any concussion-related symptoms.	N/A
	I will/my child will need written permission from a licensed health care professional to return to play or practice after a concussion.	
	After a concussion, the brain needs time to heal. I understand that I am/my child is much more likely to have another concussion or more serious brain injury if return to play or practice occurs before concussion symptoms go away.	
	Sometimes, repeat concussions can cause serious and long-lasting problems.	
	I have read the concussion symptoms on the Concussion fact sheet.	

Signature of Student-Athlete

Date

Signature of Parent/Legal Guardian

Date

1 **Terry K-12 Schools**

2
3 **STUDENTS**

3415P

4
5 Management of Sports Related Concussions

6
7 A. Athletic Director or Administrator in Charge of Athletic Duties:

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

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

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

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

30 E. *Return to Play After Concussion or Head Injury:* In accordance with MHSA Return to Play
31 Rules and Regulations and the Dylan Steigers Youth Athlete Protection Act, a youth-athlete who
32 has been removed from play, practice, tryouts, training exercises, preparation for an athletic game,
33 or sport camp may not return until the athlete is cleared by a licensed health care professional
34 (registered, licensed, certified, or otherwise statutorily recognized health care professional). The
35 health care provider may be a volunteer.

36
37 Policy History:

38 Adopted on: 10/2010

39 Reviewed on:

40 Revised on: 8/19/13

Student-Athlete & Parent/Legal Guardian Concussion Statement 3415F

Because of the passage of the Dylan Steigers' Protection of Youth Athletes Act, schools are required to distribute information sheets for the purpose of informing and educating student-athletes and their parents of the nature and risk of concussion and head injury to student athletes, including the risks of continuing to play after concussion or head injury. Montana law requires that each year, before beginning practice for an organized activity, a student-athlete and the student-athlete's parent(s)/legal guardian(s) must be given an information sheet, and both parties must sign and return a form acknowledging receipt of the information to an official designated by the school or school district prior to the student-athletes participation during the designated school year. The law further states that a student-athlete who is suspected of sustaining a concussion or head injury in a practice or game shall be removed from play at the time of injury and may not return to play until the student-athlete has received a written clearance from a licensed health care provider.

Student-Athlete Name: _____

This form must be completed for each student-athlete, even if there are multiple student-athletes in each household.

Parent/Legal Guardian Name(s): _____

☐ We have read the *Student-Athlete & Parent/Legal Guardian Concussion Information Sheet*.

If true, please check box

After reading the information sheet, I am aware of the following information:

Student-Athlete Initials		Parent/Legal Guardian Initials
	A concussion is a brain injury, which should be reported to my parents, my coach(es), or a medical professional if one is available.	
	A concussion can affect the ability to perform everyday activities such as the ability to think, balance, and classroom performance.	
	A concussion cannot be "seen." Some symptoms might be present right away. Other symptoms can show up hours or days after an injury.	
	I will tell my parents, my coach, and/or a medical professional about my injuries and illnesses.	N/A
	If I think a teammate has a concussion, I should tell my coach(es), parents, or licensed health care professional about the concussion.	N/A
	I will not return to play in a game or practice if a hit to my head or body causes any concussion-related symptoms.	N/A
	I will/my child will need written permission from a licensed health care professional to return to play or practice after a concussion.	
	After a concussion, the brain needs time to heal. I understand that I am/my child is much more likely to have another concussion or more serious brain injury if return to play or practice occurs before concussion symptoms go away.	
	Sometimes, repeat concussions can cause serious and long-lasting problems.	
	I have read the concussion symptoms on the Concussion fact sheet.	

Signature of Student-Athlete

Date

Signature of Parent/Legal Guardian

Date

1 **Terry K-12 Schools**

2
3 **STUDENTS**

3415P

4
5 Management of Sports Related Concussions

6
7 A. Athletic Director or Administrator in Charge of Athletic Duties:

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

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

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

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

30 E. *Return to Play After Concussion or Head Injury*: In accordance with MHSA Return to Play
31 Rules and Regulations and the Dylan Steigers Youth Athlete Protection Act, a youth-athlete who
32 has been removed from play, practice, tryouts, training exercises, preparation for an athletic game,
33 or sport camp may not return until the athlete is cleared by a licensed health care professional
34 (registered, licensed, certified, or otherwise statutorily recognized health care professional). The
35 health care provider may be a volunteer.

36
37 Policy History:

38 Adopted on: 10/2010

39 Reviewed on: 01/18/2021

40 Revised on: 8/19/13

A Fact Sheet for **ATHLETES**

WHAT IS A CONCUSSION?

A concussion is a brain injury that:

- Is caused by a bump or blow to the head
- Can change the way your brain normally works
- Can occur during practices or games in any sport
- Can happen even if you haven't been knocked out
- Can be serious even if you've just been "dinged"

WHAT ARE THE SYMPTOMS OF A CONCUSSION?

- Headache or "pressure" in head
- Nausea or vomiting
- Balance problems or dizziness
- Double or blurry vision
- Bothered by light
- Bothered by noise
- Feeling sluggish, hazy, foggy, or groggy
- Difficulty paying attention
- Memory problems
- Confusion
- Does not "feel right"

WHAT SHOULD I DO IF I THINK I HAVE A CONCUSSION?

- **Tell your coaches and your parents.** Never ignore a bump or blow to the head even if you feel fine. Also, tell your coach if one of your teammates might have a concussion.

- **Get a medical checkup.** A doctor or health care professional can tell you if you have a concussion and when you are OK to return to play.
- **Give yourself time to get better.** If you have had a concussion, your brain needs time to heal. While your brain is still healing, you are much more likely to have a second concussion. Second or later concussions can cause damage to your brain. It is important to rest until you get approval from a doctor or health care professional to return to play.

HOW CAN I PREVENT A CONCUSSION?

Every sport is different, but there are steps you can take to protect yourself.

- Follow your coach's rules for safety and the rules of the sport.
- Practice good sportsmanship at all times.
- Use the proper sports equipment, including personal protective equipment (such as helmets, padding, shin guards, and eye and mouth guards). In order for equipment to protect you, it must be:

- > The right equipment for the game, position, or activity
- > Worn correctly and fit well
- > Used every time you play

Remember, when in doubt, sit them out!

A Fact Sheet for **PARENTS**

WHAT IS A CONCUSSION?

A concussion is a brain injury. Concussions are caused by a bump or blow to the head. Even a “ding,” “getting your bell rung,” or what seems to be a mild bump or blow to the head can be serious.

You can’t see a concussion. Signs and symptoms of concussion can show up right after the injury or may not appear or be noticed until days or weeks after the injury. If your child reports any symptoms of concussion, or if you notice the symptoms yourself, seek medical attention right away.

WHAT ARE THE SIGNS AND SYMPTOMS OF A CONCUSSION?

Signs Observed by Parents or Guardians

If your child has experienced a bump or blow to the head during a game or practice, look for any of the following signs and symptoms of a concussion:

- Appears dazed or stunned
- Is confused about assignment or position
- Forgets an instruction
- Is unsure of game, score, or opponent
- Moves clumsily • Answers questions slowly
- Loses consciousness (even briefly)
- Shows behavior or personality changes
- Can’t recall events prior to hit or fall
- Can’t recall events after hit or fall

Symptoms Reported by Athlete

- Headache or “pressure” in head
- Nausea or vomiting
- Balance problems or dizziness
- Double or blurry vision
- Sensitivity to light
- Sensitivity to noise
- Feeling sluggish, hazy, foggy, or groggy
- Concentration or memory problems
- Confusion
- Does not “feel right”

HOW CAN YOU HELP YOUR CHILD PREVENT A CONCUSSION?

Every sport is different, but there are steps your children can take to protect themselves from concussion.

- Ensure that they follow their coach’s rules for safety and the rules of the sport.
- Encourage them to practice good sportsmanship at all times.
- Make sure they wear the right protective equipment for their activity (such as helmets, padding, shin guards, and eye and mouth guards). Protective equipment should fit properly, be well maintained, and be worn consistently and correctly.
- Learn the signs and symptoms of a concussion.

WHAT SHOULD YOU DO IF YOU THINK YOUR CHILD HAS A CONCUSSION?

1. Seek medical attention right away. A health care professional will be able to decide how serious the concussion is and when it is safe for your child to return to sports.

2. Keep your child out of play. Concussions take time to heal. Don’t let your child return to play until a health care professional says it’s OK. Children who return to play too soon—while the brain is still healing—risk a greater chance of having a second concussion. Second or later concussions can be very serious. They can cause permanent brain damage, affecting your child for a lifetime.

3. Tell your child’s coach about any recent concussion. Coaches should know if your child had a recent concussion in ANY sport. Your child’s coach may not know about a concussion your child received in another sport or activity unless you tell the coach.

Remember, when in doubt, sit them out!
It’s better to miss one game than the whole season.

Be Prepared

A concussion is a type of traumatic brain injury, or TBI, caused by a bump, blow, or jolt to the head that can change the way your brain normally works. Concussions can also occur from a blow to the body that causes the head to move rapidly back and forth. Even a “ding,” “getting your bell rung,” or what seems to be mild bump or blow to the head can be serious. Concussions can occur in any sport or recreation activity. So, all coaches, parents, and athletes need to learn concussion signs and symptoms and what to do if a concussion occurs.

SIGNS AND SYMPTOMS OF A CONCUSSION

SIGNS OBSERVED BY PARENTS OR GUARDIANS	SYMPTOMS REPORTED BY YOUR CHILD OR TEEN	
<ul style="list-style-type: none">•Appears dazed or stunned•Is confused about events•Answers questions slowly•Repeats questions•Can’t recall events prior to the hit, bump, or fall•Can’t recall events after the hit, bump, or fall•Loses consciousness (even briefly)•Shows behavior or personality changes•Forgets class schedule or assignments	<p><u>Thinking/Remembering:</u></p> <ul style="list-style-type: none">•Difficulty thinking clearly•Difficulty concentrating or remembering•Feeling more slowed down•Feeling sluggish, hazy, foggy, or groggy <p><u>Physical:</u></p> <ul style="list-style-type: none">•Headache or “pressure” in head•Nausea or vomiting•Balance problems or dizziness•Fatigue or feeling tired•Blurry or double vision•Sensitivity to light or noise•Numbness or tingling•Does not “feel right”	<p><u>Emotional:</u></p> <ul style="list-style-type: none">•Irritable•Sad•More emotional than usual•Nervous <p><u>Sleep*:</u></p> <ul style="list-style-type: none">•Drowsy•Sleeps less than usual•Sleeps more than usual•Has trouble falling asleep <p><i>*Only ask about sleep symptoms if the injury occurred on a prior day.</i></p>

LINKS TO OTHER RESOURCES

- CDC –Concussion in Sports
 - <http://www.cdc.gov/concussion/sports/index.html>
- National Federation of State High School Association/ Concussion in Sports - What You Need To Know
 - www.nfhslearn.com
- Montana High School Association – Sports Medicine Page
 - <http://www.mhsa.org/SportsMedicine/SportsMed.htm>

1 **Terry K-12 Schools**

2
3 **STUDENTS**

3416

4
5 Administering Medication to Students

6
7 “Medication” means prescribed drugs and medical devices that are controlled by the U.S. Food
8 and Drug Administration and are ordered by a healthcare provider. It includes over-the-counter
9 medications prescribed through a standing order by ~~the school physician~~ an authorized physician
10 or prescribed by the student’s healthcare provider.

11
12 Except in an emergency situation, only a qualified healthcare professional may administer a drug
13 or a prescription drug to a student under this policy. Diagnosis and treatment of illness and the
14 prescribing of drugs are never the responsibility of a school employee and should not be
15 practiced by any school personnel.

16
17 Administering Medication

18
19 The Board shall permit administration of medication to students in schools in its jurisdiction. A
20 school nurse or other employee who has successfully completed specific training in
21 administration of medication, pursuant to written authorization of a physician or dentist and that
22 of a parent, an individual who has executed a caretaker relative educational authorization
23 affidavit, or guardian, may administer medication to any student in the school or may delegate
24 this task pursuant to Montana law.

25
26 Emergency Administration of Medication

27
28 In the event of an emergency, a school nurse or trained staff member, exempt from the nursing
29 license requirement under § 37-8-103(1)(c), MCA, may administer emergency medication to any
30 student in need thereof on school grounds, in a school building, at a school function, or on a
31 school bus according to a standing order of an authorized physician or a student’s private
32 physician. In the event that emergency medication is administered to a student, the school nurse
33 or staff member shall call emergency responders and notify the student’s parents/guardians. A
34 building administrator or school nurse shall enter any medication to be administered in an
35 emergency on an individual student medication record and retain the documentation.

36
37 Assisting Students with Self-Administration of Medication

38
39 A building principal or other school administrator may authorize, in writing, any school
40 employee:

41
42 To assist in self-administration of any drug that may lawfully be sold over the counter
43 without a prescription to a student in compliance with the written instructions and with
44 the written consent of a student’s parent or guardian; and

45
46 To assist in self-administration of a prescription drug to a student in compliance with

written instructions or standing order of an authorized physician or a student's private physician and with the written consent of a student's parent or guardian.

A school employee authorized, in writing, assist students with self-administration of medications, may only rely on the following techniques:

- Making oral suggestions, prompting, reminding, gesturing, or providing a written guide for self-administering medications;
- Handing to a student a prefilled, labeled medication holder or a labeled unit dose container, syringe, or original marked and labeled container from a pharmacy;
- Opening the lid of a container for a student;
- Guiding the hand of a student to self-administer a medication;
- Holding and assisting a student in drinking fluid to assist in the swallowing of oral medications; and
- Assisting with removal of a medication from a container for a student with a physical disability that prevents independence in the act.
- Other guidance or restrictions previously provided in writing to the school by a student's parent, an individual who has executed a caretaker relative educational authorization affidavit, or guardian is on file.

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

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

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

Authorization granted to a student to possess and self-administer medication shall be valid for

the current school year only and shall be renewed annually. A student's authorization to possess and self-administer medication may be limited or revoked by the building principal or other administrative personnel.

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

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

Self-Administration of Other Medication

The District shall permit students who are able to self-administer specific medication to do so provided that all of the following have occurred:

- A physician, dentist, or other licensed health care provider provides a written order for self-administration of said medication;
- Written authorization for self-administration of medication from a student's parent, an individual who has executed a caretaker relative educational authorization affidavit, or guardian is on file; and
- A principal and appropriate teachers are informed that a student is self-administering prescribed medication.

Administration of Glucagons

School employees may voluntarily agree to administer glucagons to a student pursuant to § 20-5-412, MCA, only under the following conditions: (1) the employee may administer glucagon to a diabetic student only in an emergency situation; (2) the employee has filed the necessary designation and acceptance documentation with the District, as required by § 20-5-412(2), MCA, and (3) the employee has filed the necessary written documentation of training with the District, as required by § 20-5-412(4), MCA. Designation of staff is to be made by a parent, and individual who has executed a caretaker relative authorization affidavit, or guardian of a diabetic student, and school employees are under no obligation to agree to designation. Glucagon is to be provided by the parent or guardian. All documentation shall be kept on file.

Handling and Storage of Medications

The Board requires that all medications, including those approved for keeping by students for self-medication, be first delivered by a parent, an individual who has executed a caretaker

relative educational authorization affidavit, or other responsible adult to a nurse or employee assisting with self-administration of medication. A nurse or assistant:

- Shall examine any new medication to ensure it is properly labeled with dates, name of student, medication name, dosage, and physician's name;
- Shall develop a medication administration plan, if administration is necessary for a student, before any medication is given by school personnel;
- Shall record on the student's individual medication record the date a medication is delivered and the amount of medication received;
- Shall store medication requiring refrigeration at 36° to 46° F;
- Shall store prescribed medicinal preparations in a securely locked storage compartment; and
- Shall store controlled substances in a separate compartment, secured and locked at all times.
- All non-emergency medication shall be kept in a locked, nonportable container, stored in its original container with the original prescription label. Epinephrine, naloxone, and student emergency medication may be kept in portable containers and transported by the school nurse or other authorized school personnel.
- Food is not allowed to be stored in refrigeration unit with medications.
- Shall notify the building administrator, school district nurse, and parent or guardian of any medication error and document it on the medication administration record.

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

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

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

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

Disposal of Medication, Medical Equipment, Personal Protective Equipment

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

Medical sharps shall be disposed of in an approved sharps container. Building administrators should contact the school nurse or designated employee when such a container is needed. Sharps containers are to be kept in a secure location in the school building. Disposal of sharps container, medical equipment, and personal protective equipment is the responsibility of the school nurse or designated employee in accordance with the Montana Infectious Waste Management Act and the manufacture guidelines specific to the container or equipment.

Legal Reference:	§ 20-5-412, MCA	Definition – parent-designated adult
		administration of glucagons – training
	§ 20-5-420, MCA	Self-administration or possession of asthma,
		severe allergy, or anaphylaxis medication
	§ 20-5-421, MCA	Emergency use of epinephrine in school
		setting
	§ 37-8-103(1)(c), MCA	Exemptions – limitations on authority
	ARM 24.159.1601, et seq	Delegation of Nurse Duties
	§ 20-5-426, MCA	Emergency use of an opioid antagonist in
		school setting – limit on liability
	§ 75-10-1001, et seq	Infectious Waste Management Act
	37.111.812, ARM	Safety Requirements
	10.55.701(s), ARM	Board of Trustees

Policy History:

Adopted on:

Reviewed on: 7/19/21

Revised on: 3/16/09, 8/15/11, 8/19/13, 9/18/17, 04/19/22

Montana Authorization to Carry and Self-Administer Medication

For this student to carry and self-administer medication on school grounds or for school sponsored activities, this form must be fully completed by the prescribing physician/provider and an authorizing parent, an individual who has executed a caretaker relative educational authorization affidavit, or legal guardian.

Student's Name: _____
 Sex: (Please circle) Female/Male
 Birth Date: ____/____/____

School: _____
 City/Town: _____
 School Year: _____ (Renew each year)

Physician's Authorization:

The above named student has my authorization to carry and self administer the following medication:

Medication: (1) _____ Dosage: (1) _____
 (2) _____ (2) _____

Reason for prescription(s): _____
 Medication(s) to be used under the following conditions: _____

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

 Signature of Physician

 Physician's Phone Number

 Date

Backup Medication – The law provides that if a child's health care provider prescribes "backup" medication to be kept at the school, it must be kept in a predetermined location, known to the child, parent, and school staff.

The following backup medication has been provided for this student: _____

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

As the parent, individual who has executed a caretaker relative educational authorization affidavit, or guardian of the above named student, I confirm that this student has been instructed by his/her health care provider on the proper use of this/these medication(s). He/she has demonstrated to me that he/she understands the proper use of this medication. He/she is physically, mentally, and behaviorally capable to assume this responsibility. He/she has my permission to self-medicate as listed above, if needed. If he/she has used an auto-injectable epinephrine, he/she understands the need to alert an adult that emergency medical personnel need to be called. If he/she has used his/her asthma inhaler as prescribed and does not have relief from an asthma attack, he/she is to alert an adult.

I also acknowledge that the school district or nonpublic school may not incur liability as a result of any injury arising from the self-administration of medication by the student and that I shall indemnify and hold harmless the school district or nonpublic school and its employees and agents against any claims, except a claim based on an act or omission that is the result of gross negligence, willful and wanton conduct, or an intentional tort.

I agree to also work with the school in establishing a plan for use and storage of backup medication if prescribed, as above, by my child's physician. This will include a predetermined location to keep backup medication to which my child has access in the event of an asthma or anaphylaxis emergency.

Authorization is hereby granted to release this information to appropriate school personnel and classroom teachers.

I understand that in the event the medication dosage is altered, a new "self-administration form" must be completed, or the physician may rewrite the order on his prescription pad and I, the parent/guardian, will sign the new form and assure the new order is attached.

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

Parent/Guardian, Caretaker Relative Signature: _____ Date: _____

(Original signed authorization to the school; a copy of the signed authorization to the parent/guardian and health care provider)

1 **Terry School District**

2
3 **STUDENTS**

3417

Page 1 of 2

4
5 Communicable Diseases

6 *Note: For purposes of this policy, the term “communicable disease” refers to the diseases*
7 *identified in 37.114.203, ARM, Reportable Diseases, with the exception of common colds and flu.*
8

9 In all proceedings related to this policy, the District shall respect a student’s right to privacy. All
10 applicable district policies and handbook provision governing confidentiality of student medical
11 information remain in full effect.
12

13 Although the District is required to provide educational services to all school-age children who
14 reside within its boundaries, it may deny attendance at school to any child diagnosed as having a
15 communicable disease that could make a child’s attendance harmful to the welfare of other
16 students. The District also may deny attendance to a child with suppressed immunity in order to
17 protect the welfare of that child when others in a school have an infectious disease, which,
18 although not normally life threatening, could be life threatening to a child with suppressed
19 immunity.
20

21 The District shall provide soap and disposable towels or other hand-drying devices shall be
22 available at all handwashing sinks. Common-use cloth towels are prohibited. Sanitary napkin
23 disposal shall be provided for girls of age ten or older and in teachers' toilet rooms and nurses'
24 toilet rooms. The District shall provide either sanitary napkin dispensers in the girls', nurses', and
25 teachers' toilet rooms or some other readily available on-site access to sanitary napkins.
26

27 The Board recognizes that communicable diseases that may afflict students range from common
28 childhood diseases, acute and short-term in nature, to chronic, life-threatening diseases such as
29 human immunodeficiency virus (HIV) infection. The District shall rely on advice of the public
30 health and medical communities in assessing the risk of transmission of various communicable
31 diseases to determine how best to protect the health of both students and staff.
32

33 The District shall manage common communicable diseases in accordance with DPHHS
34 guidelines and communicable diseases control rules. If a student develops symptoms of any
35 reportable communicable or infectious illness as defined while at school, the responsible school
36 officials shall do the following:
37

- 38 (a) isolate the student immediately from other students or staff; and
39 (b) inform the parent or guardian as soon as possible about the illness and request him or
40 her to pick up the student.; and
41 (c) consult with a physician, other qualified medical professional, or the local county
42 health authority to determine if report the case should be reported to the local health
43 officer.
44

45 Students who express feelings of illness at school may be referred to a school nurse or other
46 responsible person designated by the Board and may be sent home as soon as a parent or person

designated on a student's emergency medical authorization form has been notified. The District may temporarily exclude from onsite school attendance a student who exhibits symptoms of a communicable disease that is readily transmitted in a school setting. Offsite instruction will be provided during the period of absence in accordance with Policy 2050. The District reserves the right to require a statement from a student's primary care provider authorizing a student's return to onsite instruction.

When information is received by a staff member or a volunteer that a student is afflicted with a serious communicable disease, the staff member or volunteer shall promptly notify a school nurse or other responsible person designated by the Board to determine appropriate measures to be taken to protect student and staff health and safety. A school nurse or other responsible person designated by the Board, after consultation with and on advice of public health officials, shall determine which additional staff members, if any, have need to know of the affected student's condition.

Only those persons with direct responsibility for the care of a student or for determining appropriate educational accommodation shall be informed of the specific nature of a condition, if it is determined that such individuals need to know this information.

The District may notify parents of other children attending a school that their children have been exposed to a communicable disease without identifying the particular student who has the disease.

Healthy Hand Hygiene Behavior

All students, staff, and others present in the any school building shall engage in hand hygiene at the following times, which include but are not limited to:

- (a) Arrival to the facility and after breaks
- (b) Before and after preparing, eating, or handling food or drinks
- (c) Before and after administering medication or screening temperature
- (d) After coming in contact with bodily fluid
- (e) After recess
- (f) After handling garbage
- (g) After assisting students with handwashing
- (h) After use of the restroom

Hand hygiene includes but is not limited to washing hands with soap and water for at least 20 seconds. If hands are not visibly dirty, alcohol-based hand sanitizers with at least 60% alcohol can be used if soap and water are not readily available.

Staff members shall supervise children when they use hand sanitizer and soap to prevent ingestion. Staff members shall place grade level appropriate posters describing handwashing steps near sinks.

Legal Reference: 37.114.101, et seq., ARM Communicable Disease Control
37.111.825, ARM Health Supervision and Maintenance

Policy History:

Adopted on:

Reviewed on: 3/16/09, 01/18/2021, 7/19/21

Revised on:

Terry K-12 Schools

STUDENTS

3420

Head Lice

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

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

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

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

The student found with head lice is to be kept out of school for a minimum of 24 hrs and until he/she is treated with lice killing products and hair is free of live lice.

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

Policy History:

Adopted on: 02/15/2021

Reviewed on: 3/15/21

Revised on: 3/15/21

1 **Terry K-12 Schools**

2
3 **STUDENTS**

3431

4
5 Emergency Treatment

6
7 The Board recognizes that schools are responsible for providing first aid or emergency treatment
8 to a student in case of sudden illness or injury; however, further medical attention is the
9 responsibility of a parent or guardian.

10
11 The District requires that every parent or guardian provide a telephone number where a parent or
12 designee of a parent may be reached in case of an emergency.

13
14 When a student is injured, staff will provide immediate care and attention until relieved by a
15 superior, a nurse, or a doctor. The District will employ its normal procedures to address medical
16 emergencies without regard to the existence of a do not resuscitate (DNR) request. The
17 Superintendent or designated staff member will call a parent or parental designee so that the
18 parent may arrange for care or treatment of an injured student.

19
20 When a student develops symptoms of illness while at school, a responsible school official will
21 do the following:

22
23 Isolate the student from other children to a room or area segregated for that purpose;

24
25 Inform a parent or guardian as soon as possible about the illness and request the parent or
26 guardian to pick up the child; and

27
28 Report each case of suspected communicable disease the same day by telephone to a
29 local health authority or as soon as possible thereafter if a health authority cannot be
30 reached the same day.

31
32 When a parent or guardian cannot be reached, and it is the judgment of the administrator or other
33 person in charge that immediate medical attention is required, an injured student may be taken
34 directly to a hospital. Once located, a parent or a guardian is responsible for continuing
35 treatment or for making other arrangements.

36
37
38
39 Legal Reference: ARM 37.111.825 Health Supervision and Maintenance

40
41 Policy History:

42 Adopted on:

43 Reviewed on: 01/18/2021

44 Revised on: 3/16/09, 03/19/2014

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

Claimant's Name _____		
<i>Last Name</i>	<i>First Name</i>	<i>Middle Initial</i>
Claimant's Address _____		
<i>City</i>	<i>State</i>	<i>ZIP Code</i>
Claimant's SS # _____	Home Phone Number (____) _____	
Claimant's Age _____	Date of Birth _____	Sex _____ Grade _____
Parent's Name (if student) _____		Work Phone Number (____) _____

Nature of Injury		Place of Accident		Body Part Injured		
<input type="checkbox"/> Scratch	<input type="checkbox"/> Concussion	<input type="checkbox"/> Classroom	<input type="checkbox"/> Gymnasium	<input type="checkbox"/> Ankle	<input type="checkbox"/> Foot	<input type="checkbox"/> Leg
<input type="checkbox"/> Fracture	<input type="checkbox"/> Head Injury	<input type="checkbox"/> Hallway	<input type="checkbox"/> Parking Lot	<input type="checkbox"/> Arm	<input type="checkbox"/> Face	<input type="checkbox"/> Nose
<input type="checkbox"/> Bruise	<input type="checkbox"/> Sprain/Strain	<input type="checkbox"/> Bathroom	<input type="checkbox"/> Sidewalk	<input type="checkbox"/> Back	<input type="checkbox"/> Finger	<input type="checkbox"/> Teeth
<input type="checkbox"/> Burn	<input type="checkbox"/> Cut/Puncture	<input type="checkbox"/> Cafeteria	<input type="checkbox"/> Stairs	<input type="checkbox"/> Neck	<input type="checkbox"/> Hand	<input type="checkbox"/> Wrist
<input type="checkbox"/> Dislocation	<input type="checkbox"/> Bite	<input type="checkbox"/> Playground	<input type="checkbox"/> Athletic Field	<input type="checkbox"/> Eye	<input type="checkbox"/> Knee	<input type="checkbox"/> Shoulder
<input type="checkbox"/> Other _____		<input type="checkbox"/> Other _____		<input type="checkbox"/> Other _____		

Is student covered by Student Accident Insurance? ☐ Yes ☐ No If “yes,” please list Company Name, address, and phone number

Date _____

1 **Terry K-12 Schools**

2
3 **STUDENTS**

3440

4
5 Removal of Student During School Day

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

13
14
15
16 Policy History:

17 Adopted on:

18 Reviewed on: 01/18/2021

19 Revised on: 3/16/09

1 **Terry K-12 Schools**

2
3 **STUDENTS**

3440P

4
5 Removal of Student During School Day

6
7 Schools must exercise a high order of responsibility for the care of students while in school. The
8 removal of a student during the school day may be authorized in accordance with the following
9 procedures:

- 10
11 1. Law enforcement officers, upon proper identification, may remove a student from school
12 as provided in Policies 4410 and 4411.
13
14 2. Any other agencies must have a written administrative or court order directing the
15 District to give custody to them. However, employees of the Department of Public Health
16 and Human Services may take custody of a student under provisions of § 41-3-301,
17 MCA, without a court order. Proper identification is required before the student shall be
18 released.
19
20 3. A student shall be released to the custodial parent. When in doubt as to custodial rights,
21 school enrollment records must be relied upon, as the parents (or guardians) have the
22 burden of furnishing schools with accurate, up-to-date information.
23
24 4. The school should always check with the custodial parent before releasing the student to
25 a non-custodial parent.
26
27 5. Prior written authorization from the custodial parent or guardian is required before
28 releasing a student into someone else's custody, unless an emergency situation justifies a
29 waiver.
30
31 6. Police should be called if a visitor becomes disruptive or abusive.
32
33
34

35 Cross Reference: 4410 Relations with the Law Enforcement and Child Protective
36 Agencies
37 4411 Investigations and Arrests by Police
38

39 Procedure History:

40 Promulgated on:

41 Reviewed on: 3/16/09, 01/18/2021

42 Revised on:

1 **Terry K-12 Schools**

2
3 **STUDENTS**

3510

4
5 School-Sponsored Student Activities

6
7 1. Student Organizations:

- 8
9 a. All curricular student clubs or organizations must be approved by the
10 administration. Secret or clandestine organizations or groups will not be
11 permitted.
12 b. Bylaws and rules of curricular student clubs or organizations must not be contrary
13 to Board policy or to administrative rules and regulations.
14 c. Procedures in curricular student clubs or organizations must follow generally
15 accepted democratic practices in the acceptance of members and nomination and
16 election of officers.
17 d. Student led and initiated non-curricular student groups may meet at school in
18 accordance with District Policy without the sponsorship of the School District.
19

20 2. Social Events

- 21
22 a. Social events must have prior approval of the administration.
23 b. Social events must be held in school facilities unless approved by the Board.
24 c. Social events must be chaperoned at all times.
25 d. Attendance at high school social events and dances shall be limited to high school
26 students, and middle school social events shall be limited to middle school
27 students, unless prior permission is received from the principal.
28

29 3. Extracurricular Activities

- 30
31 a. Academic and behavior eligibility rules are established by MHSA rules and
32 District policy.
33 b. Any student convicted of a criminal offense may, at the discretion of school
34 officials, become ineligible for such a period of time as the school officials may
35 decide.
36 c. In establishing an interscholastic program, the Board directs the administration to:
37 i. Open all sports to all students enrolled in the District, with an equal
38 opportunity for participation.
39 ii. Open all sports to residents of the school district and who is at least 5
40 years of age and not more than 19 on or before September 10 of the year
41 in which participation in extracurricular activities is sought by such child
42 in accordance with the provisions of this policy.
43 iii. Recommend sports activities based on interest inventories completed by
44 the students.
45
46

4. Participation in District Extracurricular Activities by Unenrolled Children

- a. Any child identified in Section 3.c.ii of this policy who is attending a nonpublic or home school meeting the requirements of section 20-5-109:
 - i. Is eligible to seek to participate in any extracurricular activity of the District that is offered to pupils of the district who are of the same age.
 - ii. Is subject to the same standards for participation as those required of full-time pupils enrolled in the school and the same rules of any interscholastic organization of which the school of participation is a member as specified in Section 3.a. and 3.b. of this policy and any related student or activity handbook provisions.
 - iii. Will be assessed for purposes of placement, team formation and cuts using the same criteria as used for full-time pupils enrolled in the District.
- b. In cases where there is more than one school serving the same age group within District boundaries, a child under Section 4 of this policy shall be subject to the same school zone rules applicable to full-time pupils of the District. Participation for one school for one sport and another school for another sport is prohibited.
- c. The academic eligibility for extracurricular participation for a student attending a nonpublic school as specified under Section 4.a.ii of this policy shall be attested by the head administrator of the nonpublic school. No further verification shall be required.
- d. The academic eligibility for extracurricular participation for a student attending a home school as specified under Section 4.a.ii shall be attested in writing by the educator providing the student instruction with verification by the school principal for the school of participation. The verification may not include any form of student assessment.
- e. Students participating in extracurricular activities under Section 4 of this policy may be considered part-time enrollees for purposes of ANB in accordance with Policy 3150, 3121, and 3121P.

5. Designation of Athletic Teams

Unless otherwise prohibited by Policy 3210 or federal law, District sponsored athletic teams or sports designated for females, women, or girls may not be open to students who are biologically of the male sex. District sponsored athletic teams or events may be designated as one of the following based on biological sex in accordance with applicable MHSA rules, this Policy, federal law, Policy 3210, or the provisions of Section 6 of Chapter 405 (2021):

- a. males, men, or boys;
- b. females, women, or girls; or
- c. coed or mixed.

This section of this Policy is void 21 days after the date the United States Secretary of Education files a written report with the proper committees of the United States House of Representatives

and the United States Senate as required by 34 CFR 100.8(c) due to the enforcement of Chapter 405 (2021).

Cross Reference: Policy 3150 Part Time Attendance
 Policy 3121-3121P Enrollment and Attendance
 Policy 3233 Student use of Buildings-Equal Access
 Policy 3550 Student Clubs
 Policy 2332 Religion and Religious Activities
 Policy 3222 Distribution and Posting Materials
 Policy 3233- Student Use of Buildings - Equal Access
 Policy 4331 Use of School Property for Posting Notices

Legal Reference: Chapter 297 2021 General Legislative Session
 Chapter 269 2021 General Legislative Session
 Chapter 405 2021 General Legislative Session
 34 CFR 100.8(c) Procedure for Effecting Compliance
 Bostock v. Clayton County Georgia, 140 S.Ct. 1731 (2020)

Policy History:

Adopted on: 8/16/21

Reviewed on:

Revised on:

STUDENTS

3520

Student Fees and Fines

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

Fees

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

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

Fines

The District holds a student responsible for the cost of replacing materials or property that are lost or damaged because of negligence. A building administrator will notify a student and parent regarding the nature of violation or damage, how restitution may be made, and how an appeal may be instituted.

Withholding and Transferring Records for Unpaid Fines or Fees

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

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

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

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

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

5

6 Policy History:

7 Adopted on:

8 Reviewed on:

9 Revised on: 3/16/09; 1/21/20

1 **Terry K-12 Schools**

2
3 **STUDENTS**

3550
page 1 of 3

4
5 Student Clubs

6
7 The Board recognizes that student clubs are a helpful resource for schools and supports their
8 formation. Student clubs must complete an application process. The Superintendent or designee
9 is delegated the authority to approve or deny club applications.

10
11 Curricular Student Clubs

12
13 The Board of Trustees authorize the administration to approve and recognize curricular student
14 clubs or organizations in a manner consistent with this policy and administrative procedure.
15 Curricular Student clubs are those approved student clubs that directly relate to the body of
16 courses offered by the school. Curricular student clubs that are recognized by the District are
17 permitted to use District facilities, use the District's name, a District school's name, or a District
18 school's team name or any logo attributable to the District, and raise and deposit funds with the
19 District.

20
21 In order for the administration to approve and recognize a curricular student club the group must
22 submit an application to the building administrator containing the following:

- 23
24 1. The organization's name and purpose.
25
26 2. The portion of the curriculum that forms the basis of the club. The portion of the
27 curriculum that forms the basis of the club or the course offered at the school enhanced
28 by the club's functions. This step is required for consideration as a curricular club.
29 Applications that do not satisfy this step may be permitted to meet at the school as a non-
30 curricular student group.
31
32 3. The staff employee designated to serve as the group's advisor.
33
34 4. The rules and procedures under which it operates.
35
36 5. A statement that the membership will adhere to applicable Board policies and
37 administrative procedures.
38

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

41
42 Upon approval of a new curricular student club, the administration will notify the District clerk
43 so the group may have any funds raised for its operations so designated in accordance with the
44 District's financial practices.
45
46

Approved curricular student clubs will appear in the student handbook and other appropriate district publications. Advisors of new student clubs may be eligible for a stipend in accordance with applicable collective bargaining agreement provisions and available district resources. Approved curricular student clubs may also have limited access as designated by the administration to distribute messages through official communications of the district (e.g. intercom announcements, district newsletters, group emails, etc.).

Non-Curricular Student Groups

Student-led and initiated groups of similar interests that do not meet the requirements to be an approved curricular student club as outlined in this policy shall be designated as noncurricular student groups. Noncurricular student groups include any student group that does not directly relate to the body of courses offered by the District but has a regular meeting schedule and established operational structure. District employees that are present at meetings in a supervisory capacity are not eligible for a stipend. Student meetings must be supervised by an adult. Employees or agents of the District that are present at student group meetings must only serve in a supervisory capacity.

The District approves a limited open forum, within the meaning of that term as defined U.S. Code § 4071, for non-curricular student groups to meet on school premises during non-instructional time. Noncurricular student groups wishing to conduct a meeting within this limited forum are subject to the following fair opportunity criteria, which shall be uniformly administered consistent with 20 U.S. Code § 4071:

1. All such meetings must be voluntary and student-initiated;
2. There shall be no sponsorship of the meeting by the District or its agents or employees;
3. Employees or agents of the District that are present at religious meetings must be only in a nonparticipatory capacity;
4. All meetings must not materially and substantially interfere with the orderly conduct of educational activities within the District; and
5. Nonschool persons may not direct, conduct, control, or regularly attend activities of the non-curricular student groups.

Meeting is defined as a gathering of a group of students for the purposes of discussing group beliefs or engaging in group operations. An event that does not meet this definition will be required to comply with the Community Use of District Facilities Policy and Procedure.

Fundraising

Noncurricular student groups may post notice of gatherings in accordance with Policy 3222. Noncurricular student groups may be authorized by the **[Board or administration]** to have the name of the school to appear as part of their group's name. A logo attributable to the school or District, the District's name, or the school's team name or mascot may not be used by a

noncurricular group. The permission to post notice of gatherings or use the school name does not constitute sponsorship of the group by the District.

Informal Gatherings

Students are permitted to informally gather at the school in accordance with Policy 3233. Informal gatherings of students are not permitted to use the District's name, a District school's name, or a District school's team name or mascot, or any logo attributable to the District, and raise and deposit funds with the District. Informal student gatherings may not post notices or other materials in accordance with Policy 3222 but may request to post items in accordance with Policy 4331.

Financial Operations

All funds raised by recognized curricular student clubs are subject to applicable District policies regarding financial management. All funds raised by recognized curricular student clubs that are donated to the District become public funds when placed in a District account. All public funds must be monitored in accordance with state law. Deposits must be reviewed to ensure compliance with equity rules, amateur rules and appropriateness under district policy.

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

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

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

Legal Reference: 20 U.S. Code § 4071 - Denial of equal access prohibited
 Section 20-5-203, MCA – Secret Organization Prohibited

Policy History:

Adopted on: 08/16/21

Reviewed on:

Revised on:

TERRY K-12 SCHOOLS STUDENT CLUB APPLICATION – POLICY 3550F

___ This application is for a new club ___ This application is to renew an existing club

This application is to request approval of a student club at Terry K-12 Schools. The application must be fully completed for the application to be considered. Incomplete or incorrectly prepared applications will not be considered. All applications will be considered in accordance with District Policy 3550 and District guidelines. Copies of the policy and guidelines can be obtained at: _____. Approved clubs that violate District Policy, Montana law or federal law are subject to suspension or termination.

Step 1. General Club Information and Bylaws, Charter, or Statement of Purpose

Proposed Club Name: _____

Proposed Club Supervisor Name: _____

Faculty supervisors do not sponsor or participate in non-curricular clubs; however, an adult supervisor must be present.

Step 2. Club's bylaws, charter, or statement of purpose.

Please attach any documents outlining the rules and procedures under which the club will operate. These documents may include but are not limited to bylaws, membership expectations, or a national charter. If the documents are not yet available, drafts may be attached, or a detailed statement of purpose can be provided until documents are available.

Step 3. Basis for Curriculum Related Status *(For consideration as a curricular club. Groups that do not satisfy this step may be permitted to operate as a non-curricular student group.)*

To be approved as a curricular club, the club must be based upon an aspect of the school's curriculum or the functions of the club must enhance a course offered at the school. Please attach a description of why the proposed club should be designated as a curricular club providing specific facts supporting such status.

Step 4. Time, frequency, location, and notice of anticipated club meetings and functions

Please attach a statement of the proposed use of school facilities, including at the specific areas or facilities of the school for which use is requested and the proposed nature of the use of those facilities. Attach or describe any examples of materials which the club plans to use to tell students about the club's existence or to invite students to join.

Step 5. Submission and Acknowledgement

By signing this application form the students and advisor acknowledge that the club's members and operations will adhere to applicable Board policies and administrative procedures governing curricular clubs.

Requesting Student

Date

Proposed Supervisor

Date

FOR SCHOOL DISTRICT USE ONLY

Application Received By: _____

Date: _____

Approved as Curricular Club By: _____

Date: _____

Operating as Non-Curricular Student Group By: _____

Date: _____

NOTES:

The administration will retain all records related to this application. The administration will report to the requesting students, advisor, and Board of Trustees when new curricular student clubs have been approved.

1 **Terry K-12 Schools**

2
3 **STUDENTS**

3600

4
5 Student Records

6
7 School student records are confidential, and information from them will not be released other
8 than as provided by law. State and federal laws grant students and parents certain rights,
9 including the right to inspect, copy, and challenge school records.

10
11 The District will ensure information contained in student records is current, accurate, clear, and
12 relevant. All information maintained concerning a student receiving special education services
13 will be directly related to the provision of services to that child. The District may release
14 directory information as permitted by law, but parents will have the right to object to release of
15 information regarding their child. Military recruiters and institutions of higher education may
16 request and receive the names, addresses, and telephone numbers of all high school students,
17 unless the parent(s) notifies the school not to release this information.

18
19 The administrator will implement this policy and state and federal law with administrative
20 procedures. The administrator or designee will inform staff members of this policy and inform
21 students and their parents of it, as well as of their rights regarding student school records.

22
23 Each student's permanent file, as defined by the board of public education, must be permanently
24 kept in a secure location. Other student records must be maintained and destroyed as provided in
25 20-1-212, MCA.

26
27 Legal Reference: Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g; 34 C.F.R.
28 99
29 § 20-1-212, MCA Destruction of records by school officer.
30 § 20-5-201, MCA Duties and sanctions
31 § 40-4-225, MCA Access to records by parent
32 10.55.909, ARM Student Records
33 No Child Left Behind Act of 2001, P.L. 107-334
34

35 Policy History:

36 Adopted on:

37 Reviewed on: 3/16/09, 01/18/2021

38 Revised on: 8/19/13

1 **Terry K-12 Schools**

2
3 **STUDENTS**

3600F1
page 1 of 4

4
5 Student Records

6
7 Notification to Parents and Students of Rights Concerning a Student's School Records

8
9 *This notification may be distributed by any means likely to reach the parent(s)/guardian(s).*

10
11 The District will maintain two (2) sets of school records for each student: a permanent record
12 and a cumulative record. 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 § 20-5-506, 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 The cumulative record may include:

- 23
24 Intelligence and aptitude scores
25 Psychological reports
26 Participation in extracurricular activities
27 Honors and awards
28 Teacher anecdotal records
29 Verified reports or information from non-educational persons
30 Verified information of clear relevance to the student's education
31 Information pertaining to release of this record
32 Disciplinary information

33
34 The Family Educational Rights and Privacy Act (FERPA) affords parents/guardians and students
35 over eighteen (18) years of age ("eligible students") certain rights with respect to the student's
36 education records. They are:

37
38 1. **The right to inspect and copy the student's education records, within a reasonable**
39 **time from the day the District receives a request for access.**

40
41 Students less than eighteen (18) years of age have the right to inspect and copy their
42 permanent record. Parents/guardians or students should submit to the Superintendent a
43 written request identifying the record(s) they wish to inspect. The Superintendent will
44 make, within forty-five (45) days, arrangements for access and notify the
45 parent(s)/guardian(s) or eligible student of the time and place the records may be
46 inspected. The District charges a nominal fee for copying, but no one will be denied their
47 right to copies of their records for inability to pay this cost.

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

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

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

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

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

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

A school official has a legitimate educational interest, if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the District discloses education records, without consent, to officials of another school district in which a student has enrolled or intends to enroll, as well as to any person as specifically required by state or federal law. Before information is released to individuals described in this paragraph, the parent(s)/guardian(s) will receive written notice of the nature and substance of the information and an opportunity to inspect, copy, and challenge such records. The right to challenge school student records does not apply to: (1) academic grades of their child, and (2) references to expulsions or

out-of-school suspensions, if the challenge is made at the time the student's school student records are forwarded to another school to which the student is transferring.

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

4. **The right to a copy of any school student record proposed to be destroyed or deleted.**
5. **The right to prohibit the release of directory information concerning the parent's/guardian's child.**

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

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

Any parent(s)/guardian(s) or eligible student may prohibit the release of any or all of the above information by delivering written objection to the Superintendent within ten (10) days of the date of this notice. No directory information will be released within this time period, unless the parent(s)/guardian(s) or eligible student are specifically informed otherwise. When a student transfers, leaves the District, or graduates, the school must continue to honor a decision to opt-out, unless the parent or student rescinds the decision.

A parent or student 18 years of age or an emancipated student, may not opt out of directory information to prevent the district from disclosing or requiring a student to

disclose their name [identifier, institutional email address in a class in which the student is enrolled] or from requiring a student to disclose a student ID card or badge that exhibits information that has been properly designated directory information by the district in this policy.

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

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

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

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

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

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

Policy History:

Adopted on:

Reviewed on: 2/15/21

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**

3600P
page 1 of 6

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 6
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 choose to have the student's photograph included in the repository for that school year; information about the use of the directory photographs if a student is identified as a missing child; and information about

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

Military Recruiters/Institutions of Higher Education/Government Agencies

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

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

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

Student Record Challenges

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

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

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

The parent or eligible student has:

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

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

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

Procedure History:

Promulgated on:

Reviewed on:

Revised on: 3/16/09, 10/15/2012, 08/19/13, 03/19/2014, 01/19/15; 1/21/20

Terry K-12 Schools

R

STUDENTS

3606

Transfer of Student Records

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

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

Cross Reference: 3413 Student Immunization
 3600 - 3600P Student Records

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

Policy History:

Adopted on:

Reviewed on: 3/16/09, 01/18/2021

Revised on:

Terry K-12 Schools

R

STUDENTS

3608

Receipt of Confidential Records

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

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

- Administrator
- Counselor

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

Cross Reference: 3600 - 3600P Student Records

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

Policy History:

Adopted on:

Reviewed on: 3/16/09, 01/18/2021

Revised on:

STUDENTS

3612

page 1 of 2

District-Provided Access to Electronic Information, Services, Equipment, and NetworksGeneral

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

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

Curriculum

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

Acceptable Uses

1. Educational Purposes Only. All use of the District's equipment and electronic network must be: (1) in support of education and/or research, and in furtherance of the District's stated educational goals; or (2) for a legitimate school business purpose. Use is a privilege, not a right. Students and staff members have no expectation of privacy in any materials that are stored, transmitted, or received via the District's electronic network or District computers. The District reserves the right to monitor, inspect, copy, review, and store, at any time and without prior notice, any and all usage of the equipment and computer network, and Internet access and any and all information transmitted or received in connection with such usage.
2. Unacceptable Uses of Equipment and Network. The following are considered unacceptable uses and constitute a violation of this policy:
 - A. Uses that violate the law or encourage others to violate the law, including but not limited to transmitting offensive or harassing messages; offering for sale or use any substance the possession or use of which is prohibited by the District's student discipline policy; viewing, transmitting, or downloading pornographic materials or materials that encourage others to violate the law; intruding into

the networks or computers of others; and downloading or transmitting confidential, trade secret information, or copyrighted materials.

- B. Uses that cause harm to others or damage to their property, including but not limited to engaging in defamation (harming another's reputation by lies); employing another's password or some other user identifier that misleads message recipients into believing that someone other than you is communicating, or otherwise using his/her access to the network or the Internet; uploading a worm, virus, other harmful form of programming or vandalism; participating in "hacking" activities or any form of unauthorized access to other computers, networks, or other information.
- C. Uses that jeopardize the security of student access and of the computer network or other networks on the Internet.
- D. Uses that are commercial transactions. Students and other users may not sell or buy anything over the Internet. Students and others should not give information to others, including credit card numbers and social security numbers.

Warranties/Indemnification

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

Violations

Violation of this policy will result in a loss of access and may result in other disciplinary or legal action. The principal will make all decisions regarding whether a user has violated this policy and any related rules or regulations and may deny, revoke, or suspend access at any time, with that decision being final.

Policy History:

Adopted on:

Reviewed on: 3/16/09, 01/18/2021, 2/15/21

Revised on: 4/19/22

STUDENT INTERNET ACCESS AND EQUIPMENT USE CONDUCT AGREEMENT

Every student, regardless of age, must read and sign below:

I have read, understand, and agree to abide by the terms of the Terry School District's policy regarding District-Provided Access to Electronic Information, Services, Equipment, and Networks (Policy No. 3612). Should I commit any violation or in any way misuse my access to the District's equipment, computer network and/or the Internet, I understand and agree that my access privilege may be revoked and school disciplinary action may be taken against me including payment of costs associated with damaged equipment.

User's Name (Print): _____ Home Phone: _____
User's Signature: _____ Date: _____
Address: _____

Parent or Legal Guardian. (If applicant is under 18 years of age, a parent/legal guardian must also read and sign this agreement.) As the parent or legal guardian of the above-named student, I have read, understand, and agree that my child shall comply with the terms of the District's policy regarding District-Provided Access to Electronic Information, Services, Equipment, and Networks for the student's access to the District's equipment computer network and/or the Internet. I understand that access is being provided to the students for educational purposes only. However, I also understand that it is impossible for the school to restrict access to all offensive and controversial materials and understand my child's responsibility for abiding by the policy. I am signing this Agreement and agree to accept full responsibility for supervision of my child's use of his/her equipment and access account if and when such access is not in the school setting. I hereby give my child permission to use the building-approved account to access the District's computer network and the Internet. I understand any negligence arising out of my student's use of equipment or networks shall be attributed to me as comparative negligence within the meaning of Section 27-1-702, MCA. I further accept that any costs to repair or replace damages to equipment or networks in accordance Section 20-5-202, MCA

Parent/Legal Guardian (Print): _____
Signature: _____
Home Phone: _____ Address: _____
Date: _____

This Agreement is valid for the _____ school year only.

STUDENTS

3612P

District-Provided Access to Electronic Information, Services, Equipment, and Networks

All use of equipment and electronic networks shall be consistent with the District's goal of promoting educational excellence by facilitating resource sharing, innovation, and communication. These procedures do not attempt to state all required or proscribed behaviors by users. However, some specific examples are provided. **The failure of any user to follow these procedures will result in the loss of privileges, disciplinary action, and/or appropriate legal action.**

Terms and Conditions

1. Acceptable Use – Access to the District's equipment and electronic networks must be: (a) for the purpose of education or research and consistent with the educational objectives of the District; or (b) for legitimate business use.
2. Privileges – The use of the District's equipment and electronic networks is a privilege, not a right, and inappropriate use will result in cancellation of those privileges. The system administrator (and/or principal) will make all decisions regarding whether or not a user has violated these procedures and may deny, revoke, or suspend access at any time. That decision is final.
3. Unacceptable Use – The user is responsible for his or her actions and activities involving the equipment and network. Some examples of unacceptable uses are:
 - a. Using the equipment and network for any illegal activity, including violation of copyright or other contracts, or transmitting any material in violation of any federal or state law;
 - b. Unauthorized downloading of software, regardless of whether it is copyrighted or devirused;
 - c. Downloading copyrighted material for other than personal use;
 - d. Using the equipment or network for private financial or commercial gain;
 - e. Wastefully using resources, such as file space;
 - f. Hacking or gaining unauthorized access to files, resources, or entities;
 - g. Invading the privacy of individuals, which includes the unauthorized disclosure, dissemination, and use of information of a personal nature about anyone;
 - h. Using another user's account or password;

- i. Posting material authored or created by another, without his/her consent;
 - j. Posting anonymous messages;
 - k. Using the equipment or network for commercial or private advertising;
 - l. Accessing, submitting, posting, publishing, or displaying any defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, harassing, or illegal material; and
 - m. Using the equipment or network while access privileges are suspended or revoked.
4. Network Etiquette – The user is expected to abide by the generally accepted rules of network etiquette. These include but are not limited to the following:
- a. Be polite. Do not become abusive in messages to others.
 - b. Use appropriate language. Do not swear or use vulgarities or any other inappropriate language.
 - c. Do not reveal personal information, including the addresses or telephone numbers, of students or colleagues.
 - d. Recognize that electronic mail (e-mail) is not private. People who operate the system have access to all mail. Messages relating to or in support of illegal activities may be reported to the authorities.
 - e. Do not use the network in any way that would disrupt its use by other users.
 - f. Consider all communications and information accessible via the network to be private property.
5. No Warranties – The District makes no warranties of any kind, whether expressed or implied, for the service it is providing. The District will not be responsible for any damages the user suffers. This includes loss of data resulting from delays, non-deliveries, missed deliveries, or service interruptions caused by its negligence or the user's errors or omissions. Use of any information obtained via the Internet is at the user's own risk. The District specifically denies any responsibility for the accuracy or quality of information obtained through its services.

6. Indemnification – The user agrees to indemnify the District for any losses, costs, or damages, including reasonable attorney fees, incurred by the District, relating to or arising out of any violation of these procedures.
7. Security – Network security is a high priority. If the user can identify a security problem on the Internet, the user must notify the system administrator or building principal. Do not demonstrate the problem to other users. Keep your account and password confidential. Do not use another individual’s account without written permission from that individual. Attempts to log on to the Internet as a system administrator will result in cancellation of user privileges. Any user identified as a security risk may be denied access to the network.
8. Vandalism – Vandalism will result in cancellation of privileges, and other disciplinary action. Vandalism is defined as any malicious attempt to harm or destroy equipment, data of another user, the Internet, or any other network. This includes but is not limited to uploading or creation of computer viruses.
9. Telephone Charges – The District assumes no responsibility for any unauthorized charges or fees, including telephone charges, long-distance charges, per-minute surcharges, and/or equipment or line costs.
10. Copyright Web Publishing Rules – Copyright law and District policy prohibit the republishing of text or graphics found on the Web or on District Websites or file servers, without explicit written permission.
 - a. For each republication (on a Website or file server) of a graphic or text file that was produced externally, there must be a notice at the bottom of the page crediting the original producer and noting how and when permission was granted. If possible, the notice should also include the Web address of the original source.
 - b. Students and staff engaged in producing Web pages must provide library media specialists with e-mail or hard copy permissions before the Web pages are published. Printed evidence of the status of “public domain” documents must be provided.
 - c. The absence of a copyright notice may not be interpreted as permission to copy the materials. Only the copyright owner may provide the permission. The manager of the Website displaying the material may not be considered a source of permission.
 - d. The “fair use” rules governing student reports in classrooms are less stringent and permit limited use of graphics and text.

- e. Student work may only be published if there is written permission from both the parent/guardian and the student.

Internet Safety

1. Internet access is limited to only those “acceptable uses,” as detailed in these procedures. Internet safety is almost assured if users will not engage in “unacceptable uses,” as detailed in these procedures, and will otherwise follow these procedures.
2. Staff members shall supervise students while students are using District Internet access, to ensure that the students abide by the Terms and Conditions for Internet access, as contained in these procedures.
3. Each District computer with Internet access has a filtering device that blocks entry to visual depictions that are: (1) obscene; (2) pornographic; or (3) harmful or inappropriate for students, as defined by the Children’s Internet Protection Act and determined by the Superintendent or designee.
4. The district shall provide age-appropriate instruction to students regarding appropriate online behavior. Such instruction shall include, but not be limited to: positive interactions with others online, including on social networking sites and in chat rooms; proper online social etiquette; protection from online predators and personal safety; and how to recognize and respond to cyberbullying and other threats.
5. The system administrator and principal shall monitor student Internet access.

Legal Reference: Children’s Internet Protection Act, P.L. 106-554
Broadband Data Services Improvement Act/Protecting Children in
the 21st Century Act of 2008 (P.L. 110-385)
20 U.S.C. § 6801, et seq. Language instruction for limited English
proficient and immigrant students
47 U.S.C. § 254(h) and (l) Universal service

Procedure History:

Adopted on:

Reviewed on: 03/16/09

Revised: 02/22/2012, 04/19/22

STUDENTS

3650

Pupil Online Personal Information ProtectionCompliance

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

Operators of Online Applications

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

Third Parties Providing Software and Services

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

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

a description of the procedures for notifying the affected parent, legal guardian, or pupil if 18 years of age or older in the event of an unauthorized disclosure of the pupil's records;

Failure to Comply and Legal Review

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

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

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

Legal Reference: Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g; 34 C.F.R. 99
Montana Pupil Online Personal Information Protection Act, Title 20, chapter 7, part 13, MCA

Policy History:

Adopted on: 3/26/20

Reviewed on:

Revised on:

TERRY K-12 SCHOOLS

R = required

4000 SERIES COMMUNITY RELATIONS

TABLE OF CONTENTS

4000	Goals
R 4120	Public Relations
4125	District Social Media
4210	School-Support Organizations
4211	School Name Imagery and Colors
4301	Visitors to Schools
R 4310	Public Complaints and Suggestions
4315	Visitor and Spectator Conduct
R 4316	Accommodating Individuals With Disabilities
4320	Contact With Students
4325	After Hours use of School Facilities
R 4330	Community Use of School Facilities
4330F	Weight Room Facilities Use Agreement
4330F1	Weight Room Usage
4331	Use of School Property for Posting Notices
4332	Conduct on School Property
4340	Public Access to District Records
4350	Website Accessibility and Nondiscrimination
4410	Relations With Law Enforcement and Child Protective Agencies
4411	Interrogations and Investigations Conducted by School Officials
4520	Cooperative Programs With Other Districts and Public Agencies
4550	Registered Sex Offenders

1 **Terry K-12 Schools**

2
3 **COMMUNITY RELATIONS**

4000

4
5 Goals

6
7 The Board, through the leadership of the administrator and with the assistance of the total staff,
8 will seek to enhance the District's community relations by striving to achieve the following
9 goals:

- 10
11 1. To encourage and enhance communications, understanding, trust, and mutual support
12 between the District and the people it serves;
13
14 2. To increase both the quality and quantity of public participation in school affairs,
15 activities, and programs;
16
17 3. To strengthen and improve relations and interactions among staff, trustees, citizens,
18 parents, and students;
19
20 4. To promote understanding and cooperation between the schools and community groups.
21
22
23

24 Legal Reference : 10.55.701, ARM Board of Trustees
25 10.55.801, ARM School Climate
26

27 Policy History:

28 Adopted on:

29 Reviewed on: 3/16/09

30 Revised on:

2
3 **COMMUNITY RELATIONS**

4120

4
5 Public Relations

6
7 The District will strive to maintain effective two-way communications with the public to enable
8 the Board and staff to interpret schools' needs to the community and provide a means for citizens
9 to express their needs and expectations to the Board and staff.

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

17
18 The District may solicit community opinion through parent organizations, parent-teacher
19 conferences, open houses, and other events or activities which may bring staff and citizens
20 together.

21
22
23
24 Legal Reference: Art. II, Sec. 8, Montana Constitution - Right of participation
25 Art. II, Sec. 9, Montana Constitution - Right to know

26
27 Policy History:

28 Adopted on:

29 Reviewed on: 01/18/2021

30 Revised on:

2
3 **COMMUNITY RELATIONS**

4125

4
5 District Social Media Presence

6
7 The District social media accounts are provided for communication with the community. The
8 School District will update these accounts as often as possible to share as much as necessary can
9 about the School District and the achievements of the students and staff as well as other relevant
10 district community information.

11
12 All posting of comments on these accounts are at the discretion of the page administrators. The
13 intent of this policy is to protect the privacy and rights of School District's staff and students.
14 The account administrators will review all postings to make sure they do not violate the rules nor
15 of the District's Acceptable Use Guidelines regarding Internet access and practices. All posts
16 will be accompanied by an explanation of how to communicate with the School District in a
17 manner consistent with District policy.

18
19 The School District uses social media in conjunction with the School District's website. Staff
20 members assigned to access/post information are:

- 21
22 1) Superintendent
23 2) Principal
24 3) Activities Director

25
26 These staff members will complete training as needed to ensure use of the social media is
27 consistent with this and other District policies.

28
29 The Board authorizes the Superintendent to take necessary steps to implement this policy.

30
31 Policy History:

32 Adopted on: 11/15/21

33 Reviewed on:

34 Revised on:

4
5 School-Support Organizations, Boosters and Fundraising

6
7 The Board recognizes that parent, teacher, and student organizations are an invaluable resource
8 to District schools and supports their formation and vitality. While parent, teacher, and student
9 organizations have no administrative authority and cannot determine District policy, their
10 suggestions and assistance are always welcome.

11
12 School-Support Organizations

13
14 Parent or booster organizations are recognized by the Board and permitted to use the District's
15 name, a District school's name, or a District school's team name or any logo attributable to the
16 District, provided they first receive the Board's approval during a duly constituted Board
17 meeting. Unauthorized use of the District school's team name, logo, or imagery is strictly
18 prohibited. The District reserves the right to seek all available legal remedies for unauthorized
19 use of the District school's name, logo, or imagery.

20
21 In order for the School District to comply with the federal law, state law and MHSA By-Laws,
22 Rules and Regulations, Board recognition as a parent or booster organization along with consent
23 to use one of the above-mentioned names or logos will be granted if the organization has
24 approved and submitted bylaws containing the following:

- 25
- 26 1. The organization's name and purpose. Acceptable purposes may include enhancement of
27 students' educational experiences, assistance to meet educational needs of students,
28 support of academic clubs, or enrichment of extracurricular activities.
 - 29
 - 30 2. The rules and procedures under which it operates.
 - 31
 - 32 3. A statement that the membership will adhere to applicable Board policies and
33 administrative procedures when working on District premises or with District officials or
34 programs.
 - 35
 - 36 4. A statement that membership is open and unrestricted and the organization will not
37 engage in discrimination based on someone's innate characteristics or membership in a
38 protected classification.
 - 39
 - 40 5. A statement that the District is not, and will not be, responsible for the organization's
41 business or the conduct of its members.
 - 42
 - 43 6. A designation of the organization's treasurer. A statement that the organization will
44 maintain finances consistent with General Finance Principles in a manner open to review
45 by any member of the organization or the school district.
 - 46

7. A recognition that money given to a school cannot be earmarked for any particular expense. Booster organizations may make recommendations, but cash or other valuable consideration must be given to the District to use at its discretion. The Board's legal obligation to comply with Title IX by providing equal athletic opportunity for members of both genders will supersede an organizations recommendation.¹

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

Permission to use one of the above-mentioned names, logos or imagery may be suspended by the administration and rescinded by the Board for failure to comply with this policy. Authorization to use one of the above-mentioned names, logos, or imagery does not constitute permission to act as the District's representative. At no time does the District accept responsibility for the actions of any parent or booster organization, regardless of whether it was recognized and/or permitted to use any of the above-mentioned names or logos.² The Superintendent shall designate an administrative staff member to serve as the liaison to parent or booster organization. The liaison will serve as a resource person and provide information about school programs, resources, policies, problems, concerns, and emerging issues. Building staff may be encouraged to participate in the organizations.

Individual Boosters or Donors

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

1. The individual must have prior approval must be granted by the Board for use of the District's name, logo, or imagery.
2. The individual must comply with Board policies and administrative procedures when submitting donations.

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

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

3. The individual may not violate federal law, state law, District policy or MHSA By-Laws, Rules and Regulations.
4. The individual acknowledges the District is not, and will not be, responsible for the individual booster or donor's business or their conduct.
5. The individual acknowledges that donations cannot be earmarked for any particular expense. Individual boosters or donors may make recommendations, but cash or other valuable consideration must be given to the District to use at its discretion in accordance with applicable laws. The Board's legal obligation to comply with Title IX by providing equal athletic opportunity for members of both genders will supersede any individual's recommendation.
6. The District reserves the right to reject any and all donations.

Fundraising

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

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

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

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

Policy History:

Adopted on:

Reviewed on: 01/18/2021

Revised on: 3/16/09, 7/24/2017

1 **Terry K-12 Schools**

2
3 **COMMUNITY RELATIONS**

4211

4
5 District and School Name, Logo, Imagery and Colors

6
7 Use of the District's name, a District school's name, or a District school's team name or mascot
8 or any logo or imagery attributable to the District by any group, individual, business, entity, or
9 organization may occur only after securing the Board's written approval as documented during a
10 duly constituted Board meeting. Unauthorized use of the District school's team name, mascot,
11 logo, or imagery is strictly prohibited. The District reserves the right to seek all available legal
12 remedies for unauthorized use of the District school's name, logo, mascot, or imagery.
13

14
15 Policy History:

16 Adopted on: 08/16/21

17 Reviewed on:

18 Revised on:

Terry K-12 Schools

R

COMMUNITY RELATIONS

4301

Visitors to Schools

The District welcomes visits by parents and citizens to all District buildings. All visitors shall report to the administrator's office on entering any District building and comply with any other applicable school safety and security policy, procedure or protocol. School visitors shall not interfere with school operations or delivery of educational services to students. Conferences with teachers should be held outside school hours or during the teacher's conference or preparation time.

Cross Reference: 4313 Disruption of School Operations

Policy History:

Adopted on:

Reviewed on: 3/16/09, 01/18/2021

Revised on: 03/18/19

1 **Terry K-12 Schools**

R

2
3 **COMMUNITY RELATIONS**

4310

4
5 Public Complaints and Suggestions

6
7 The Board is interested in receiving valid complaints and suggestions. Public complaints and
8 suggestions shall be submitted by the Uniform Complaint Procedure to the appropriate-level staff
9 member or the administrator. Each complaint or suggestion shall be considered on its merits.

10
11 Unless otherwise indicated in these policies or otherwise provided for by law, no appeal may be
12 taken from any decision of the Board.

13
14
15
16 Cross Reference: 1700 Uniform Complaint Procedure

17
18 Policy History:

19 Adopted on:

20 Reviewed on: 3/16/09, 01/18/2021

21 Revised on:

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;
14 • Possessing or consuming any illegal substance or marijuana;
15 • Possessing a weapon or firearm in violation of Policy 4332;
16 • Fighting or otherwise striking or threatening another person;
17 • Failing to obey instructions of a security officer or District employee; and
18 • Engaging in any illegal or disruptive activity.
19 • Other violations of District Policy.

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

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

29
30 Cross Reference: 4301 Visitors to School
31 4332 Conduct on School Property

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 Restriction on Local Government Regulation of
37 Firearms
38 Article X, section 8 Montana Constitution
39 Initiative 190 – “Montana Marijuana Regulation and Taxation Act.”
40 January 1, 2021

41
42 Policy History

43 Adopted on:

44 Reviewed on:

45 Revised on: 3/16/09, 03/18/19, 1/21/20, 08/16/21

COMMUNITY RELATIONS

4316

Accommodating Individuals With Disabilities

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

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

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

1. Oversee District compliance efforts, recommend necessary modifications to the Board, and maintain the District's final Title II self-evaluation document and keep it available for public inspection for at least three (3) years after its completion date (*for districts having fifty (50) or more full- or part-time employees*).
2. Institute plans to make information regarding Title II protection available to any interested party.

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

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

Cross Reference: 1700 Uniform Complaint Procedure

Legal Reference : Americans with Disabilities Act, 42 U.S.C. §§ 12111, et seq., and 12131, et seq.; 28 C.F.R. Part 35.

Policy History:

Adopted on:

Reviewed on: 3/16/09, 01/18/2021

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: 3/16/09

28 Revised on: 1/21/20

1 **Terry K-12 Schools**

2
3 **COMMUNITY RELATIONS**

4325

4
5 After Hours use of School Facilities - Keys

6
7 Terry Public Schools value school keys as real property of the school. Specific keys will be
8 checked out to currently employed school personnel in order for them to perform their duties.

9 The office will maintain a key checkout form that identifies each key given, what it opens, date
10 give, and date returned. School district keys are NOT to be duplicated or given to any non-
11 employee of the District.

12
13 The number of keys to outside doors will be limited and issued only to those persons required to
14 enter the building after hours on a regular basis.

15
16 Gym and Weight Room Facilities

17
18 The District will not issue keys to individuals wishing to access these facilities. The gym and
19 weight room facilities may be open to the community through the Adult Education Program. A
20 schedule of the days and hours will be posted for community members interested in using these
21 facilities. The District will employ an adult supervisor, through the Adult Education Program, to
22 manage these two facilities on the nights open to the community.

23
24 Policy History:

25 Adopted on:

26 Reviewed on: 3/16/09, 01/18/2021

27 Revised on:

COMMUNITY RELATIONS

4330

Community Use of School Facilities

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

Student and school-related organizations shall be granted the use of school facilities at no cost. Other organizations granted the use of school facilities shall pay fees and costs. The administrator will develop procedures to manage community use of school facilities, which will be reviewed and approved by the Board. Use of school facilities requires the administrator's approval and is subject to the procedures.

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

The School Facilities and Grounds Use and Liability Release Agreement can be obtained by contacting the District Office. The School Facilities and Grounds Use and Liability Release Agreement must be completed, signed, and returned to the Superintendent prior to the use of the facilities or grounds.

Cross Reference; 4330F School Facilities and Grounds Use and Liability Release Agreement

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

Policy History:

Adopted on:

Reviewed on: 3/16/09; 10/21/19, 01/18/2021

Revised on: 7/16/18

WEIGHT ROOM FACILITIES USE AGREEMENT Terry K-12 Schools

Individual Requesting Weight Room Use: _____

Date and Hours of Requested Use: _____

Purpose of Use: _____

Premises and Conditions

Conditions of Weight Room Use - Use of District weight room is conditioned upon the following covenants:

1. That no alcoholic beverages, tobacco or other drugs are sold or consumed on the premises by the requesting individual or any of its employees, patrons, agents, or members.
2. That no illegal games of chance or lotteries will be permitted.
3. That no functional alteration of the premises or functional changes in the use of such premises shall be made without specific written consent of the District.
4. That proper usage of the equipment is exercised and proper lifting techniques are demonstrated.

Waiver

In consideration of my use of the Terry Public Schools Weight Room, I for myself, my heirs, personal representative or assigns, do hereby release, waive, discharge, and covenant not to sue Terry Public Schools, its trustees, directors, officers, employees and agents from liability from any and all claims including negligence of Terry Public Schools resulting in personal injury, accidents, or illnesses (including death) and property loss arising from use of premises.

Assumption of Risk

Using the Weight Room and exercise area carries with it certain inherent risks that cannot be eliminated regardless of the care taken to avoid injuries. I have read the previous paragraphs and I know and understand and appreciate these and other risks are inherent in the activity I am participating in. I hereby assert that my participation is voluntary and that I knowingly assume all such risks.

Indemnification and Hold Harmless

I also agree to indemnify and hold harmless Terry Public Schools, its trustees, directors, officers, employees and agents from any and all claims, actions, suits, costs, expenses, damages and liabilities including attorney fees as a result of this use of premises.

Severability

The undersigned further expressly agrees that the forgoing waiver and assumption of risk agreement is intended to be as broad and inclusive as is permitted by the law of the State of Montana and that if any portion thereof is held invalid, it is agreed that the balance shall, notwithstanding, continue in full legal force and effect.

Acknowledgement of Understanding

I have read this waiver of liability, assumption of risk, and indemnity agreement, and fully understand its terms. I acknowledge that I am signing the agreement freely and voluntarily, and intend by my signature to be a complete and unconditional release of all liability to the greatest extent allowed by law.

Nondiscrimination

The requesting individual agrees to abide by nondiscrimination clauses as contained in the Montana Human Rights Act and the Governmental Code of Fair Practices.

WEIGHT ROOM FACILITIES USE AGREEMENT
Terry K-12 Schools

District's Rights

The District reserves the right to cancel this Agreement, when it is determined by the District that the facilities are needed for school purposes.

DATED this _____ day of _____, 20_.

Terry K-12 Schools:

Administrator Printed Name: _____

Administrator Signature: _____

Requesting Organization or Individual Name: _____

Requesting Organization or Individual Address: _____

Requesting Organization or Individual Phone Number: _____

Additional Obligations imposed by Terry Schools:

Signature of Participant

Date

Revised: 10/21/19
Reviewed: 01/18/2021

1 **Terry K-12 Schools**

2
3 **COMMUNITY RELATIONS**

4331

4
5 Use of School Property for Posting Notices

6
7 Non-school-related organizations or individuals that are not associated with student curricular clubs
8 or student non-curricular groups may request permission of the building principal to display posters
9 in the area reserved for community posters or to have flyers distributed to students. The building
10 principal shall only authorize distribution or posting of information that is determined to have a direct
11 benefit or relationship to students enrolled in the school and meets the standards of this policy.

12
13 Posters and/or flyers must be student oriented and have the sponsoring organization's name
14 prominently displayed. The District will not permit the posting or distribution of any material that
15 would:

- 16
17 A. Disrupt the educational process;
18
19 B. Violate the rights of others;
20
21 C. Invade the privacy of others;
22
23 D. Infringe on a copyright;
24
25 E. Violate District policy, procedure, or administrative directive;
26
27 F. Be obscene, vulgar, or indecent; or
28
29 F. Promote violence, discriminatory conduct, the use of drugs, alcohol, tobacco, or certain
30 products that create community concerns.

31
32 No commercial publication shall be posted or distributed unless the purpose is to further a school
33 activity, such as graduation, class pictures, or class rings.

34
35 If permission is granted to distribute materials, the organization must arrange to have copies
36 delivered to the school. Distribution of the materials will be arranged by administration. Under no
37 circumstances shall individuals not employed by the District be given access to the building for the
38 purposes of posting notices or distributing information.

39
40 All student materials must be reviewed and approved by the Superintendent or designee in
41 accordance with Policy 3222.

42
43 Cross References: Policy 3222 – Distribution and Posting of Student Materials

44
45 Policy History:

46 Adopted on: 8/16/21

47 Reviewed on:

48 Revised on:

4
5 Conduct on School Property

6
7 General Conduct

8
9 In addition to prohibitions stated in other District policies, a person on school property who is not an
10 enrolled student or District employee shall not:

- 11
12 1. Injure or threaten to injure another person;
13
14 2. Damage another's property or that of the District;
15
16 3. Violate any provision of the criminal law of the state of Montana or town or county ordinance;
17
18 4. Smoke or otherwise use tobacco or nicotine products, and alternative nicotine and vapor
19 products as defined in 16-11-302, MCA, or other similar products;
20
21 5. Consume, possess, or distribute alcoholic beverages, illegal drugs, or marijuana;
22
23 6. Impede, delay, or otherwise interfere with the orderly conduct of the District's educational
24 program or any other activity occurring on school property;
25
26 7. Possess a non-firearm weapon as defined in this policy;
27
28 8. Enter upon any portion of school premises at any time for purposes other than those which are
29 lawful and authorized by the Board; or
30
31 9. Willfully violate other District rules and regulations.
32

33 For the purposes of this policy, "school property" means within school buildings, in vehicles used for
34 school purposes, or on owned or leased school land or grounds. District administrators are authorized to
35 appropriate action, as circumstances warrant, to enforce this section of the policy including but not
36 limited to requesting the assistance of law enforcement in accordance with Montana law.
37

38 Firearms and Weapons

39
40 A person who is not an enrolled student or District employee shall not possess any firearm or other non-
41 firearm weapon in a school building at any time.
42

43 For the purposes of this policy, the term "firearm" means (A) any weapon which will or is designed to or
44 may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of
45 any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device pursuant to
46 18 U.S.C. 921 (4). Such term does not include an antique firearm pursuant to 18 U.S.C. 921 (16).
47

48 For purposes of this policy, "non-firearm weapon" means any object, device, or instrument designed as a
49 weapon or through its use is capable of intimidating, threatening or producing bodily harm or which may
50 be used to inflict injury, including but not limited to air guns; pellet guns; BB guns; fake or facsimile

weapons; all knives; blades; clubs; metal knuckles; nunchucks; throwing stars; explosives; fireworks; mace or other propellants; stun guns; ammunition; poisons; chains; arrows; and objects that have been modified to serve as a weapon.

District administrators are authorized to appropriate action, as circumstances warrant, to enforce this section of the policy including but not limited to requesting the assistance of law enforcement in accordance with Montana law.

This section does not apply to a law enforcement officer acting in the officer's official capacity or an individual previously authorized by the Board of Trustees to possess a firearm or weapon in a school building.

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

Definitions:

For the purposes of this policy, "School building" means a combination of any materials, whether mobile, portable, or fixed, to form a structure and the related facilities for the use or occupancy by persons or property owned or leased by a local school district that are used for instruction or for student activities as specified in Section 50-60-101(2), MCA and Section 45-8-361, MCA. The term is construed as though followed by the words "or part or parts of a building" and is considered to include all stadiums, bleachers, and other similar outdoor facilities, whether temporary or permanently fixed.

Legal Reference:	Pro-Children Act of 1994, 20 U.S.C. § 6081
	Smoke Free School Act of 1994
	16-11-302, MCA Definitions
	§ 20-1-220, MCA Use of tobacco product in public school building or on public school property prohibited
	§ 20-1-206, MCA Disturbance of School
	§ 20-5-410, MCA Civil penalty
	§ 45-6-201, MCA Definition of enter or remain unlawfully
	§ 45-8-101, MCA Disorderly conduct
	§ 45-8-102, MCA Failure of disorderly persons to disperse
	§ 45-8-351, MCA Restriction on Local Government Regulation of Firearms
	§ 45-8-361, MCA Possession or allowing possession of weapon in school building -- exceptions -- penalties -- seizure and forfeiture or return authorized -- definitions.
	Article X, section 8 Montana Constitution
	Initiative 190 – "Montana Marijuana Regulation and Taxation Act." January 1, 2021

Policy History:

Adopted on:

Reviewed on:

Revised on: 3/16/09, 3/19/10, 03/19/2014, 07/15/15;1/21/20, 7/19/21

4
5 Public Access to District Records

6
7 Within limits of an individual's right of privacy, the public will be afforded full access to
8 information concerning administration and operations of the District. Public access to District
9 records shall be afforded according to appropriate administrative procedures.

10
11 "District records" include any writing, printing, photostating, photographing, etc. (including
12 electronic mail), which has been made or received by the District in connection with the
13 transaction of official business and presented for informative value or as evidence of a
14 transaction, and all other records required by law to be filed with the District. "District records"
15 do not include personal notes and memoranda of staff which remain in the sole possession of the
16 maker and which are not generally accessible or revealed to other persons.

17
18 The administrator will serve as the public records coordinator, with responsibility and authority
19 for ensuring compliance with the display, indexing, availability, inspection, and copying
20 requirements of state law and this policy. As coordinator, the administrator will authorize the
21 inspection and copying of District records only in accordance with the criteria set forth in this
22 policy.

23
24 In accordance with Title 2, Chapter 6, MCA, the District will make available for public
25 inspection and copying all District records or portions of records except those containing the
26 following information:

- 27
28 1. Personal information in any file maintained for students. Information in student records
29 will be disclosed only in accordance with requirements of the Family Educational Rights
30 and Privacy Act of 1974 and adopted District policy.
31
32 2. Personal information in files maintained for staff, to the extent that disclosure will violate
33 their right to privacy.
34
35 3. Test questions, scoring keys, or other examination data used to administer academic tests.
36
37 4. The contents of real estate appraisals made for or by the District relative to the
38 acquisition of property, until the project is abandoned or until such time as all of the
39 property has been acquired, but in no event will disclosure be denied for more than three
40 (3) years after appraisal.
41
42 5. Preliminary drafts, notes, recommendations, and intra-District memoranda in which
43 opinions are expressed or policies formulated or recommended, except a specific record
44 shall not be exempt when publicly cited by the District in connection with any District
45 action.
46

6. Records relevant to a controversy to which the District is a party, but which would not be available to another party under the rules of pretrial discovery, for cases pending resolution.
7. Records or portions of records, the disclosure of which would violate personal rights of privacy.
8. Records or portions of records, the disclosure of which would violate governmental interests.
9. Records or information relating to individual or public safety or the security of public schools if release of the information jeopardizes the safety of facility personnel, the public, students in a public school.

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

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

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

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

Legal Reference: Title 20, Ch. 6, MCA School districts
§ 2-6-109, MCA Prohibition on distribution or sale of mailing lists –
exceptions – penalty

Policy History:

Adopted on:

Reviewed on: 3/16/09, 2/15/2021

Revised on: 03/18/19

Terry K-12 Schools

Adopted on: 11/21/17

Reviewed on:

Revised on:

4350

COMMUNITY RELATIONS

Page 1 of 2

Website Accessibility and Nondiscrimination

The District is committed to ensuring that people with disabilities have an opportunity equal to that of their nondisabled peers to participate in the District's programs, benefits, and services, including those delivered through electronic and information technology, except where doing so would impose an undue burden or create a fundamental alteration.

Benchmarks for Measuring Accessibility

In order to assure that people with disabilities have an opportunity equal to that of their nondisabled peers to access information delivered through electronic and information technology, all pages on the District's website will conform to the W3C Web Accessibility Initiative's (WAI) Web Content Accessibility Guidelines (WCAG) 2.0 Level AA and the Web Accessibility Initiative Accessible Rich Internet Applications Suite (WAI-ARIA) 1.0 techniques for web content, or updated equivalents of these guidelines, except where doing so would impose an undue burden or create a fundamental alteration.

Website Accessibility

With regard to the District's website and any official District web presence which is developed by, maintained by or offered through third party vendors and open sources, the District is committed to compliance with the provisions of the Americans with Disabilities Act (ADA), Section 504 and Title II so that students, parents and members of the public with disabilities are able to independently acquire the same information, engage in the same interactions, and enjoy the same benefits and services within the same timeframe as those without disabilities, which substantially equivalent ease of use; and that they are not excluded from participation in, denied benefits or, or otherwise subjected to discrimination in any District programs, services, and activities delivered online.

All existing web content produced by the District, and new, updated, and existing web content provided by third party developers, will conform to the WCAG 1.0 Level AA and the WAI-ARIA 1.0 techniques for web content or updated equivalents. This policy applies to all new, updated, and existing web pages, as well as all web content produced or updated by the District or provided by third-party developers.

Website Accessibility Concerns, Complaints, and Grievances

The following statement will appear on the District's website homepage and all subsidiary pages:

The District is committed to ensuring accessibility of its website for students, parents, and members of the community with disabilities. All pages on the District's website will conform to the W3C WAI's Web Content Accessibility Guidelines (WCAG) 2.0, Level AA conformance, or updated equivalents.

Under District developed administrative procedures, students, parents, and members of the public may present a complaint regarding a violation of the Americans with Disabilities Act (ADA), Section 504 related to the accessibility of any official District web presence which is developed by, maintained by, or offered through the District or third party vendors and open sources.

A student, parent, or member of the public who wishes to submit a complaint or grievance regarding a violation of the ADA, Section 504 or Title II related to the accessibility of any official District web presence that is developed by, maintained by, or offered through the District, third party vendors and/or open sources may complain directly to a school administrator. The initial complaint or grievance should be made using the District's Uniform Grievance Form, upon request at the District office, however, a verbal complaint or grievance may be made. When a school administrator receives the information, they shall immediately inform the District's **[IT Department or website compliance coordinator]**. The Complainant need not wait for the investigation of any grievance or complaint in order to receive the information requested.

Whether or not a formal complaint or grievance is made, once the District has been notified of inaccessible content, effective communication shall be provided as soon as possible to the reporting party to provide access to the information.

Testing and Accountability

The District will ensure website accessibility training to all appropriate personnel, including employees who are responsible for developing, loading, maintaining, or auditing web content functionality. The **[designated responsible personnel or third party]** will be responsible for reviewing and evaluating new material that is published by **[school staff or IT Department]** and uploaded to the website for accessibility on a periodic basis. The **[designated responsible personnel or third party]** will be responsible for reviewing all areas of the District's website and evaluating its accessibility on a periodic basis, and at least once per quarter. Any non-conforming webpages will be corrected in a timely manner.

This policy shall be available to the public via a link entitled "Accessibility," which shall be located on the District's homepage.

Cross Reference: Policy 1700 Uniform Grievance Procedure

Legal Reference: Title II of the Americans with Disabilities Act of 1990
 Section 504 of the Rehabilitation Act

Policy History:

Adopted on:

Reviewed on: 2/15/2021

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

29
30 The purpose of the team is “to facilitate the exchange and sharing of information that one or
31 more team members may be able to use in serving a child in the course of their professions and
32 occupations, including but not limited to abused or neglected children, delinquent youth, and
33 youth in need of intervention, and of information relating to issues of school safety.”

34
35 The Superintendent is authorized to participate in the formation of and request information from
36 the interdisciplinary child information and school safety team regarding students in the School
37 District. The Superintendent shall utilize this authority on a regular basis to ensure the safety
38 and security of the District.

39
40 Cross Reference: 4313 Disruption of School Operations

41
42 Legal Reference: § 20-1-206, MCA Disturbance of school – penalty
43 § 52-2-211, MCA County Interdisciplinary Child Information and
44 School Safety Team
45
46

1
2
3
4 Policy History:
5 Adopted on:
6 Reviewed on: 3/16/19
7 Revised on: 3/18/19; 1/21/20

4
5
6 Interrogation and Investigations Conducted by School Officials

7
8 The administration has the authority and duty to conduct investigations and to question students
9 pertaining to infractions of school rules, whether or not the alleged conduct is a violation of
10 criminal law. The administration shall determine when the necessity exists that law enforcement
11 officers be asked to conduct an investigation of alleged criminal behavior which jeopardizes the
12 safety of other people or school property or which interferes with the operation of the schools.
13

14 In instances when the administration has reasonable suspicion that a violation of district policy or
15 the student code of conduct has been violated, the administrator will investigate. The
16 administrator will notify the suspected rule violator(s) or potential witness(es) to the infraction.
17 The suspected student shall be advised orally or in writing of the nature of the alleged offense
18 and of the evidence against the student. Circumstances may arise where it would be advisable to
19 have another adult present during questioning of students.
20

21 Investigations by Law Enforcement

22
23 When a student becomes involved with law enforcement officers due to events outside of the
24 school environment and officers must interact with a student at the school, the officer(s) shall
25 confer with the student when he/she is being investigated for conduct not under the jurisdiction
26 of the school. The following steps shall be taken to cooperate with the authorities.
27

- 28 a. The officer shall contact the Superintendent and present proper identification in all
29 occasions upon his/her arrival on school premises.
30
31 b. Parents or guardians shall be notified by the law enforcement officer or Superintendent as
32 soon as possible. The law enforcement officer or Superintendent shall make every effort
33 to inform parents or guardians of the intent of the law enforcement officers except when
34 that notification may compromise the student's safety.
35
36 c. The student's parent or guardian should be present, if practicable, during any
37 interrogation on school premises.
38

39 Cooperation with Law Enforcement

40
41 Although cooperation with law enforcement officers will be maintained, it is the preference of
42 the District that it will not normally be necessary for law enforcement officers to initiate, and
43 conduct any investigation and interrogation on the school premises, during school hours,
44 pertaining to criminal activities unrelated to the operation of the school. It is preferred that only
45 in demonstrated emergencies, when law enforcement officers find it necessary, will they conduct
46 such an investigation during school hours. These circumstances might be limited to those in

which delay might result in danger to any person, flight of a person reasonably suspected of a crime from the jurisdiction or local authorities, destruction of evidence, or continued criminal behavior.

No school official, however, should ever place him/herself in the position of interfering with a law enforcement official in the performance of his or her duties as an officer of the law. If the law enforcement officials are not recognized and/or are lacking a warrant or court order, the Superintendent shall require proper identification of such officials and the reason(s) for the visit to the school.

In all cases, the officers shall be requested to obtain prior approval of the Superintendent or other designated person before beginning such an investigation on school premises. The administrator shall document the circumstances of such investigations as soon as practical. Alleged behavior related to the school environment brought to the Superintendent's attention by law enforcement officers shall be dealt with under the provisions of the two previous sections.

Taking a Student into Custody

School officials shall not release students to law enforcement authorities voluntarily unless the student has been placed under arrest or unless the parent or guardians and the student agree to the release. When students are removed from school for any reason by law enforcement authorities, every reasonable effort will be made to notify the student's parents or guardians immediately. Such effort shall be documented. Whenever an attempt to remove a student from school occurs without an arrest warrant, court order, or without acquiescence of the parent or guardian, or the student, the administrator shall immediately notify a superior of the law enforcement officers involved to make objection to the removal of the student and shall attempt to notify the parent or guardian of the student. The Superintendent's office shall be notified immediately of any removal of a student from school by law enforcement officers under any circumstances.

When it is necessary to take a student into custody on school premises and time permits, the law enforcement officer shall be requested to notify the principal and relate the circumstances necessitating such action. When possible, the principal shall have the student summoned to the principal's office where the student may be taken into custody. In all situations of interrogations, arrest or service of subpoenas of a student by law enforcement officers on school premises, all practicable steps shall be taken to ensure a minimum of embarrassment or invasion of privacy of the student and disruption to the school environment.

Disturbance of School Environment

Law enforcement officers may be requested to assist in controlling disturbances of the school environment which the Superintendent or other school administrator has found to be

unmanageable by school personnel and which disturbances have the potential of causing harm to students, other persons, or school property. Staff members may also notify law enforcement officials.

Such potential of possible disturbance includes members of the public who have exhibited undesirable or illegal conduct on school premises or at a school event held on school property, and who have been requested to leave by an administrator or staff member, but have failed or refused to do so.

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

Policy History:

Adopted on:

Reviewed on: 3/16/09, 2/15/21

Revised on: 7/18/16

4520

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

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

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

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

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

Adopted on:
Reviewed on: 3/16/09, 2/15/21
Revised on:

1 **Terry K-12 Schools**

2
3 **COMMUNITY RELATIONS**

4550

page 1 of 2

4
5 Registered Sex Offenders

6
7 The State of Montana has determined that perpetrators of certain sex crimes pose a continuing
8 threat to society as a whole even after completion of their criminal sentences. Recognizing that
9 the safety and welfare of students is of paramount importance, Terry K-12 Schools declare that,
10 except in limited circumstances, Terry K-12 Schools should be off limits to registered sex
11 offenders.

12
13 Employment

14
15 Notwithstanding any other Board policy, individuals listed by the State of Montana as registered
16 sex offenders are ineligible for employment in any position within Terry K-12 Schools.
17 However, the administrator shall have discretion consistent with other Board policies to
18 recommend an individual whose name has been expunged from the Sex Offender Registry.

19
20 School Off Limits

21
22 The District hereby declares that no registered sex offender whose victim was a minor may come
23 on, about, or within District-owned buildings or property except as otherwise provided in this
24 policy. If the administrator becomes aware that such a sex offender is on, about, or within school
25 property, the administrator shall direct the sex offender to immediately leave the area. The Board
26 authorizes the administrator to request the assistance of the appropriate law enforcement
27 authorities to secure the removal of any registered sex offender from the area. If a registered sex
28 offender disregards the terms of this policy or the directives of the administrator, then the
29 administrator is authorized to confer with counsel and to pursue such criminal or civil action as
30 may be necessary to enforce compliance with this policy.

31
32 This policy shall not be construed to impose any duty upon the administrator or any other
33 employee of the District to review the Sex Offender Registry or to screen individuals coming on
34 or within school property to ascertain whether they are on the Registry. This policy shall only
35 apply when the administrator is actually aware that the person in question is on the Sex Offender
36 Registry and that the offender's victim was a minor.

37
38 The provisions of this policy prohibiting a registered sex offender from coming on, about, or
39 within school property shall not apply in the event that a sex offender's name should be
40 expunged from the Registry.

41
42 Rights of Parents on the Sex Offender Registry

43
44 In the event that a registered sex offender whose victim was a minor has a child attending the
45 District, the administrator shall be authorized to modify this policy's restrictions to permit the
46 parent to drop off and pick up the child from school and to come onto campus to attend parent-

teacher conferences. However, the parent may not linger on or about school property before or after dropping off his or her child, and the parent is prohibited from being in any part of the school building except the main office.

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

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

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

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

Policy History:

Adopted on:

Reviewed on: 2/15/21

Revised on: 3/16/09

2
3 **COMMUNITY RELATIONS**

4600

page 1 of 5

5 Notice to Parents Required by No Child Left Behind Act of 2001 ("NCLB") *

6
7 Improving Basic Programs Operated by Local Educational Agencies

- 8
- 9 1. As required by NCLB § 1111(h)(6)(A): At the beginning of each school year, a district
10 that receives Title I funds shall notify the parents of each student attending any school
11 receiving Title I funds that the parents may request, and the district will provide the
12 parents on request, information regarding the professional qualifications of the student's
13 classroom teachers, including, at a minimum, the following:
 - 14 a. Whether the teacher has met the state qualifications and licensing criteria for the
15 grade levels and subject areas in which the teacher provides instruction.
 - 16 b. Whether the teacher is teaching under emergency or other provisional status.
 - 17 c. The teacher's baccalaureate degree major and any other graduate certifications or
18 degrees.
 - 19 d. Whether paraprofessionals provide services to the student and, if so, their
20 qualifications.
 - 21 2. As required by NCLB § 1111(h)(6)(B)(i): Districts must provide parents information on
22 the level of achievement of the parent's child in each of the state academic assessments.
 - 23 3. As required by NCLB § 1111(h)(6)(B)(ii): Districts must provide parents timely notice
24 that the parent's child has been assigned, or has been taught for four (4) or more
25 consecutive weeks by, a teacher who is not highly qualified.
26
27
28

29 Limited English Proficient Students

- 30
- 31 1. As required by NCLB § 1112(g)(1)(A) and (g)(2) and § 3302(a): Districts must inform a
32 parent of a limited English proficient child identified for participation or participating in
33 such a program, of the reasons for their child being identified, their child's level of
34 English proficiency, instructional method, how their child's program will meet the child's
35 needs, how the program will help the child learn English, exit requirements for the
36 program to meet the objectives of any limited English proficiency, and information
37 regarding parental rights.
38
 - 39 2. As required by NCLB § 1112(g)(1)(B) and § 3302(b): Each district using Title I funds to
40 provide a language instruction educational program, that has failed to make progress on
41 the annual measurable achievement objectives described in § 3122 for any fiscal year for
42 which part A is in effect, shall separately inform the parents of a child identified for
43 participation or participating in such a program, of such failure not later than thirty (30)
44 days after such failure occurs.
45
 - 46 3. As required by NCLB § 1112(g)(4) and § 3302(e): Each district shall implement an

effective means of outreach to parents of limited English proficient students to inform the parents regarding how they can be involved in their child's education and be active participants in assisting their child to attain English proficiency, achieve at high levels in core academic subjects, and meet challenging state academic achievement standards and state academic content standards expected of all students. In addition, the outreach shall include holding and sending notice of opportunities for regular meetings for formulating and responding to parent recommendations.

Academic Assessment and Local Education Agency and School Improvement

1. As required by NCLB § 1116(b)(6): Districts shall promptly provide to parents of each student enrolled in an elementary school or a secondary school identified for school improvement under § 1116(b)(1)(E)(I), for corrective action under § 1116(b)(7)(C)(I), or for restructuring under § 1116(b)(8)(A)(I):
 - a. An explanation of what the identification means and how the school compares in terms of academic achievement to other district schools and the state educational agency;
 - b. The reasons for the identification;
 - c. An explanation of what the school identified for school improvement is doing to address the problem;
 - d. An explanation of what the district or state educational agency is doing to help the school address the achievement problem;
 - e. An explanation of how the parents can become involved in addressing the academic issues that caused the school to be identified for school improvement; and
 - f. An explanation of the parents' option to transfer their child to another public school under paragraphs (1)(E), (5)(A), (7)(C)(i), (8)(A)(i), and subsection (c)(10)(C)(vii) (with transportation provided by the agency when required by paragraph (9)) or to obtain supplemental educational services for the child in accordance with subsection (e).
2. As required by NCLB § 1116(b)(8)(c): Whenever the school fails to make adequate yearly progress and/or is restructured, the district shall provide the teachers and parents with an adequate opportunity to comment and participate in developing any plan.
3. As required by NCLB § 1116(e)(2)(A): The district shall provide annual notice to parents of:
 - a. The availability of supplemental education services;
 - b. The identity of approved providers of those services within the district or whose services are reasonably available in neighboring districts; and
 - c. A brief description of those services, qualifications, and the demonstrated effectiveness of each such provider.

Parental Involvement

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

Education of Homeless Children and Youths

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

- That homeless children and youths should not be stigmatized by school personnel;
 - d. Includes contact information for the local liaison for homeless children and youths.
2. As required by NCLB § 722(g)(2)(B)(iii): In the case of an unaccompanied homeless youth, the district shall ensure that the homeless liaison assists in placement or enrollment decisions, considers the views of such unaccompanied youth, and provides notice to such youth of the right to appeal.
3. As required by NCLB § 722(g)(6)(A)(iv): Each district shall ensure that public notice of the educational rights of homeless children is disseminated where such children and youths receive services under this Act, such as schools, family shelters, and soup kitchens.

Persistently Dangerous Schools

If the district is identified as a persistently dangerous school,¹ the district must, in a timely manner:

1. Notify parents of each student attending the school that the state has identified the school as persistently dangerous.
2. Offer all students the opportunity to transfer to a safe public school within the district. If there is not another school in the district, the district is encouraged, but not required, to explore other options such as an agreement with a neighboring district to accept transfer students.
3. For those students who accept the offer, complete the transfer.

In addition a district must also:

¹ **“Persistently dangerous public elementary school or secondary school,”** in the context of the No Child Left Behind Act of 2001 (ESEA), a Montana public elementary or secondary school is considered to be persistently dangerous if each of the following two conditions exist:

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

(2) In any two years within a three-year period, the school has experienced expulsions for drug, alcohol, weapons or violence that exceed one of the following rates –

(a) more than five expulsions for a school of less than 250 students,

(b) more than 10 expulsions for a school of more than 250 students but less than 1000 students, or

(c) more than 15 expulsions for a school of more than 1,000 students.

1. Develop a corrective action plan; and
2. Implement the plan in a timely manner.

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

Student Privacy

1. As required by NCLB § 1061(c)(2)(A): The student privacy policies developed by the district shall provide for reasonable notice of the adoption or continued use of such policies directly to the parents of students enrolled in schools served by the district. At a minimum, the district shall:
 - a. Provide such notice at least annually at the beginning of the school year and within a reasonable period of time after any substantive change in such policies; and
 - b. Offer an opportunity for the parent to opt the student out of the activity.
2. As required by NCLB § 1061(c)(2): All districts shall provide reasonable notice of such existing policies to parents and guardians of students, e.g., *“The Board has adopted and continues to use policies regarding student privacy, parental access to information, and administration of certain physical examinations to minors. Copies of those policies are available on request.”*

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

Policy History:

Adopted on: 3/16/09

Reviewed on:

Revised on:

TERRY K-12 SCHOOLS

R = required

5000 SERIES PERSONNEL

TABLE OF CONTENTS

5000	Board Goal/Personnel
R 5002	Accommodating Individuals with Disabilities and Section 504 of the Rehabilitation Act of 1973
R 5010	Equal Employment Opportunity and Non-Discrimination
R 5012-5012P	Sexual Harassment/Sexual Intimidation in the Workplace
5015	Bullying/Harassment/Intimidation
5120	Hiring Process and Criteria
5120P	Fingerprint Handling Procedure
5121	Applicability of Personnel Policies
5122	Fingerprints and Criminal Background Investigations
5122F	Applicant Rights and Consent to Fingerprint
5125	Whistle Blowing and Retaliation
5130	Staff Health
5140	Classified Employment and Assignment
5210	Assignments, Reassignments, Transfers
5213	Vacancies
5219	Prohibition on Aiding Sexual Abuse
5220	MEA/PIR Substitution
5221	Work Day
R 5222	Evaluation of Non-Administrative Staff
5223	Personal Conduct
5224	Political Activity
5226	Drug-Free Workplace
R 5228 - 5228P	Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers
5230	Prevention of Disease Transmission
5231 - 5231P	Personnel Records
5232	Abused and Neglected Child Reporting
5232F	Report of Suspected Child Abuse or Neglect
R 5240	Resolution of Staff Complaints/Problem-Solving
5250	Non-Renewal of Employment/Dismissal From Employment
5251	Resignations
5253	Retirement Programs for Employees
5254	Payment of Employer Contributions and Interest on Previous Service
5254F	Payment of Employer Contributions and Interest on Previous Service Form
5255	Disciplinary Action

5256	Reduction in Force
5314	Substitutes
5315	Employee Professional Schooling
5321	Leaves of Absence
5321P	Conditions for Use of Leave
5322	Military Leave
R 5325	Breastfeeding Workplace
R 5328	Family Medical Leave
5329 - 5329P	Long-Term Illness/Temporary Disability Leave
5330	Maternity Leave
5331	Insurance Benefits for Employees
5333	Holidays
5334 - 5334P	Vacations
R 5336	Compensatory Time and Overtime for Classified Employees
5337	Workers' Compensation Benefits
5338	Payment of Interest on Employer Contributions for Workers' Compensation Time
5420	Paraprofessionals
5420F	ESSA Qualification Notification Request Form
5430	Volunteers
5430F	Chaperone Letter of Understanding
5338	Absence Due to Illness or Injury
5440	Student Teachers/Interns
5450-5450F-5450P	Employee Electronic Mail and On-Line Services Usage
5460	Electronic Resource and Social Networking
5500	Payment of Wages Upon Termination
R 5510 – 5510F	HIPAA
5630	Employee Use of Cellular Phones and Other Electronic Devices

1 **Terry K-12 Schools**

2
3 **PERSONNEL**

5000

4
5 Board Goal/Personnel

6
7 District staff are invaluable in creating an effective educational program and vibrant learning
8 environment. The Board seeks always to employ highly qualified individuals for all positions in
9 the District. The Board realizes opportunities for staff development should be provided
10 periodically.

11
12 The Board expects supervision and evaluation of staff to be conducted in a positive and helpful
13 manner, with the intent of improving staff performance. The Board looks to staff to promote a
14 positive school climate in all educational endeavors, so students may work toward their greatest
15 potential, and the community will be proud of its investment.

16
17 Nothing contained in the policies or administrative procedures included herein is intended to
18 limit the legal rights of the Board or its agents except as expressly stated.

19
20 Should any provision of Board policy or administrative procedure be held to be illegal by a court
21 of competent jurisdiction, all remaining provisions shall continue in full force and effect.

22
23
24
25 Policy History:

26 Adopted on:

27 Reviewed on: 3/16/09

28 Revised on:

2
3 **PERSONNEL**

5002

4
5 Accommodating Individuals with Disabilities and Section 504 of the Rehabilitation Act of 1973

6
7 It is the intent of the District to ensure that qualified employees with disabilities under Section
8 504 of the Rehabilitation Act of 1973 are identified, evaluated, and provided with appropriate
9 accommodations or other positive actions in assistance.

10
11 The District will not discriminate against a qualified individual on the basis of disability in
12 regard to job application procedures, the hiring, advancement, or discharge of employees,
13 employee compensation, job training, or other terms, conditions, and privileges of employment.

14
15 The Superintendent is designated the Section 504 and Americans with Disabilities Act Title II
16 Coordinator and, in that capacity, is directed to:

- 17
18 1. Oversee District compliance efforts, recommend to the Board necessary modifications,
19 and maintain the District's final Title II self-evaluation document and keep it available
20 for public inspection.
21 2. Make information regarding Title II protection available to any interested party.
22 3. Coordinating and monitoring the district's compliance with Section 504 and Title II of
23 the ADA, as well as state civil rights requirements regarding discrimination and
24 harassment based on disability.
25 4. Overseeing prevention efforts to avoid Section 504 and ADA violations by necessary
26 actions, including by not limited to, scheduling Section 504 meetings, implementing and
27 monitoring Section 504 plans of accommodation and providing information to employees
28 and supervisors.
29 5. Implementing the district's discrimination complaint procedures with respect to
30 allegations of Section 504/ADA violations, discrimination based on disability, and
31 disability harassment; and
32 6. Investigating complaints alleging violations of Section 504/ADA, discrimination based
33 on disability, and disability harassment.

34
35 The District's procedure for resolution of complaints alleging violation of this policy is set forth
36 in Policy 1700.

37
38 Cross Reference: 1700 Uniform Complaint Procedure

39
40 Legal Reference : Americans with Disabilities Act, 42 U.S.C. §§ 12111, et seq., and 12131,
41 et seq.; 28 C.F.R. Part 35.

42
43 Policy History:

44 Adopted on:

45 Reviewed on: 3/16/09, 2/15/21

46 Revised on: 7/16/18

PERSONNEL

5010

Equal Employment Opportunity, Non-Discrimination, and Sex Equity

The District will provide equal employment opportunities to all persons, regardless of their race, color, religion, creed, national origin, genetic information, sex, age, ancestry, marital status, military status, citizenship status, use of lawful products while not at work physical or mental disability. The District will make reasonable accommodation for an individual with a disability known to the District, if the individual is otherwise qualified for the position, unless the accommodation would impose undue hardship on the District.

Inquiries regarding sexual harassment, sex discrimination, or sexual intimidation should be directed to the District Title IX Coordinator, to the Assistant Secretary for Civil Rights of the Department of Education, or both. The Board designates the following individual to serve as the District's Title IX Coordinator:

Title: Superintendent

Office address: 215 East Park. Terry, MT

Email:

Phone number(406) 653-5533

Inquiries regarding discrimination on the basis of disability or requests for accommodation should be directed to the District Section 504 Coordinator. The Board designates the following individual to serve as the District's Section 504 Coordinator:

Title: Superintendent

Office address: 215 East Park. Terry, MT

Email:

Phone number(406) 653-5533

Any individual may file a complaint alleging violation of this policy, Policy 5012/512P – Sexual Harrassment, or Policy 5015-Bullying/Harassment/Intimidation/Hazing by following those policies or Policy 1700-Uniform Complaint Procedure.

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

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

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

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

Legal Reference: Age Discrimination in Employment Act, 29 U.S.C. §§ 621, *et seq.*
Americans with Disabilities Act, Title I, 42 U.S.C. §§ 12111, *et seq.*
Equal Pay Act, 29 U.S.C. § 206(d)
Immigration Reform and Control Act, 8 U.S.C. §§ 1324(a), *et seq.*
Rehabilitation Act of 1973, 29 U.S.C. §§ 791, *et seq.*
Genetic Information Nondiscrimination Act of 2008 (GINA)
Title VII of the Civil Rights Act, 42 U.S.C. §§ 2000(e), *et seq.*; 29 C.F.R., Part 1601
Title IX of the Education Amendments, 20 U.S.C. §§ 1681, *et seq.*; 34 C.F.R., Part 106
Montana Constitution, Art. X, § 1 - Educational goals and duties
§ 49-2-101, *et seq.*, MCA Human Rights Act
§ 49-2-303, MCA Discrimination in Employment
§ 49-3-102, MCA What local governmental units affected
§49-3-201, MCA Employment of state and local government personnel.

Policy History:

Adopted on:

Reviewed on:

Revised on: 02/22/2012, 07/24/2017, 07/16/2018, 09/17/2020

2
3 **PERSONNEL**

5012

page 1 of 3

4
5 Sexual Harassment of Employees

6
7 The District does not discriminate on the basis of sex in any education program or activity that it
8 operates. The District is required by Title IX of the Education Amendments of 1972 and the
9 regulations promulgated through the U.S. Department of Education not to discriminate in such a
10 manner. Inquiries about the application of Title IX to the District may be referred to the
11 District's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the Department of
12 Education, or both.

13
14 The Board designates the following individual to serve as the District's Title IX Coordinator:

15
20 Title: Superintendent _____
21 Office address: 215 East Park. Terry, MT _____
22 Email: _____
23 Phone number(406) 653-5533 _____
20

21 Any person may report sex discrimination, including sexual harassment, at any time, including
22 during non-business hours. Such a report may be made using the attached form, in person, by
23 mail, by telephone or by electronic mail, using the contact information listed for the Title IX
24 Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's
25 verbal or written report.

26
27 For purposes of this policy and the grievance process, "sexual harassment" means conduct on the
28 basis of sex that satisfies one or more of the following:

- 29
30 1. A District employee conditioning the provision of an aid, benefit, or service of the
31 District on an individual's participation in unwelcome sexual conduct;
32
33 2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and
34 objectively offensive that it effectively denies a person equal access to the District's
35 education program or activity; or
36
37 3. "Sexual assault" as defined in 20 USC 1092(f)(6)(A)(v), "dating violence" as defined in
38 34 USC 12291(a)(10), "domestic violence" as defined in 34 USC 12291(a)(8) or
39 "stalking" as defined in 34 USC 12291(a)(30).
40

41 When the harassment or discrimination on the basis of sex does not meet the definition of sexual
42 harassment, the Title IX Coordinator shall direct the individual to the applicable sex
43 discrimination process for investigation.
44

45 An individual is not required to submit a report of sexual harassment involving the Title IX
46 coordinator. In the event the Title IX Coordinator is responsible for or a witness to the alleged
47

harassment, the individual may report the allegations to the building principal or superintendent or other unbiased school official.

Retaliation Prohibited

The District prohibits intimidation, threats, coercion or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation proceeding or hearing, if applicable. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this part, constitutes retaliation.

Confidentiality

The District must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any individual who has been alleged to be the victim or perpetrator of conduct that could constitute sexual harassment, and any witness, except as may be permitted by Family Educational Rights and Privacy Act (FERPA) or as required by law, or to carry out the purposes of the Title IX regulations, including the conduct of any investigation, hearing or judicial proceeding arising thereunder.

Notice Requirements

The District provides notice to applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, employees and the union(s) with the name or title, office address, email address and telephone number of the Title IX Coordinator and notice of the District grievance procedures and process, including how to report or file a complaint of sex discrimination, how to file a formal complaint of sexual harassment and how the District will respond. The District also posts the Title IX Coordinator's contact information and Title IX policies and procedures in a prominent location on the District website and in all handbooks made available by the District.

Training Requirements

The District ensures that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receives training on the definition of sexual harassment, the scope of the District's education program or activity, how to conduct an investigation and grievance process including hearings, appeals and informal resolution processes, when applicable, and how to serve impartially including by avoiding prejudgment of

the facts at issue, conflicts of interest and bias. The District also ensures that decision-makers and investigators receive training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant as set forth in the formal procedures that follow, and training on any technology to be used at a live hearing, if applicable. Investigators also receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. All materials used to train individuals who receive training under this section must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment and are made publicly available on the District's website.

Conflict of Interest and Bias

The District ensures that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process do not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

Determination of Responsibility

The individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment is presumed not responsible for alleged conduct. A determination regarding responsibility will be made by the decision-maker at the conclusion of the investigation in accordance with the process outlined in Policy 5012P. No disciplinary sanctions will be imposed unless and until a final determination of responsibility is reached.

Cross Reference: Policy 5010 - Equal Employment and Non-Discrimination
Policy 5012P – Sexual Harassment Procedures

Legal References:	Art. X, Sec. 1, Montana Constitution – Educational goals and duties
	§§ 49-3-101, et seq., MCA Montana Human Rights Act
	Civil Rights Act, Title VI; 42 USC 2000d et seq.
	Civil Rights Act, Title VII; 42 USC 2000e et seq.
	Education Amendments of 1972, Title IX; 20 USC 1681 et seq.
	34 CFR Part 106 Nondiscrimination on the basis of sex in
	education programs or activities receiving
	Federal financial assistance
	10.55.701(1)(f), ARM Board of Trustees
	10.55.719, ARM Student Protection Procedures
	10.55.801(1)(a), ARM School Climate

Policy History:

Adopted on:

Reviewed on: 03/16/2009

Revised on: 03/18/19, 08/17/20

Sexual Harassment Reporting/Intake Form for Employees

This form is not required. Complaints may be submitted in any manner noted in Policy 5012. The form may be used by the Title IX Coordinator to document allegations.

School _____ Date _____

Employee's name _____

• Who was responsible for the harassment or incident(s)? _____

• Describe the incident(s). _____

• Date(s), time(s), and place(s) the incident(s) occurred. _____

• Were other individuals involved in the incident(s)? **D** yes **D** no

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

• Did anyone witness the incident(s)? **D** yes **D** no

If so, name the witnesses. _____

• Did you take any action in response to the incident? **D** yes **D** no

If yes, what action did you take? _____

• Were there any prior incidents? **D** yes **D** no

If so, describe any prior incidents. _____

Signature of complainant _____

Retaliation is prohibited by federal law and district policy. The identity of the individual signing this form will remain confidential in accordance with law and policy.

2
3 **PERSONNEL**

5012P

page 1 of 9

4
5
6 Sexual Harassment Grievance Procedure - Employees

7
8 The Board requires the following grievance process to be followed for the prompt and equitable
9 resolution of employee complaints alleging any action that would be prohibited as sexual
10 harassment by Title IX. The Board directs the process to be published in accordance with all
11 statutory and regulatory requirements.

12
13 Definitions

14
15 The following definitions apply for Title IX policies and procedures:

16
17 “Actual knowledge:” notice of sexual harassment or allegations of sexual harassment to the
18 District’s Title IX Coordinator or any official of the District who has authority to institute
19 corrective measures on behalf of the District, or to any employee of an elementary or secondary
20 school.

21
22 “Education program or activity:” includes locations, events or circumstances over which the
23 District exercised substantial control over both the individual who has been reported to be the
24 perpetrator of conduct that could constitute sexual harassment, and the context in which the
25 sexual harassment occurs.

26
27 “Complainant:” an individual who is alleged to be the victim of conduct that could constitute
28 sexual harassment.

29
30 “Respondent:” an individual who has been reported to be the perpetrator of conduct that could
31 constitute sexual harassment.

32
33 “Formal complaint:” a document filed by a Complainant or signed by the Title IX Coordinator
34 alleging sexual harassment against a Respondent and requesting that the District investigate the
35 allegation of sexual harassment.

36
37 “Supportive measures:” non-disciplinary, non-punitive individualized services offered as
38 appropriate, as reasonably available and without fee or charge to the Complainant or Respondent
39 before or after the filing of a formal complaint or where no formal complaint has been filed.

40
41 District Requirements

42
43 When the District has actual knowledge of sexual harassment in an education program or activity
44 of the District, the District will respond promptly in a manner that is not deliberately indifferent.
45 When the harassment or discrimination on the basis of sex does not meet the definition of sexual
46 harassment, the Title IX Coordinator will direct the individual to the applicable sex
47 discrimination process for investigation.

The District treats individuals who are alleged to be the victim (Complainant) and perpetrator (Respondent) of conduct that could constitute sexual harassment equitably by offering supportive measures. Supportive measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, leaves of absence, increased security and monitoring of certain areas of the District's property, campus escort services, changes in work locations and other similar measures.

The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Upon the receipt of a complaint, the Title IX Coordinator must promptly contact the Complainant to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the Complainant the process for filing a formal complaint. If the District does not provide the Complainant with supportive measures, then the District must document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Timelines

The District has established reasonably prompt time frames for the conclusion of the grievance process, including time frames for filing and resolving appeals and informal resolution processes. The grievance process may be temporarily delayed or extended for good cause. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. In the event the grievance process is temporarily delayed for good cause, the District will provide written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action.

Response to a Formal Complaint

At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the District with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, by electronic mail, or other means designated by the District.

The District must follow the formal complaint process before the imposition of any disciplinary sanctions or other actions that are not supportive measures. However, nothing in this policy precludes the District from placing a non-student employee Respondent on administrative leave during the pendency of the grievance process. The District may also remove a student Respondent alleged to have harassed an employee Complainant from the education setting. The

student may receive instruction in an offsite capacity during the period of removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

Upon receipt of a formal complaint, the District must provide written notice to the known parties including:

1. Notice of the allegations of sexual harassment, including information about the identities of the parties involved in the incident, the conduct allegedly constituting sexual harassment, the date and location of the alleged incident, and any sufficient details known at the time. Such notice must be provided with sufficient time to prepare a response before any initial interview;
2. An explanation of the District's investigation procedures, including any informal resolution process;
3. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made by the decision-maker at the conclusion of the investigation;
4. Notice to the parties that they may have an advisor of their choice who may be, but is not required to be, an attorney, and may inspect and review any evidence; and
5. Notice to the parties of any provision in the District's code of conduct or policy that prohibits knowingly making false statements or knowingly submitting false information.

If, in the course of an investigation, the District decides to investigate allegations about the Complainant or Respondent that are not included in the notice initially provided, notice of the additional allegations must be provided to known parties.

The District may consolidate formal complaints as to allegations of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Investigation of a Formal Complaint

When investigating a formal complaint and throughout the grievance process, the District must:

1. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the District and not the parties';

2. Provide an equal opportunity for the parties to present witnesses and evidence;
3. Not restrict either party's ability to discuss the allegations under investigation or to gather and present relevant evidence;
4. Allow the parties to be accompanied with an advisor of the party's choice who may be, but is not required to be, an attorney. The District may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;
5. Provide written notice of the date, time, location, participants, and purpose of any interview or meeting at which a party is expected to participate, with sufficient time for the party to prepare to participate;
6. Provide the parties equal access to review all the evidence collected which is directly related to the allegations raised in a formal complaint and comply with the review periods outlined in this process;
7. Objectively evaluate all relevant evidence without relying on sex stereotypes;
8. Ensure that Title IX Coordinators, investigators, decision-makers and individuals who facilitate an informal resolution process, do not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent;
9. Not make credibility determinations based on the individual's status as Complainant, Respondent or witness;
10. Not use questions or evidence that constitute or seek disclosure of privileged information unless waived.

Dismissal of Formal Complaints

If the conduct alleged in the formal complaint would not constitute sexual harassment even if proved, did not occur in the District's education program or activity, or did not occur against a person in the United States, then the District must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under this policy.

The Title IX Coordinator also may dismiss the formal complaint or any allegations therein at any time during the investigation or hearing, if applicable, when any of the following apply:

1. a Complainant provides written notification to the Title IX Coordinator that the Complainant would like to withdraw the formal complaint or any allegations therein;

2. the Respondent is no longer enrolled or employed by the District; or
3. specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon dismissal, the Title IX Coordinator promptly sends written notice of the dismissal and the reasons for dismissal simultaneously to both parties.

Evidence Review

The District provides both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. The evidence provided by the District must include evidence that is directly related to the allegations in the formal complaint, evidence upon which the District does not intend to rely in reaching a determination regarding responsibility, and any inculpatory or exculpatory evidence whether obtained from a party or other source. Prior to completion of the investigative report, the Title IX Coordinator must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The parties have 10 calendar days to submit a written response to the Title IX Coordinator, which the investigator will consider prior to completion of the investigative report.

Investigative Report

The investigator must prepare an investigative report that fairly summarizes relevant evidence and send the report to the Title IX Coordinator. The Title IX Coordinator must send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. The parties have 10 calendar days to submit a written response to the Title IX Coordinator.

Decision-Maker's Determination

The investigative report is submitted to the decision-maker. The decision-maker cannot be the same person(s) as the Title IX Coordinator or the investigator. The decision-maker cannot hold a hearing or make a determination regarding responsibility until 10 calendar days from the date the Complainant and Respondent receive the investigator's report.

Prior to reaching a determination regarding responsibility, the decision-maker must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence

concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. Questions must be submitted to the Title IX Coordinator within three calendar days from the date the Complainant and Respondent receive the investigator's report.

The decision-maker must issue a written determination regarding responsibility based on a preponderance of the evidence standard. The decision-maker's written determination must:

1. Identify the allegations potentially constituting sexual harassment;
2. Describe the procedural steps taken, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
3. Include the findings of fact supporting the determination;
4. Draw conclusions regarding the application of any District policies and/or code of conduct rules to the facts;
5. Address each allegation and a resolution of the complaint including a determination regarding responsibility, the rationale therefor, any recommended disciplinary sanction(s) imposed on the Respondent, and whether remedies designed to restore or preserve access to the educational program or activity will be provided by the District to the Complainant; and
6. The procedures and permissible bases for the Complainant and/or Respondent to appeal the determination.

A copy of the written determination must be provided to both parties simultaneously, and generally will be provided within 60 calendar days from the District's receipt of a formal complaint.

The determination regarding responsibility becomes final either on the date that the District provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Where a determination of responsibility for sexual harassment has been made against the Respondent, the District will provide remedies to the Complainant that are designed to restore or preserve equal access to the District's education program or activity. Such remedies may include supportive measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent. The Title IX Coordinator is responsible for effective

implementation of any remedies. Following any determination of responsibility, the District may implement disciplinary sanctions in accordance with State or Federal law and or/the negotiated agreement. For employees, the sanctions may include any form of responsive discipline, up to and including termination.

Appeals

Either the Complainant or Respondent may appeal the decision-maker's determination regarding responsibility or a dismissal of a formal complaint, on the following bases:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time that could affect the outcome and
3. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent that affected the outcome.

The request to appeal must be made in writing to the Title IX Coordinator within seven calendar days after the date of the written determination. The appeal decision-maker must not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent and cannot be the Title IX Coordinator, the investigator, or the decision-maker from the original determination.

The appeal decision-maker must notify the other party in writing when an appeal is filed and give both parties a reasonable equal opportunity to submit a written statement in support of, or challenging, the outcome. After reviewing the evidence, the appeal decision-maker must issue a written decision describing the result of the appeal and the rationale for the result. The decision must be provided to both parties simultaneously, and generally will be provided within 10 calendar days from the date the appeal is filed.

Informal Resolution Process

Except when concerning allegations that an employee sexually harassed a student, at any time during the formal complaint process and prior to reaching a determination regarding responsibility, the District may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and determination of responsibility, provided that the District:

1. Provides to the parties a written notice disclosing:

- A. The allegations;
- B. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the Title IX formal complaint process with respect to the formal complaint; and
- C. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

2. Obtains the parties' voluntary, written consent to the informal resolution process.

The informal resolution process generally will be completed within 30 calendar days, unless the parties and the Title IX Coordinator mutually agree to temporarily delay or extend the process. The formal grievance process timelines are stayed during the parties' participation in the informal resolution process. If the parties do not reach resolution through the informal resolution process, the parties will resume the formal complaint grievance process, including timelines for resolution, at the point they left off.

Recordkeeping

The District must maintain for a period of seven years records of:

1. Each sexual harassment investigation, including any determination regarding responsibility, any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant designed to restore or preserve equal access to the District's education program or activity;
2. Any appeal and the result therefrom;
3. Any informal resolution and the result therefrom; and
4. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The District must make these training materials publicly available on its website.

The District must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the District must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the District's education program or activity.

Cross Reference: Policy 5010 Equal Employment and Non-Discrimination
Policy 5012 Sexual Harassment
Policy 5255 Employee Discipline

Legal References: Art. X, Sec. 1, Montana Constitution – Educational goals and duties
Section 49-3-101, et seq., MCA, Montana Human Rights Act
Civil Rights Act, Title VI; 42 USC 2000d et seq.
Civil Rights Act, Title VII; 42 USC 2000e et seq.
Education Amendments of 1972, Title IX; 20 USC 1681 et seq.
34 CFR Part 106 Nondiscrimination on the basis of sex in
education programs or activities receiving
Federal financial assistance
10.55.701(1)(f), ARM Board of Trustees
10.55.719, ARM Student Protection Procedures
10.55.801(1)(a), ARM School Climate

Policy History:

Adopted on: 09/17/2020

Reviewed on:

Revised on:

1 **Terry K-12 Schools**

2
3 **PERSONNEL**

5015

Page 1 of 2

4
5 Bullying/Harassment/Intimidation

6
7 The Board will strive to provide a positive and productive working environment. Bullying,
8 harassment, or intimidation between employees or by third parties, are strictly prohibited and
9 shall not be tolerated. This includes bullying, harassment, or intimidation via electronic
10 communication devices.

11
12 Definitions

- 13
14 • “Third parties” include but are not limited to coaches, school volunteers, parents, school
15 visitors, service contractors, or others engaged in District business, such as employees of
16 businesses or organizations participating in cooperative work programs with the District,
17 and others not directly subject to District control at inter-district and intra-District athletic
18 competitions or other school events.
19
20 • “District” includes District facilities, District premises, and non-District property if the
21 employee is at any District-sponsored, District-approved, or District-related activity or
22 function, such as field trips or athletic events, where the employee is engaged in District
23 business.
24
25 • “Harassment, intimidation, or bullying” means any act that substantially interferes with
26 an employee’s opportunities or work performance, that takes place on or immediately
27 adjacent to school grounds, at any school-sponsored activity, on school-provided
28 transportation, or anywhere such conduct may reasonably be considered to be a threat or
29 an attempted intimidation of a staff member or an interference with school purposes or an
30 educational function, and that has the effect of:
31
32 a. Physically harming an employee or damaging an employee’s property;
33 b. Knowingly placing an employee in reasonable fear of physical harm to the
34 employee or damage to the employee’s property; or
35 c. Creating a hostile working environment.
36

37 Reporting

38
39 All complaints about behavior that may violate this policy shall be promptly investigated. Any
40 employee or third party who has knowledge of conduct in violation of this policy or feels he/she
41 has been a victim of harassment, intimidation, or bullying in violation of this policy is
42 encouraged to immediately report his/her concerns to the building principal or the District
43 Administrator, who have overall responsibility for such investigations. Complaints against the
44 building principal shall be filed with the Superintendent. Complaints against the Superintendent
45 or District Administrator shall be filed with the Board, via written communication to the Board
46 Chair.

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

Responsibilities

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

When an employee has actual knowledge that behavior is in violation of this policy is sexual harassment, the employee must contact the Title IX Coordinator. The Title IX sexual harassment grievance process will be followed, if applicable, prior to imposing any discipline that cannot be imposed without resolution of the Title IX process.

Consequences

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

Retaliation and Reprisal

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

Legal Reference:	10.55.701(3)(g), ARM	Board of Trustees
	10.55.801(1)(d), ARM	School Climate

Policy History:

Adopted on: 3/16/09

Reviewed on:

Revised on: 9/21/2020

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: 3/16/09, 7/24/2017; 1/21/20

© MTSBA 2013

1 **Terry School District**

2
3 **PERSONNEL**

5120P

4
5
6 Federal Background Check Fingerprint and Information Handling Procedure

- 7
- 8 1. Who needs to be fingerprinted: All individuals 18 years of age or older to be volunteers or
9 recommended for hire by the School District need to be fingerprinted under the National Child
10 Protection Act and Volunteers for Children's Act (NCPA/VCA).
11
 - 12 2. The School District will obtain a signed waiver from all applicants and provide written
13 communication of Applicant Rights and Consent to Fingerprint Form at 5122F. Applicants shall
14 also be provided the Applicant Privacy statement at 5120F. The Applicant Rights and Consent to
15 Fingerprint Form will be kept on file for 5 years or for the length of employment, which ever is
16 longer. The form will be filed in the employees Personnel File.
17

18 Basis to Collect and Submit Fingerprints for Purposes of Federal Background Check

19
20 Ink fingerprints are captured in house by agency personnel that have completed and passed the
21 certification course provided by CRISS. All applicants must provide a current government issued
22 photo identification at the time of fingerprinting for identification verification. Two ink
23 fingerprint cards are captured for each applicant and all data fields are completed and checked
24 for accuracy. Complete fingerprint cards are then mailed to DOJ/CRISS along with payment.
25

26 Fingerprints are obtained via local law enforcement agencies.

27
28 A spreadsheet of those fingerprinted is kept by the School District to identify the individual, position
29 being hired for, date of fingerprint, date print received and date print billed.
30

31 The School District staff that have received training by CRISS will process the fingerprints and send them
32 to the DOJ.
33

34 LASO

35
36 The Business Manager has been appointed as the Local Agency Security Officer and acts as the primary
37 point of contact between the School District and CRISS. The Business Manager is responsible for
38 ensuring CJIS Policy compliance by all authorized recipients within the School District LASO is also
39 responsible of any Privacy and Security Agreements with those who do not use CHRI on a regular basis.
40 Any change in appointment of the LASO or other authorized personnel will be reported to CRISS
41 immediately.
42

43
44 Access of CHRI

45
46 All background results are received by The Business Manager through the State File Transfer Service.
47 Results are printed and stored in a locked filing cabinet in the business office until a determination for
48 employment is made. Only authorized personnel that have undergone Privacy and Security Information
49 have access to printed criminal history record information. Authorized recipients of CHRI include
50

Superintendent and the Business manager.

Printed background checks are reviewed by the Business Manager (name) and a determination form is completed. If any adverse results are present on the background check, it is given to the Superintendent, and Principal for final determination of eligibility. (Entity Name) utilizes a determination form and the CHRI is then shredded.

Determination Procedures

Personnel staff that have been trained by CRISS and granted access to criminal history record information will receive the background results through their Montana State File Transfer account.

- a. Results are reviewed for determination of eligibility to hire.
- b. Any adverse reports are presented to the appropriate administrator for final approval.
- c. Determination is noted on a determination form and kept in a locked file cabinet.

Retention and Storage Procedure

All criminal history record information is stored in a locked filing cabinet within the business office. Only authorized personnel, Superintendent, Principal, and the Business Manager as noted in this policy have access to this information. Only authorized personnel are present during the determination process when the criminal record is being reviewed.

Printed background checks are stored until a final determination for employment has been made, two weeks or less. A determination form is then completed and CHRI is then destroyed in accordance with the Destruction Procedure outlined in this document.

Dissemination Logs are maintained for a period of 3 years from the date of dissemination or between audits, and the Applicant Rights and Consent to Fingerprint form is maintained for at least five years or the length of employment, whichever is longer.

Dissemination Procedure

The School District does not disseminate criminal history record information with any other agency. A copy of our determination form can be provided to outside agencies upon request.

Destruction Procedure

At the end of the retention and storage period outlined in this document, all CHRI and related information is shredded in house by the Business Manager.

Applicant procedures for challenging or correcting their record

All applicants are given the opportunity to challenge or complete their record before a final determination is made.

Applicants wishing to challenge their record are advised how to obtain a copy of their background report.

The applicant is then given 10 days to contact the state or agency in which the record was created to make corrections. After the allotted time, the applicant must then provide the School District with a copy of the corrected background report provided by and notarized by the State Identification Bureau. The fee associated for a copy of the state record provided by the State Identification Bureau will be the responsibility of the applicant.

Policy and procedures for misuse of CHRI

The School District does not allow dissemination of CHRI to persons or agencies that are not directly involved in the hiring and determination process. If CHRI is disseminated outside of the authorized receiving department, (agency LASO) will report this to CRISS immediately and provide CRISS with an incident response form. The incident response form will include the nature of the incident, any internal reprimands that may have resulted from the incident, as well as our agencies plan to ensure that this incident does not get repeated.

Training Procedure

- Local Agency Security Officer (LASO)
 - Signed user agreement between district and CRISS
- Privacy and Security Training
 - CRISS training on CHRI required to receive background reports

Policy History:

Adopted on:

Reviewed on:

Revised on: 5/17/21

1 **Terry K-12 Schools**

2
3 **PERSONNEL**

5121

4
5 Applicability of Personnel Policies

6
7 Except where expressly provided to the contrary, personnel policies apply uniformly to the
8 employed staff of the District. However, where there is a conflict between terms of a collective
9 bargaining agreement and District policy, the terms of the collective bargaining agreement shall
10 prevail for staff covered by that agreement.

11
12 Board policies will govern when a matter is not specifically provided for in an applicable
13 collective bargaining agreement.

14
15 Each personnel position in the District will be directed by a position description that delineates
16 the responsibilities of the employee. The employee will receive the position description with the
17 employment contract. Position descriptions are available upon request. The Board of Trustees
18 will regularly review the position descriptions.

19
20 Professional Development

21
22 If not otherwise addressed in the applicable collective bargaining agreements, the Board shall
23 establish an advisory committee to evaluate the District's current school year professional
24 development plan; and develop and recommend a plan for the subsequent school year. The
25 advisory committee shall include, but not be limited to, trustees, administrators, and teachers. A
26 majority of the committee shall be teachers. Each school year the Board shall adopt a
27 professional development plan for the subsequent school year based on the recommendation of
28 the advisory committee that meets the requirements of ARM 10.55.714.

29
30 Legal Reference: § 39-31-102, MCA Chapter not limit on legislative authority
31 ARM 10.55.701(d) Board of Trustees
32 ARM 10.55.714 Professional Development
33

34
35 Policy History:

36 Adopted on:
37 Reviewed on: 03/16/09
38 Revised on: 04/19/22

1 **Terry K-12 Schools**

2
3 **PERSONNEL**

5122
page 1 of 2

4
5 Fingerprints and Criminal Background Investigations

6
7 Board policy requires that any finalist recommended to be employed in a paid or volunteer
8 position with the District, involving regular unsupervised access to students in schools, as
9 determined by the administrator, shall submit to a name-based and fingerprint criminal
10 background investigation conducted by the appropriate law enforcement agency before
11 consideration of the recommendation for employment or appointment by the Board. The results
12 of the name-based check will be presented to the Board, concurrent with the recommendation for
13 employment or appointment. Any subsequent offer of employment or appointment will be
14 contingent on results of the fingerprint criminal background check, which must be acceptable to
15 the Board, in its sole discretion.

16
17 The following applicants for employment, as a condition for employment, will be required, as a
18 condition of any offer of employment, to authorize, in writing, a name-based and fingerprint
19 criminal background investigation:

- 20 • A certified teacher seeking full- or part-time employment with the District;
21 • An educational support personnel employee seeking full- or part-time employment with
22 the District;
23 • An employee of a person or firm holding a contract with the District, if the employee is
24 assigned to the District;
25 • A volunteer assigned to work in the District, who has regular unsupervised access to
26 students; and
27 • Substitute teachers.*
28

29 Any requirement of an applicant to submit to a fingerprint background check will be in
30 compliance with the Volunteers for Children Act of 1998 and applicable federal regulations. If
31 an applicant has any prior record of arrest or conviction by any local, state, or federal law
32 enforcement agency for an offense other than a minor traffic violation, the facts must be
33 reviewed by the administrator, who will decide whether the applicant will be declared eligible
34 for appointment or employment. Arrests resolved without conviction will not be considered in
35 the hiring process, unless the charges are pending.
36
37
38

39 Legal Reference:	§ 44-5-301, MCA	Dissemination of public criminal justice
40		information
41	§ 44-5-302, MCA	Dissemination of criminal history record
42		information that is not public criminal justice
43		information
44	§ 44-5-303, MCA	Dissemination of confidential criminal justice
45		information – procedure for dissemination through
46		court

ARM 10.55.716 Substitute Teachers
Public Law 105-251, Volunteers for Children Act

Policy History:

Adopted on:

Reviewed on: 2/15/21

Revised on: 3/16/09

As an applicant who is the subject of a national fingerprint-based criminal history record check for a noncriminal justice purpose (such as an application for employment or a license, an immigration or naturalization matter, security clearance, or adoption), you have certain rights which are discussed below.

- You must be provided written notification⁸ by Terry Public Schools that your fingerprints will be used to check the criminal history records of the FBI.
- You must be provided, and acknowledge receipt of, an adequate Privacy Act Statement when you submit your fingerprints and associated personal information. This Privacy Act Statement should explain the authority for collecting your information and how your information will be used, retained, and shared.
- If you have a criminal history record, the officials making a determination of your suitability for employment, license, or other benefit must provide you the opportunity to complete or challenge the accuracy of the information in the record.
- The officials must advise you that the procedures for obtaining a change, correction, or updating of your criminal history record are set forth at Title 28, Code of Federal Regulations (CFR), Section 16.34.
- If you have a criminal history record, you should be afforded a reasonable amount of time to correct or complete the record (or decline to do so) before the officials deny you the employment, license, or other benefit based on information in the criminal history record.⁹

You have the right to expect that officials receiving the results of the criminal history record check will use it only for authorized purposes and will not retain or disseminate it in violation of federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.¹⁰

If agency policy permits, the officials may provide you with a copy of your FBI criminal history record for review and possible challenge. If agency policy does not permit it to provide you a copy of the record, you may obtain a copy of the record by submitting fingerprints and a fee to the FBI. Information regarding this process may be obtained at <http://www.fbi.gov/about-us/cjis/background-checks>.

If you decide to challenge the accuracy or completeness of your FBI criminal history record, you should send your challenge to the agency that contributed the questioned information to the FBI. Alternatively, you may send your challenge directly to the FBI at the same address as provided above. The FBI will then forward your challenge to the agency that contributed the questioned information and request the agency to verify or correct the challenged entry. Upon receipt of an official communication from that agency, the FBI will make any necessary changes/corrections to your record in accordance with the information supplied by that agency.

If a change, correction, or update needs to be made to a Montana criminal history record, or if you need additional information or assistance, please contact Montana Criminal Records and Identification Services at dojitsdpublicrecords@mt.gov or 406-444-3625.

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

Signed:

Name	Date
------	------

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

⁹ See 28 CFR 50.12(b).

¹⁰ See 5 U.S.C. 552a(b); 28 U.S.C. 534(b); 42 U.S.C. 14616, Article IV(c); 28 CFR 20.21(c), 20.33(d) and 906.2(d).

NCPA/VCA Applicants

To _____:

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

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

1. Provide your name, address, and date of birth, as appears on a document made or issued by or under the authority of the United States Government, a State, political subdivision of a State, a foreign government, a political subdivision of a foreign government, an international governmental or an international quasi-governmental organization which, when completed with information concerning a particular individual, is of a type intended or commonly accepted for the purpose of identification of individuals. 18 U.S.C. §1028(D)(2).
2. Provide a certification that you (a) have not been convicted of a crime, (b) are not under indictment for a crime, or (c) have been convicted of a crime. If you are under indictment or have been convicted of a crime, you must describe the crime and the particulars of the conviction, if any.
3. Prior to the completion of the background check, the entity may choose to deny you unsupervised access to a person to whom the entity provides care.

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

Your Name: _____

First

Middle

Maiden

Last

Date of Birth: _____

Address: _____

City

State

Zip

☐

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

☐

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

☐

I authorize Montana Department of Justice, Criminal Records and Identification Services Section to disseminate criminal history record information to Terry Public Schools.

Signature of Applicant

Date

[Terry K-12 Schools]

Adopted on: 01/19/2015
Reviewed on:
Revised on:

5125

PERSONNEL

Page 1 of 2

Whistle Blowing and Retaliation

When district employees know or have reasonable cause to believe that serious instances of wrongful conduct (e.g., mismanagement of district resources, violations of law and/or abuse of authority) have occurred, they should report such wrongful conduct to the Superintendent or Board Chairperson.

For purposes of this policy, the term “wrongful conduct” shall be defined to include:

- theft of district money, property, or resources;
- misuse of authority for personal gain or other non-district purpose;
- fraud;
- violations of applicable federal and state laws and regulations; and/or
- serious violations of district policy, regulation, and/or procedure.

The Board of Trustees will not tolerate any form of reprisal, retaliation or discrimination against:

- Any employee, or applicant for employment, because he/she opposed any practice that he/she reasonably believed to be made unlawful by federal or state laws prohibiting employment discrimination on the basis of sex, sexual orientation, race, color, national origin, age, religion, height, weight, marital status, handicap or disability.
- Any employee, or applicant for employment, because he/she filed a charge, testified, assisted or participated, in any manner, in an investigation, proceeding or hearing under federal or state laws prohibiting employment discrimination on the basis of sex, sexual orientation, race, color, national origin, age, religion, height, weight, marital status, handicap or disability or because he/she reported a suspected violation of such laws according to this policy; or,
- Any employee or applicant because he/she reported, or was about to report, a suspected violation of any federal, state or local law or regulation to a public body (unless the employee knew that the report was false) or because he/she was requested by a public body to participate in an investigation, hearing or inquiry held by that public body or a court.

An employee or applicant for employment who believes that he/she has suffered reprisal, retaliation or discrimination in violation of this policy shall report the incident(s) to the Superintendent or his/her designee. The Board of Trustees guarantees that no employee or applicant for employment who makes such a report will suffer any form of reprisal, retaliation or discrimination for making the report. Individuals are forbidden from preventing or interfering with whistle blowers who make good faith disclosures of misconduct.

The Board or its agents will not discharge, discipline or otherwise penalize any employee because the employee or someone acting on the employee’s behalf, reports, verbally or in writing, a violation or suspected violation of any state or federal law or regulation or any town/city ordinance or regulation to a

public body, or because an employee is requested by a public body to participate in an investigation, hearing or inquiry held by that public body, or a court action. Further, the Board or its agents will not discharge, discipline or otherwise penalize any employee because the employee, or a person acting on his/her behalf, reports, verbally or in writing, to a public body, as defined in the statutes, concerning unethical practices, mismanagement or abuse of authority by the employer. This section does not apply when an employee knowingly makes a false report.

The District will exercise reasonable efforts to:

- investigate any complaints of retaliation or interference made by whistle blowers;
- take immediate steps to stop any alleged retaliation; and
- discipline any person associated with the District found to have retaliated against or interfered with a whistle blower.

The Board of Trustees considers violations of this policy to be a major offense that will result in disciplinary action, up to and including termination, against the offender, regardless of the offender's position within the District.

The Board shall make this policy available to its staff by posting it on its website with its other District policies.

Legal References: Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e-3(a)
Age Discrimination in Employment Act, 29 U.S.C. §623 (d)
Americans with Disabilities Act, 42 U.S.C. §12203(a) and (b)
Fair Labor Standards Act, 29 U.S.C. §215(a)(3)
Occupational Safety and Health Act, 29 U.S.C. §6660(c)
Family and Medical Leave Act, 29 U.S.C. §2615
National Labor Relations Act, 29 U.S.C. §158(a)

Policy History:

Adopted on:

Reviewed on: 2/15/21

Revised on:

1 **Terry K-12 Schools**

2
3 **PERSONNEL**

5130

page 1 of 2

4
5 Staff Health

6
7 Medical Examinations

8
9 Through its overall safety program and various policies pertaining to school personnel, the Board
10 will promote the safety of employees during working hours and assist them in the maintenance
11 of good health. The Board will encourage all its employees to maintain optimum health through
12 the practice of good health habits.

13
14 The Board may require physical examinations of its employees, under circumstances defined
15 below. The District will maintain results of physical examinations in medical files separate from
16 the employee's personnel file and will release them only as permitted by law.

17
18 Physical Examinations

19
20 The District participates in a Pre-Placement Physical Program for all custodial and maintenance
21 personnel and other positions deemed inclusive of this policy as determined by specific Board
22 action. Subsequent to a conditional offer of employment in a position for which the District may
23 require participation in a pre-placement physical but before commencement of work, the District
24 may require an applicant to have a medical examination and to meet any other health
25 requirements which may be imposed by the state. The District may condition an offer of
26 employment on the results of such examination, if all employees who received a conditional
27 offer of employment in the applicable job category are subject to such examination. The report
28 shall certify the employee's ability to perform the job-related functions of the position for which
29 the employee is being considered. Such examination shall be used only to determine whether the
30 applicant is able to perform with reasonable accommodation job-related functions.

31
32 All bus drivers, whether full-time, regular part-time, or temporary part-time, are required by state
33 law to have a satisfactory medical examination before employment.

34
35 Communicable Diseases

36
37 If a staff member has a communicable disease and has knowledge that a person with
38 compromised or suppressed immunity attends the school, the staff member must notify the
39 school nurse or other responsible person designated by the Board of the communicable disease
40 which could be life threatening to an immune-compromised person. The school nurse or other
41 responsible person designated by the Board must determine, after consultation with and on the
42 advice of public health officials, if the immune-compromised person needs appropriate
43 accommodation to protect their health and safety.

44
45 An employee with a communicable disease shall not report to work during the period of time in
46 which the employee is infectious. An employee afflicted with a communicable disease capable of

being readily transmitted in the school setting (e.g., airborne transmission of tuberculosis) shall be encouraged to report the existence of the illness so that precautions may be taken to protect the health of others. The District reserves the right to require a statement from an employee's primary care provider, before the employee may return to work.

Confidentiality

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

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

Legal Reference:	29 U.S.C. 794, Section 504 of the Rehabilitation Act	
	42 U.S.C. 12101, et seq.	Americans with Disabilities Act
	29 CFR, Section 1630.14(c)(1)(2)(3)	Examination of employees
	Title 49, Chapter 2, MCA	Illegal Discrimination
	Title 49, Chapter 4, MCA	Rights of Persons With Disabilities
	§ 20-10-103(4), MCA	School bus driver qualifications
	ARM 37.114.1010	Employee of School: Day Care
		Facility Care Provider
	ARM 37.111.825	Health Supervision and Maintenance

Policy History:

Adopted on:

Reviewed on: 2/15/21

Revised on: 3/16/09

1 **Terry K-12 Schools**

2
3 **PERSONNEL**

5140

4
5 Classified Employment and Assignment

6
7 Each classified employee will be employed under a written contract of a specified term, of a
8 beginning and ending date, within the meaning of § 39-2-912, MCA, after the employee has
9 satisfied the requisite probationary period of ninety (90) days. During the probationary period of
10 employment, the employment may be terminated at the will of either the School District or the
11 employee on notice to the other for any reason or no reason. Should the employee satisfy the
12 probationary period, such employee shall have no expectation of continued employment beyond
13 the current contract term.

14
15 The District reserves the right to change employment conditions affecting an employee's duties,
16 assignment, supervisor, or grade.

17
18 The Board will determine salary and wages for classified personnel.
19
20
21

22 Legal Reference: § 39-2-904, MCA Elements of wrongful discharge – presumptive
23 probationary period
24 § 39-2-912, MCA Exceptions to Wrongful Discharge from
25 Employment Act
26 *Hunter v. City of Great Falls* (2002), 2002 MT 331
27 *Whidden v. Nerison*, 294 Mont. 346, 981 P.2d 271 (1999)
28 *Bowden v. The Anaconda Co.*, 38 St. Rep. 1974 (D.C. Mont. 1981)
29 *Prout v. Sears, Roebuck & Co.*, 236 Mont. 152, 722 P.2d 288 (1989)
30 *Stowers v. Community Medical Center, Inc.*, 2007 MT 309, 340 Mont.
31 116, 172 P.2d 1252.
32

33 Policy History:

34 Adopted on:

35 Reviewed on: 2/15/2, 11/15/21

36 Revised on: 3/16/09, 02/22/2012

1 **Terry K-12 Schools**

2
3 **PERSONNEL**

5210

4
5 Assignments, Reassignments, Transfers

6
7 The administrator may assign, reassign, and/or transfer positions and duties of all staff. Teachers
8 will be assigned at the levels and in the subjects for which they are licensed and endorsed, or for
9 which they are enrolled in an internship as defined in ARM 10.55.602 and meet the requirements
10 of ARM 10.55.607. The administrator will provide for a system of assignment, reassignment,
11 and transfer of classified staff, including voluntary transfers and promotions. Nothing in this
12 policy prevents reassignment of a staff member during a school year.

13
14 Classified Staff

15
16 The District retains the right of assignment, reassignment, and transfer. Written notice of
17 reassignment or involuntary transfer will be given to the employee. The staff member will be
18 given opportunity to discuss the proposed transfer or reassignment with the administrator.

19
20 Teaching

21
22 Notice of their teaching assignments relative to grade level, building, and subject area will be
23 given to teachers before the beginning of the school year. All District employees assigned
24 extracurricular activities as a contract obligation must honor this obligation as a condition of
25 employment unless released from this responsibility by the Board.

26
27
28
29 Legal Reference: *Bonner School District No. 14 v. Bonner Education Association, MEA-*
30 *MFT, NEA, AFT, AFL-CIO, (2008) 2008 MT 9*
31 ARM 10.55.602 Definition of Internship
32 ARM 10.55.607 Internships
33

34 Policy History:

35 Adopted on:

36 Reviewed on: 3/16/09, 2/15/21

37 Revised on: 03/19/2014

1 **Terry K-12 Schools**

2
3 **PERSONNEL**

5213

4
5 Vacancies

6
7 When the District determines that a vacancy exists, that vacancy may be posted in every school
8 building or, during the summer, outside the office.

9
10 Vacancies may be advertised in-District only or they may be advertised in-District and through
11 job service, Career Services at a college or university, local public advertising, and, where
12 appropriate and if time permits, through a broader regional and/or national basis. A vacancy need
13 not be advertised, as determined by the administrator.

14
15
16
17 Policy History:

18 Adopted on:

19 Reviewed on: 3/16/09, 2/15/21

20 Revised on:

Terry K-12 Schools

Adopted on: 7/24/2017

Reviewed on:

Revised on:

5219

PERSONNEL

Prohibition on Aiding Sexual Abuse

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

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

1. The matter has been reported to law enforcement authorities and it has been officially closed or the school officials have been notified by the prosecutor or police after an investigation that there is insufficient information to establish probable cause, or;
2. The individual has been acquitted or otherwise cleared of the alleged misconduct, or;
3. The case remains open without charges for more than 4 years after the information was reported to a law enforcement agency.

Legal Reference: ESSA section 8038, § 8546

Policy History:

Adopted on:

Reviewed on: 2/15/21

Revised on:

Terry K-12 Schools

Adopted on: 7/24/2017

Reviewed on:

Revised on:

5219

PERSONNEL

Prohibition on Aiding Sexual Abuse

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

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

1. The matter has been reported to law enforcement authorities and it has been officially closed or the school officials have been notified by the prosecutor or police after an investigation that there is insufficient information to establish probable cause, or;
2. The individual has been acquitted or otherwise cleared of the alleged misconduct, or;
3. The case remains open without charges for more than 4 years after the information was reported to a law enforcement agency.

Legal Reference: ESSA section 8038, § 8546

Policy History:

Adopted on:

Reviewed on: 2/15/21

Revised on:

1 **Terry K-12 Schools**

2
3 **PERSONNEL**

5220

4
5 MEA/PIR Substitution

6
7 A teacher may substitute **approved** summertime professional development activities for the
8 actual annual October MEA Conference. Summertime professional development is defined as
9 the time after the last day of school and before the first day of school. Summertime professional
10 development must meet the following criteria and the teacher must be able to provide the proper
11 documentation that can prove that the professional development was:

- 12
13 1) -- 12 hours in length, or;
14 -- worth 10 OPI renewal units

15
16 The associated costs of the summertime professional development (registration costs, lodging,
17 meals, and transportation to and from the professional development) are the responsibility of the
18 teacher attending.

19
20 If the teacher chooses to substitute summertime professional development for the annual October
21 MEA days, the teacher must provide all proper documentation by September 1, prior to the
22 October MEA days for administrative approval.

23
24 Policy History:

25 Adopted on: 11/17/2014

26 Reviewed on: 2/15/21

27 Revised on:

1 **Terry K-12 Schools**

2
3 **PERSONNEL**

5221

4
5 Work Day

6
7 Length of Work Day - Certified Staff

8
9 The current collective bargaining agreement sets forth all conditions pertaining to the certified
10 work day, preparation periods, lunches, etc. Arrival time shall generally be as directed by the
11 administrator or as stipulated in the agreement.
12

13 Length of Work Day - Classified Staff

14
15 The length of a work day for classified staff is governed by the number of hours for which the
16 employee is assigned. A “full-time” employee shall be considered to be an eight-(8)-hour-per-
17 day/forty-(40)-hour-per-week employee. The work day is exclusive of lunch but inclusive of
18 breaks unless otherwise and specifically provided for by an individual contract. Supervisors will
19 establish schedules. Normal office hours in the District will be 8:00 a.m. to 4:00 p.m.
20

21 Breaks

22
23 The District may make available daily morning and afternoon rest periods of fifteen (15) minutes
24 to all full-time, classified employees. Hourly personnel may take one (1) fifteen-(15)-minute rest
25 period for each four (4) hours worked in a day. Breaks normally are to be taken approximately
26 mid-morning and mid-afternoon and should be scheduled in accordance with the flow of work
27 and with approval of the employee’s supervisor.
28
29
30

31 Legal Reference:	29 USC 201 to 219	Fair Labor Standards Act of 1985
	29 CFR 516, et seq.	Records to be kept by employers
	§ 39-3-405, MCA	Overtime compensation
	§ 39-4-107, MCA	State and municipal governments, school
		districts, mines, mills, and smelters
	10.65.103(2), ARM	Program of Approved Pupil Instruction-
		Related Days
	24.16.101, et seq., ARM	Wages and Hours

38
39

40 Policy History:

41 Adopted on:

42 Reviewed on: 3/16/09, 2/15/21

43 Revised on:

PERSONNEL

5222

Evaluation of Non-Administrative Staff

Each non-administrative staff member's job performance will be evaluated by the staff member's direct supervisor. Non-tenured certified staff shall be evaluated, at a minimum, two (2) times per year. Tenured certified staff members may be evaluated according to the terms stated in the current collective bargaining agreement if applicable. The evaluation model shall be aligned with applicable district goals, standards of the Board of Public Education, and the district's mentorship and induction program. It shall identify what skill sets are to be evaluated, include both summative and formative elements, and include an assessment of the educator's effectiveness in supporting every student in meeting rigorous learning goals through the performance of the educator's duties.

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

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

Policy History:

Adopted on:

Reviewed on: 2/15/21

Revised on: 3/16/09, 03/19/2014

1 **Terry K-12 Schools**

2
3 **PERSONNEL**

5223

Page 1 of 3

4
5
6 Personal Conduct

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

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

18
19 In accordance with state law, an employee shall not dispense or utilize any information gained
20 from employment with the District, accept gifts or benefits, or participate in business enterprises
21 or employment that creates a conflict of interest with the faithful and impartial discharge of the
22 employee's District duties. A District employee, before acting in a manner which might impinge
23 on any fiduciary duty, may disclose the nature of the private interest which would create a
24 conflict. Care should be taken to avoid using or avoid the appearance of using official positions
25 and confidential information for personal advantage or gain. Curriculum or materials created
26 within the course of the employee's duties for the District using District resources are considered
27 to be the property of the District.

28
29 Further, employees are expected to hold confidential all information deemed not to be for public
30 consumption as determined by state law and Board policy. Employees also will respect the
31 confidentiality of people served in the course of an employee's duties and use information gained
32 in a responsible manner. The Board may discipline, up to and including discharge, any
33 employee who discloses confidential and/or private information learned during the course of the
34 employee's duties or learned as a result of the employee's participation in a closed (executive)
35 session of the Board. Discretion should be used even within the school system's own network of
36 communication and confidential information should only be communicated on a need to know
37 basis. Employees shall not record or cause to be recorded a conversation by use of a hidden
38 electronic or mechanical device which may include any combination of audio or video that
39 reproduces a human conversation without the knowledge of all parties to the conversation.

40
41 Administrators and supervisors may set forth specific rules and regulations governing staff
42 conduct on the job within a particular building.

43
44 Firearms and Weapons

45
46 Employees of the District shall not injure or threaten to injure another person; damage another's

property or that of the District; or possess any firearm or other non-firearm weapon on school property at any time.

For the purposes of this policy, the term “firearm” means (A) any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device pursuant to

18 U.S.C. 921 (4). Such term does not include an antique firearm pursuant to 18 U.S.C. 921 (16). For purposes of this policy, “non-firearm weapon” means any object, device, or instrument designed as a weapon or through its use is capable of intimidating threatening or producing bodily harm or which may

be used to inflict injury, including but not limited to air guns; pellet guns; BB guns; fake or facsimile weapons; all knives; blades; clubs; metal knuckles; nunchucks; throwing stars; explosives; fireworks; mace or other propellants; stun guns; ammunition; poisons; chains; arrows; and objects that have been modified to serve as a weapon.

District administrators are authorized to appropriate action, as circumstances warrant, to enforce this section of the policy including but not limited to requesting the assistance of law enforcement in accordance with Montana law.

For the purposes of this policy, “school property” means within school buildings, in vehicles used for school purposes, or on owned or leased school land or grounds. “Building” specifically means a combination of any materials, whether mobile, portable, or fixed, to form a structure and the related facilities for the use or occupancy by persons or property owned or leased by a local school district that are used for instruction or for student activities as specified in Section 50-60-101(2), MCA and Section 45-8-361, MCA. The term is construed as though followed by the words “or part or parts of a building” and is considered to include all stadiums, bleachers, and other similar outdoor facilities, whether temporary or permanently fixed.

This section does not apply to a law enforcement officer acting in the officer’s official capacity or an individual previously authorized by the Board of Trustees to possess a firearm or weapon in a school building.

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

Cross Reference:	Professional Educators of Montana Code of Ethics
	5121 Applicability of Personnel Policies
	3311 Firearms and Weapons
	5232 Abused and Neglected Children
	4332 Conduct on School Property

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 a weapon in a school building
	§ 45-5-501, MCA	Definitions
	§ 45-5-502, MCA	Sexual Assault
	ARM 10.55.701(2)(d)	Board of Trustees
	§ 45-8-213, MCA	Privacy in communications

Policy History:

Adopted on:

Reviewed on: 3/16/09

Revised on: 3/18/19; 1/21/20, 4/19/22

1 **Terry K-12 Schools**

2
3 **PERSONNEL**

5224

4
5 Political Activity

6
7 The Board recognizes its employees' rights of citizenship, including but not limited to engaging
8 in political activities. A District employee may seek an elective office, provided the employee
9 does not campaign on school property during working hours, and provided all other legal
10 requirements are met. The District assumes no obligation beyond making such opportunities
11 available. An employee elected to office is entitled to take a leave of absence without pay, in
12 accordance with the provisions of § 2-18-620, MCA.

13
14 No person, in or on District property, may attempt to coerce, command, or require a public
15 employee to support or oppose any political committee, the nomination or election of any person
16 to public office, or the passage of a ballot issue.

17
18 No District employee may solicit support for or in opposition to any political committee, the
19 nomination or election of any person to public office, or the passage of a ballot issue, while on
20 the job or in or on District property.

21
22 Nothing in this policy is intended to restrict the right of District employees to express their
23 personal political views.

24
25
26
27 Legal Reference: 5 USC 7321, et seq. Hatch Act
28 § 2-18-620, MCA Mandatory leave of absence for employees holding
29 public office – return requirements
30 § 13-35-226, MCA Unlawful acts of employers and employees

31
32 Policy History:

33 Adopted on:

34 Reviewed on: 3/16/09, 2/15/21

35 Revised on:

1 **Terry K-12 Schools**

2
3 **PERSONNEL**

5226

page 1 of 2

4
5 Drug-Free Workplace

6
7 All District workplaces are drug- and alcohol-free. All employees are prohibited from:

- 8
9 • Unlawfully manufacturing, dispensing, distributing, possessing, using, or being under the
10 influence of a controlled substance while on District premises or while performing work
11 for the District.
12 • Distributing, consuming, using, possessing, or being under the influence of alcohol while
13 on District premises or while performing work for the District.
14

15 For purposes of this policy, a controlled substance is one that is:

- 16
17 • Not legally obtainable;
18 • Being used in a manner other than as prescribed;
19 • Legally obtainable but has not been legally obtained; or
20 • Referenced in federal or state controlled-substance acts.
21

22 As a condition of employment, each employee will:

- 23
24 • Abide by the terms of the District policy respecting a drug- and alcohol-free workplace;
25 and
26 • Notify his or her supervisor of his or her conviction under any criminal drug statute, for a
27 violation occurring on District premises or while performing work for the District, no
28 later than five (5) days after such conviction.
29

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

- 32
33 • Provide each employee with a copy of the District drug- and alcohol-free workplace
34 policy;
35 • Post notice of the District drug- and alcohol-free workplace policy in a place where other
36 information for employees is posted;
37 • Enlist the aid of community and state agencies with drug and alcohol informational and
38 rehabilitation programs, to provide information to District employees; and
39 • Inform employees of available drug and alcohol counseling, rehabilitation, reentry, and
40 any employee-assistance programs.
41

42 District Action Upon Violation of Policy

43
44 An employee who violates this policy may be subject to disciplinary action, including
45 termination. Alternatively, the Board may require an employee to successfully complete an
46 appropriate drug- or alcohol-abuse, employee-assistance rehabilitation program.

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

Should District employees be engaged in the performance of work under a federal contract or grant or under a state contract or grant, the administrator will notify the appropriate state or federal agency from which the District receives contract or grant moneys of an employee's conviction, within ten (10) days after receiving notice of the conviction.

Legal Reference:	41 USC 702, 703, 706	Drug-free workplace requirements for Federal grant recipients
------------------	----------------------	--

Policy History:

Adopted on:

Reviewed on: 2/15/21

Revised on: 3/16/09

2
3 **PERSONNEL**

5228

4
5 Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers

6
7 The District will adhere to federal law and regulations requiring a drug and alcohol testing
8 program for school bus and commercial vehicle drivers.

9
10 The program will comply with requirements of the Code of Federal Regulations, Title 49, §§
11 382, *et seq.* The administrator will adopt and enact regulations consistent with federal
12 regulations, defining the circumstances and procedures for testing.

13
14
15
16 Legal Reference: 49 U.S.C. § 45101, Alcohol and Controlled Substances Testing (Omnibus
17 Transportation Employee Testing Act of 1991)
18 49 C.F.R. Parts 40 (Procedures for Transportation Workplace Drug and
19 Alcohol Testing Programs), 382 (Controlled substance and alcohol use
20 and testing), and 395 (Hours of service of drivers)

21
22 Policy History:

23 Adopted on:

24 Reviewed on: 3/16/09, 3/15/21

25 Revised on:

3
4 **PERSONNEL**

5228P

page 1 of 6

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

7
8 School bus and commercial vehicle drivers shall be subject to a drug and alcohol testing program
9 that fulfills the requirements of the Code of Federal Regulations, Title 49, Part 382.

10
11 Other persons who drive vehicles designed to transport sixteen (16) or more passengers,
12 including the driver, are likewise subject to the drug and alcohol testing program.

13
14 Testing procedures and facilities used for the tests shall conform with the requirements of the
15 Code of Federal Regulations, Title 49, §§ 40, et seq.

16
17 Pre-Employment Tests

18
19 Tests shall be conducted before the first time a driver performs any safety-sensitive function for
20 the District. Safety-sensitive functions include all on-duty functions performed from the time a
21 driver begins work or is required to be ready to work, until he/she is relieved from work and all
22 responsibility for performing work. It includes driving; waiting to be dispatched; inspecting and
23 servicing equipment; supervising, performing, or assisting in loading and unloading; repairing or
24 obtaining and waiting for help with a disabled vehicle; performing driver requirements related to
25 accidents; and performing any other work for the District or paid work for any entity.

26
27 The tests shall be required of an applicant only after he/she has been offered the position.

28
29 Exceptions may be made for drivers who have had the alcohol test required by law within the
30 previous six (6) months and participated in the drug testing program required by law within the
31 previous thirty (30) days, provided that the District has been able to make all verifications
32 required by law.

33
34 Post-Accident Tests

35
36 Alcohol and controlled substance tests shall be conducted as soon after an accident as practicable
37 on any driver:

- 38 1. Who was performing safety-sensitive functions with respect to the vehicle, if the accident
39 involved loss of human life; or
40 2. Who receives a citation within 8 hours of the occurrence under state or local law, for a
41 moving traffic violation arising from the accident if the accident involved:
42 (i) Bodily injury to any person who, as a result of the injury, immediately receives
43 medical treatment away from the scene of the accident; or
44 (ii) One or more motor vehicles incurring disabling damage as a result of the
45 accident, requiring the motor vehicle to be transported away from the scene by a
46 tow truck or other motor vehicle.
47

Disabling damage under the law means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

Accidents will be reported to the Superintendent or designee immediately. Drivers shall make themselves readily available for testing, absent the need for immediate medical attention. No such driver shall use alcohol for eight (8) hours after the accident, or until after he/she undergoes a post-accident alcohol test, whichever occurs first. If an alcohol test is not administered within two (2) hours or if a drug test is not administered within thirty-two (32) hours, the District shall prepare and maintain records explaining why the test was not conducted. Tests will not be given if not administered within eight (8) hours after the accident for alcohol or within thirty-two (32) hours for drugs. Tests conducted by authorized federal, state, or local officials will fulfill post-accident testing requirements, provided they conform to applicable legal requirements and are obtained by the District. Breath tests will validate only the alcohol test and cannot be used to fulfill controlled substance testing obligations.

Random Tests

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

Reasonable Suspicion Tests

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

Alcohol tests are authorized for reasonable suspicion only if the required observations are made during, just before, or just after the period of the work day when the driver must comply with alcohol prohibitions. An alcohol test may not be conducted by the person who determines that reasonable suspicion exists to conduct such a test. If an alcohol test is not administered within two (2) hours of a determination of reasonable suspicion, the District shall prepare and maintain a record explaining why this was not done. Attempts to conduct alcohol tests shall terminate after eight (8) hours.

A District official who makes observations leading to a controlled substance reasonable suspicion test shall make a written record of observations within twenty-four (24) hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

Enforcement

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

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

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

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

Return-to-Duty Tests

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

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

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

Follow-Up Tests

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

Records

Employee drug and alcohol test results and records shall be maintained under strict

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

Notifications

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

1. The person designated by the District to answer driver questions about the materials;
2. The categories of drivers who are subject to the Code of Federal Regulations, Title 49, Part 382;
3. Sufficient information about the safety-sensitive functions performed by drivers to make clear what period of the work day the driver is required to comply with Part 382;
4. Specific information concerning driver conduct that is prohibited by Part 382;
5. The circumstances under which a driver will be tested for drugs and/or alcohol under Part 382;
6. The procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of test results, and ensure that test results are attributed to the correct driver;
7. The requirement that a driver submit to drug and alcohol tests administered in accordance with Part 382;
8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences;
9. The consequences for drivers found to have violated the drug and alcohol prohibitions of Part 382, including the requirement that the driver be removed immediately from safety-sensitive functions and the procedures for referral, evaluation, and treatment;
10. The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04;
11. Information concerning the effects of drugs and alcohol on an individual's health, work, and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a

coworker's); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to an employee assistance program, and/or referral to management; and

12. The requirement that the following personal information collected and maintained under this part shall be reported to the Commercial Driver's License Drug and Alcohol Clearinghouse:

- A. A verified positive, adulterated, or substituted drug test result;
- B. An alcohol confirmation test with a concentration of 0.04 or higher;
- C. A refusal to submit to any test required by law;
- D. An employer's report of actual knowledge, as defined in law;
- E. On duty alcohol use;
- F. Pre-duty alcohol use;
- G. Alcohol use following an accident;
- H. Controlled substance use;
- I. A substance abuse professional report of the successful completion of the return-to-duty process;
- J. A negative return-to-duty test; and
- K. An employer's report of completion of follow-up testing.

Drivers shall also receive information about legal requirements, District policies, and disciplinary consequences related to the use of alcohol and drugs.

Each driver shall sign a statement certifying that he/she has received a copy of the above materials.

Before any driver operates a commercial motor vehicle, the District shall provide him/her with post-accident procedures that will make it possible to comply with post-accident testing requirements.

Before drug and alcohol tests are performed, the District shall inform drivers that the tests are given pursuant to the Code of Federal Regulations, Title 49, Part 382. This notice shall be provided only after the compliance date specified in law.

The District shall notify a driver of the results of a pre-employment drug test if the driver requests such results within sixty (60) calendar days of being notified of the disposition of his/her employment application.

The District shall notify a driver of the results of random, reasonable suspicion, and post-accident drug tests if the test results are verified positive. The District shall also tell the driver which controlled substance(s) were verified as positive.

Drivers shall inform their supervisors if at any time they are using a controlled substance which their physician has prescribed for therapeutic purposes. Such a substance may be used only if the physician has advised the driver that it will not adversely affect his/her ability to safely operate a commercial motor vehicle.

Clearinghouse

The School District will comply with the requirements of the Commercial Driver's License Drug and Alcohol Clearinghouse. The School District and Transportation service providers are called upon to report DOT drug and alcohol testing program violations to the Clearinghouse. Drivers have been notified that any information subject to disclosure will be submitted to the Clearinghouse in accordance with this policy and applicable regulations.

Legal Reference:	49 C.F.R. Part 40	Procedures for Transportation Workplace Drug and Alcohol Testing
	49. C.F.R. Part 382	Controlled Substances and Alcohol Use and Testing

Policy History:

Adopted on:

Reviewed on: 03/15/09, 03/15/21

Revised on: 04/19/22

1 **Terry School District**

2
3 **PERSONNEL**

5230

4
5 Prevention of Disease Transmission

6
7 All District personnel shall be advised of routine procedures to follow in handling body fluids.
8 These procedures, developed in consultation with public health and medical personnel, shall
9 provide simple and effective precautions against transmission of diseases to persons exposed to
10 the blood or body fluids of another. The procedures shall follow standard health and safety
11 practices. No distinction shall be made between body fluids from individuals with a known
12 disease or infection and from individuals without symptoms or with an undiagnosed disease.

13
14 The District shall provide training on procedures on a regular basis. Appropriate supplies shall
15 be available to all personnel, including those involved in transportation and custodial services.

16
17 The District shall provide soap and disposable towels or other hand-drying devices shall be
18 available at all handwashing sinks. Common-use towels are prohibited. The District shall provide
19 sanitary napkin disposal in teachers' toilet rooms and nurses' toilet rooms. The District shall
20 provide either sanitary napkin dispensers in the girls', nurses', and teachers' toilet rooms or some
21 other readily available on-site access to sanitary napkins.

22
23 If a staff member develops symptoms of any reportable communicable or infectious illness
24 while at school, the responsible school officials shall do the following:

- 25
26 (a) isolate the staff member immediately from students or staff
27 (b) consult with a physician, other qualified medical professional, or the local county
28 health authority to determine if the case should be reported.

29
30 **Healthy Hand Hygiene Behavior**

31
32 All staff and volunteers present in any school building shall engage in hand hygiene at the
33 following times, which include but are not limited to:

- 34 (a) Arrival to the facility and after breaks
35 (b) Before and after preparing, eating, or handling food or drinks
36 (c) Before and after administering medication or screening temperature
37 (d) After coming in contact with bodily fluid
38 (e) After recess
39 (f) After handling garbage
40 (g) After assisting students with handwashing
41 (h) After use of the restroom

42
43 Hand hygiene includes but is not limited to washing hands with soap and water for at least 20
44 seconds. If hands are not visibly dirty, alcohol-based hand sanitizers with at least 60% alcohol
45 can be used if soap and water are not readily available.

Staff members shall supervise children when they use hand sanitizer and soap to prevent ingestion. Staff members shall place grade level appropriate posters describing handwashing steps near sinks.

Confidentiality

This policy in no way limits or adjusts the School District's obligations to honor staff privacy rights. All applicable district policies and handbook provision governing confidentiality of staff medical information remain in full effect.

Legal Reference:	37.114.101, et seq., ARM	Communicable Disease Control
	37.111.825, ARM	Health Supervision and Maintenance

Policy History:

Adopted on:

Reviewed on: 3/16/09, 3/15/21, 7/19/21

Revised on:

Terry K-12 Schools

PERSONNEL

5231

Personnel Records

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

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

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

Cross Reference: 4340 Public Access to District Records

Legal Reference:	10.55.701(4), ARM	Board of Trustees
	§ 20-1-212(2), MCA	Destruction of records by school officer.
	§ 2-6-1001, MCA	Definitions

Policy History:

Adopted on:

Reviewed on: 3/16/09, 3/15/21

Revised on: 8/19/13

1 **Terry K-12 Schools**

2
3 **PERSONNEL**

5231P
page 1 of 2

4
5 Personnel Records

6
7 The District shall maintain a cumulative personnel file in the administrative office for each of its
8 employees, as required by the Office of Public Instruction and current personnel policies. These
9 records are not to leave the administrative office except as specifically authorized by the
10 Superintendent, and then only by signed receipt. Payroll records are maintained separately.

11
12 Contents of Personnel Files

13
14 A personnel file may contain but is not limited to transcripts from colleges or universities,
15 information allowed by statute, a record of previous employment (other than college placement
16 papers for periods beyond active candidacy for a position), evaluations, copies of contracts, and
17 copies of letters of recommendation requested by an employee. All material in the personnel file
18 must be related to the employee's work, position, salary, or employment status in the District.
19 All documents, communications, and records dealing with the processing of a grievance shall be
20 filed separately from the personnel files of the participants.

21
22 No material derogatory to an employee's conduct, service, character, or personality shall be
23 placed in the file, unless such placement is authorized by the administrator, as indicated by the
24 administrator's initials, and unless the employee has had adequate opportunity to read the
25 material. For the latter purpose, the administrator shall take reasonable steps to obtain the
26 employee's initials or signature verifying that the employee has received a copy of the material.
27 If the employee refuses to sign the document indicating that the employee has had an opportunity
28 to read it, the administrator will place an addendum to the document, noting that the employee
29 was given a copy but refused to sign. The administrator will date and sign the addendum.

30
31
32
33
34
35 Legal Reference: 29 USC 201, et seq. Fair Labor Standards Act
36 §§ 2-6-101, et seq., MCA Public Records Generally
37 24.9.805, ARM Employment Records
38

39 Procedure History:

40 Promulgated on:

41 Reviewed on: 3/16/09

42 Revised on: 3/15/21

Terry School District

PERSONNEL

5232

Child Abuse, Neglect, and Sex Trafficking Reporting

A District employee who has reasonable cause to suspect, as a result of information they receive in their professional or official capacity, that a child is abused, neglected, or subjected to sex trafficking by anyone regardless of whether the person suspected of causing the abuse, neglect, or trafficking is a parent or other person responsible for the child's welfare, shall report the matter promptly to the Department of Public Health and Human Services and local law enforcement.

Child abuse or neglect means actual physical or psychological harm to a child, substantial risk of physical or psychological harm to a child, exposure to or involvement with sex trafficking, and abandonment. This definition includes sexual abuse and sexual contact by or with a student. The obligation to report suspected child abuse or neglect also applies to actual or attempted sexual or romantic contact between a student and a staff member.

The District administration is authorized to provide access to educational resources for interested parents, teachers, and students on how to prevent and report child abuse, neglect and sex trafficking; identify the warning signs of child abuse, neglect and sex trafficking; recognize predatory behaviors; and coordinate efforts with law enforcement, the Department of Public Health and Human Services, and local organizations on these topics.

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

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

When a District employee makes a report, the Department of Public Health and Human Services may share information with that individual or others as permitted by law. Individuals in the District who receive information related to a report of child abuse, neglect, or sex trafficking shall maintain the confidentiality of the information.

Cross Reference: 5223 Personal Conduct
 3225 Sexual Harassment of Students

Legal Reference: § 41-3-201, MCA Reports
 § 41-3-202, MCA Action on reporting
 § 41-3-203, MCA Immunity from liability

§ 41-3-205, MCA	Confidentiality – disclosure exceptions
§ 41-3-207, MCA	Penalty for failure to report
§ 45-5-501, MCA	Definitions
§ 45-5-502, MCA	Sexual Assault
§ 20-7-1316, MCA	Child Sex Trafficking Prevention

Policy History:

Adopted on:

Reviewed on: 3/16/09, 3/15/21

Revised on: 8/19/13, 7/18/16; 1/21/20, 5/17/21

1 **Terry K-12 Schools**

3 **PERSONNEL**

5232F

5 **Terry K-12 Schools**
6 **Report of Suspected Child Abuse or Neglect**
7 Hot Line Number – 866-820-5437

9 *Original to: Department of Public Health and Human Services*

10 *Copy to: Administrator*

12 From: _____ Title: _____

14 School: _____ Phone: _____

16 Persons contacted: ☐ Administrator ☐ Teacher ☐ School Nurse ☐ Other _____

18 Name of Minor: _____ Date of Birth: _____

20 Address: _____ Phone: _____

22 Date of Report: _____ Attendance Pattern: _____

24 Father: _____ Address: _____ Phone: _____

26 Mother: _____ Address: _____ Phone: _____

28 Guardian or
29 Stepparent: _____ Address: _____ Phone: _____

31 Any suspicion of injury/neglect to other family members: _____

33 Nature and extent of the child's injuries, including any evidence of previous injuries, and any
34 other information which may be helpful in showing abuse or neglect, including all acts which
35 lead you to believe the child has been abused or neglected: _____

38 Previous action taken, if any: _____

42 Follow-up by Department of Public Health and Human Services (DPHHS to complete and return
43 copy to the Administrator):

45 Date Received: _____ Date of Investigation: _____

PERSONNEL

5240

Resolution of Staff Complaints/Problem-Solving

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

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

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

Cross Reference: 1700 Uniform Complaint Procedure

Policy History:

Adopted on:

Reviewed on: 3/16/09

Revised on: 3/15/21

1 **Terry K-12 Schools**

2
3 **PERSONNEL**

5250

4
5 Non-Renewal of Employment/Dismissal From Employment

6
7 The Board, after receiving the recommendations of the administrator, will determine the non-
8 renewal or termination of certified and classified staff, in conformity with state statutes and
9 applicable District policy.

10
11
12
13 Cross Reference: 5140 Classified Employment and Assignment

14
15 Legal Reference: § 20-4-204, MCA Termination of tenure teacher services
16 § 20-4-206, MCA Notification of nontenure teacher reelection –
17 acceptance – termination.
18 § 20-4-207, MCA Dismissal of teacher under contract
19

20 Policy History:

21 Adopted on:

22 Reviewed on: 3/16/09, 3/15/21

23 Revised on:

1 **Terry K-12 Schools**

3 **PERSONNEL**

5251

5 Resignations

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

11 Once the administrator has accepted the resignation, it may not be withdrawn by the employee.
12 The resignation and its acceptance should be reported as information to the Board at the next
13 regular or special meeting.

17 Legal Reference: *Booth v. Argenbright*, 225 M 272, 731 P.2d 1318, 44 St. Rep. 227 (1987)

19 Policy History:

20 Adopted on:

21 Reviewed on:

22 Revised on: 3/16/09, 3/15/21

1 **Terry K-12 Schools**

2
3 **PERSONNEL**

5253

4
5 Retirement Programs for Employees

6
7 All District employees shall participate in retirement programs under the Federal Social Security
8 Act and either the Teachers' Retirement System or the Public Employees' Retirement System in
9 accordance with state retirement regulations.

10
11 Certified employees who intend to retire at the end of the current school year should notify the
12 administrator in writing prior to April 1 of that year.

13
14 Those employees intending to retire, who are not contractually obligated to complete the school
15 year, should notify the administrator as early as possible and no less than sixty (60) days before
16 their retirement date.

17
18 The relevant and most current negotiated agreements for all categories of employees shall
19 specify severance stipends and other retirement conditions and benefits.

20
21 The District will contribute to the PERS whenever a classified employee is employed for more
22 than the equivalent of one hundred twenty (120) full days (960 hours) in any one (1) fiscal year.
23 Part-time employees who are employed for less than 960 hours in a fiscal year may elect PERS
24 coverage, at their option and in accordance with § 19-3-412, MCA.

25
26
27
28 Legal Reference: Title 19, Chapter 1, MCA Social Security
29 Title 19, Chapter 3, MCA Public Employees' Retirement System
30 Title 19, Chapter 20, MCA Teachers' Retirement

31
32 Policy History:

33 Adopted on:

34 Reviewed on: 3/16/09

35 Revised on: 3/15/21

1 **Terry K-12 Schools**

2
3 **PERSONNEL**

5254

4
5 Payment of Employer Contributions and Interest on Previous Service

6
7 A Public Employees' Retirement System (PERS) member may purchase (1) all or a portion of
8 the member's employment with an employer prior to the time the employer entered into a
9 contract for PERS coverage and (2) all or a portion of the member's employment for which
10 optional PERS membership was declined (both of which are known as previous service).

11
12 The member must file a written application with the PERS Board to purchase all or a portion of
13 the employment for service credit and membership service. The application must include salary
14 information certified by the member's employer or former employer.

15
16 The District has the option to pay, or not to pay, the employer's contributions due on previous
17 service and the option to pay, or not to pay, the outstanding interest due on the employer's
18 contributions for the previous service.

19
20 It is the policy of this District to not pay the employer's contributions due on previous service.

21
22 It is also the policy of this District to not pay the outstanding interest due on the employer's
23 contributions for the previous service.

24
25 This policy will be applied indiscriminately to all employees and former employees of this
26 District.

27
28
29
30 Legal Reference: §19-3-505, MCA Purchase of previous employment with employer

31
32
33
34 Policy History:

35 Adopted on: 11/16/09

36 Reviewed on: 3/15/21

37 Revised on:

Employer Payment Policy

5254F

I. Section 19-3-505, MCA

Payment of Employer Contributions and Interest on Previous Service

A Public Employees' Retirement System (PERS) member may purchase (1) all or a portion of the member's employment with an employer prior to the time the employer entered into a contract for PERS coverage and (2) all or a portion of the member's employment for which optional PERS membership was declined (both of which are known as previous service). PERS employers must establish policies regarding payment of employer contributions and employer interest due for the previous service being purchased by an employee. The policy must be applied indiscriminately to all employees and former employees. Thus, it is our policy to:

_____ not pay the employer's contributions due on previous service.

and to:

_____ not pay the outstanding interest due on the employer's contributions for the previous service.

II. Section 19-3-504, MCA

Payment of Interest on Employer Contributions for Workers' Compensation Time

A PERS member may purchase time during which the member is absent from service because of an employment-related injury entitling the member to workers' compensation payments. PERS employers are required to pay employer contributions and must establish a policy for the payment of interest on employer contributions due for the workers' compensation time being purchased by an employee. The policy regarding payment of interest must be applied to all employees similarly situated. Thus, it is our policy to:

_____ not pay the outstanding interest due on the employer's contributions for the employee's purchase of workers' compensation time.

NAME OF EMPLOYER _____

Signature of Officer: _____

Printed Name: _____

Title of Officer: _____

Dated: _____, 20____.

1 **Terry K-12 Schools**

2
3 **PERSONNEL**

5255

4
5 Disciplinary Action

6
7 District employees who fail to fulfill their job responsibilities or to follow reasonable directions
8 of their supervisors, or who conduct themselves on or off the job in ways that affect their
9 effectiveness on the job, may be subject to discipline. Behavior, conduct, or action that may call
10 for disciplinary action or dismissal includes but is not limited to reasonable job-related grounds
11 based on a failure to satisfactorily perform job duties, disruption of the District's operation, or
12 other legitimate reasons.

13
14 Discipline will be reasonably appropriate to the circumstance and will include but not be limited
15 to a supervisor's right to reprimand an employee and the administrator's right to suspend an
16 employee, with or without pay, or to impose other appropriate disciplinary sanctions.
17 Disciplinary sanctions, including all forms of reprimands, will be documented and placed in the
18 employees personnel file accordance with Policy 5231. In accordance with Montana law, only
19 the Board may terminate an employee or non-renew employment.

20
21 The Administration is authorized to immediately suspend a staff member. with pay, in a non-
22 disciplinary manner.

23
24
25
26 Cross Reference Policy 3311 Firearms and Weapons

27
28
29
30 Legal Reference: § 20-3-210, MCA Controversy appeals and hearings
31 § 20-3-324, MCA Powers and duties
32 § 20-4-207, MCA Dismissal of teacher under contract
33 § 39-2-903, MCA Definitions
34 *Johnson v. Columbia Falls Aluminum Company LLC*, 2009 MT 108N.

35
36 Policy History:

37 Adopted on:

38 Reviewed on: 3/16/09

39 Revised on: 10/2010, 09/19/2011, 3/15/21

1 **Terry K-12 Schools**

2
3 **PERSONNEL**

5256

4
5 Reduction in Force

6
7 The Board has exclusive authority to determine the appropriate number of employees. A
8 reduction in employees may occur as a result of but not be limited to changes in the education
9 program, staff realignment, changes in the size or nature of the student population, financial
10 considerations, or other reasons deemed relevant by the Board.

11
12 The Board will follow the procedure stated in the current collective bargaining agreement, if
13 applicable, when considering a reduction in force. The reduction in employees will generally be
14 accomplished through normal attrition when possible. The Board may terminate employees, if
15 normal attrition does not meet the required reduction in force.

16
17 If no collective bargaining agreement covers the affected employee, the Board will consider
18 needs of the students, employee performance evaluations, staff needs, and other reasons it deems
19 relevant, in determining order of dismissal when it reduces classified staff or discontinues some
20 type of educational service.

21
22 Cross Reference: 5250 Termination from Employment, Non-Renewal of Employment

23
24
25 Legal Reference: § 39-2-912, MCA Exceptions

26
27 Policy History:

28 Adopted on:

29 Reviewed on: 3/16/09, 3/15/21

30 Revised on: 03/18/19

1 **Terry K-12 Schools**

2
3 **PERSONNEL**

5314

4
5 Substitutes

6
7 The Board will regularly approve a list of acceptable substitutes for classified and certified staff that
8 meet the guidelines as prescribed in this policy. Appearance on the substitute list authorizes the
9 administration to call upon a substitute to temporarily work for the District, but does not guarantee
10 employment.

11
12 All substitute employees will be required to undergo fingerprint and background checks. All
13 substitute employees are subject to District Policies during their term of service to the District. All
14 substitute employees shall abide by student and staff confidentiality standards during their term of
15 service to the District.

16
17 Substitute Certified Staff

18
19 The Board authorizes the use of substitute teachers that appear on the list to replace teachers who are
20 temporarily absent. The superintendent or principal shall arrange for the substitute to work for the
21 absent teacher. A substitute teacher may be employed to carry on a teacher's duties not to exceed 35
22 consecutive teaching days.

23
24 If the absence of the regular, licensed or authorized teacher continues for more than 35 consecutive
25 teaching days, the board of trustees shall place a licensed teacher under contract or seek an
26 emergency authorization of employment.

27
28 The Board annually establishes a daily rate of pay for substitute teachers. No fringe benefits are
29 given to substitute teachers.

30
31 Substitutes for Classified Staff

32
33 The Board authorizes the use of substitute employees that appear on the list to replace classified
34 employees who are temporarily absent. The superintendent or principal shall arrange for the
35 substitute to work for the absent employee.

36
37 Substitutes for classified positions will be paid by the hour. When a classified employee is called
38 upon to substitute for a teacher, the teacher sub rate shall apply unless the classified rate of pay is
39 higher.

40
41 Legal Reference: 10.55.716, ARM Substitute teachers
42 10.57.107, ARM Emergency Authorization of Employment

43 Policy History:

44 Adopted on:

45 Reviewed on:

46 Revised on: 3/16/09,3/15/21, 04/19/22

1 **Terry K-12 Schools**

2
3 **PERSONNEL**

5315

4
5 Employee Professional Schooling

6
7 Terry Public School District #5, under certain circumstances, may pay the cost for an employee's
8 professional schooling. If Terry Public School District # 5 pays the cost, it will be the
9 employee's obligation to stay in the Terry School District for at least five (5) years. If the
10 employee decides to leave the district for any reason within the five (5) years, it will be the
11 employee's obligation to pay back the Terry School District the cost of the schooling. The
12 reimbursement cost will be prorated based on the number of years (20% each year) that were not
13 fulfilled within the five (5) year period. For example, if an employee only stayed in the district
14 three (3) years, the total amount of the schooling would be multiplied by 40% (two years).

15
16 If the employee leaves the District prior to the five (5) year requirement, the prorated
17 reimbursement must be paid at, or prior to, the final checkout.

18
19 Policy History:

20 Adopted on: February 22, 2012

21 Reviewed on:

22 Revised on: 4/19/21

1 **Terry K-12 Schools**

2
3 **PERSONNEL**

5321

page 1 of 3

4
5 Leaves of Absence

6
7 Sick and Bereavement Leave

8
9 Certified employees will be granted sick leave according to terms of their collective bargaining
10 agreement.

11
12 Classified employees will be granted sick leave benefits in accordance with § 2-18-618, MCA.
13 For classified staff, “sick leave” is defined as a leave of absence, with pay, for a sickness
14 suffered by an employee or an employee’s immediate family. Sick leave may be used by an
15 employee when they are unable to perform job duties because of:

- 16
- 17 • A physical or mental illness, injury, or disability;
 - 18
 - 19 • Maternity or pregnancy-related disability or treatment, including prenatal care, birth, or
20 medical care for the employee or the employee’s child;
 - 21
 - 22 • Parental leave for a permanent employee as provided in § 2-18-606, MCA;
 - 23
 - 24 • Quarantine resulting from exposure to a contagious disease;
 - 25
 - 26 • Examination or treatment by a licensed health care provider;
 - 27
 - 28 • Short-term attendance, in an agency’s discretion, to care for a person (who is not the
29 employee or a member of the employee’s immediate family) until other care can
30 reasonably be obtained;
 - 31
 - 32 • Necessary care for a spouse, child, or parent with a serious health condition, as defined in
33 the Family and Medical Leave Act of 1993; or
 - 34
 - 35 • Death or funeral attendance of an immediate family member or, at an agency’s discretion,
36 another person.
- 37

38 Nothing in this policy guarantees approval of the granting of such leave in any instance. The
39 District will judge each request in accordance with this policy and governing collective
40 bargaining agreements.

41
42 It is understood that seniority will accumulate while a teacher or employee is utilizing sick leave
43 credits. Seniority will not accumulate unless an employee is in a paid status. Abuse of sick leave
44 is cause for disciplinary action up to and including termination of employment.

45
46 Immediate family is defined as an employee’s spouse and any member of the employee’s

household, or any parent, child, grandparent, grandchild, or corresponding in-law.

Personal and Emergency Leave

Teachers will be granted personal and emergency leave according to terms of the current collective bargaining agreement. Upon recommendation of the Superintendent, and in accordance with law and District policy, classified staff may be granted personal leave pursuant to the following conditions:

1. Leave will be without pay unless otherwise stated. If leave is to include expenses payable by the District, leave approval will so state.
2. Leave will be granted only in units of half (½) or full days.
3. Notice of at least one (1) week is required for any personal leave of less than one (1) week; notice of one (1) month is required for any personal leave exceeding one (1) week.
4. With approval of the Board, the Superintendent has the flexibility, in unusual or exceptional circumstances, to grant personal leave to employees not covered by sick or annual leave. The employee will not receive fringe benefits during any personal leave of greater than fifteen (15) days. During the leave, the employee may pay the District's share of any insurance benefit program in order to maintain those benefits, provided that is acceptable to the insurance carrier. Staff using personal leave will not earn any sick leave or annual leave credits or any other benefits during the approved leave of absence.

Civic Duty Leave

Leaves for service on either a jury or in the Legislature will be granted in accordance with state and federal law.

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

Legal Reference:	42 U.S.C §2000e	Equal Employment Opportunities
	§ 2-18-601(15), MCA	Definitions
	§ 2-18-618, MCA	Sick leave
	§ 2-18-619, MCA	Jury Duty – Service as Witness
	§ 39-2-104, MCA	Mandatory Leave of Absence for employees
		Holding public office
	§ 49-2-310, MCA	Maternity leave – unlawful acts of
		employers
	§ 49-2-311, MCA	Reinstatement to job following
		pregnancy- related leave of absence

Policy History:

Adopted on:

Reviewed on:

Revised on: 3/16/09, 4/19/21

1 **Terry K-12 Schools**

2
3 **PERSONNEL**

5321P

page 1 of 2

4
5 Conditions for Use of Leave

6
7 Certified staff may use sick leave for those instances listed in the current collective bargaining
8 agreement. Classified staff may use sick leave for illness; injury; medical disability; maternity-
9 related disability, including prenatal care, birth, miscarriage, or abortion; quarantine resulting
10 from exposure to contagious disease; medical, dental, or eye examination or treatment; necessary
11 care of or attendance to an immediate family member or, at the District's discretion, another
12 relative for the above reasons until other attendants can reasonably be obtained, and death or
13 funeral attendance for an immediate family member. Leave without pay may be granted to
14 employees upon the death of persons not included in this list.

15
16 Accrual and Use of Sick Leave Credits

17
18 Certified employees will accrue and may use their sick leave credits according to the current
19 collective bargaining agreement.

20
21 Classified employees serving in positions that are permanent full-time, seasonal full-time, or
22 permanent part-time are eligible to earn sick leave credits, which will accrue from the first (1st)
23 day of employment. A classified employee must be employed continuously for a qualifying
24 period of ninety (90) calendar days in order to use sick leave. Unless there is a break in service,
25 an employee only serves the qualifying period once. After a break in service, an employee must
26 again complete the qualifying period to use sick leave. Sick leave may not be taken in advance
27 nor may leave be taken retroactively. A seasonal classified employee may carry over accrued
28 sick leave credits to the next season if management has a continuing need for the employee or,
29 alternatively, may be paid a lump sum for accrued sick leave credits when the season ends, in
30 accordance with ARM 2.21.141.

31
32 Employees, whether classified or certified, simultaneously employed in two (2) or more
33 positions, will accrue sick leave credits in each position according to the number of hours
34 worked or a proration of the contract (in the case of certified) worked. Leave credits will be used
35 only from the position in which the credits were earned and with approval of the supervisor or
36 appropriate authority for that position. Hours in a pay status paid at the regular rate will be used
37 to calculate leave accrual. Sick leave credits will not accrue for those hours exceeding forty (40)
38 hours in a workweek, which are paid as overtime hours or recorded as compensatory time. A
39 full-time employee will not earn less than nor more than the full-time sick leave accrual rate
40 provided classified employees.

41
42 When an employee who has not worked the qualifying period for use of sick leave takes an
43 approved continuous leave of absence without pay in excess of fifteen (15) working days, the
44 amount of time an employee is on leave of absence will not count toward completion of the
45 qualifying period. The approved leave of absence exceeding fifteen (15) working days is not a
46 break in service, and the employee will not lose any accrued sick leave credits nor lose credit for

time earned toward the qualifying period. An approved continuous leave of absence without pay of fifteen (15) working days or less will be counted as time earned toward the ninety-(90)-day qualifying period.

Calculation of Sick Leave Credits

Certified employees will earn sick leave credits at the rate stated in the current collective bargaining agreement.

Full-time classified employees will earn sick leave credits at the rate of twelve (12) working days for each year of service. Sick leave credits will be prorated for part-time employees who have worked the qualifying period. The payroll office will refine this data by keeping records per hour worked.

Lump-Sum Payment on Termination of Classified Employees

When a classified employee terminates employment with the District, the employee is entitled to cash compensation for one-fourth ($\frac{1}{4}$) of the employee's accrued and unused sick leave credits, provided the employee has worked the qualifying period. The value of unused sick leave is computed based on the employee's salary rate at the time of termination.

Industrial Accident

An employee who is injured in an industrial accident may be eligible for workers' compensation benefits. Use of sick leave must be coordinated with receipt of workers' compensation benefits on a case-by-case basis, by contacting the Montana Schools Group Workers' Compensation Risk Retention Program (WCRRP).

Sick Leave Substituted for Annual Leave

A classified employee who qualifies for use of sick leave while taking approved annual vacation leave, may be allowed to substitute accrued sick leave credits for annual leave credits. Medical certification of the illness or disability may be required.

Procedure History:

Promulgated on:

Reviewed on: 3/16/09

Revised on: 4/19/21

[illegible]

5322

5

7 Pursuant to the Uniformed Services Employment and Reemployment Rights Act (USERRA) and
8 the Montana Military Service Employment Rights, the administrator shall grant military leave to
9 employees for voluntary or involuntary service in the uniformed services of the United States,
0 upon receipt of the required notice. Benefits shall be maintained for these employees as required
1 by law and/or collective bargaining agreements. A service member who returns to the District for
2 work following a period of active duty must be reinstated to the same or similar position and at
3 the same rate of pay unless otherwise provided by law.

5 Time spent in active military service shall be counted in the same manner as regular employment
6 for purposes of seniority or District service unless otherwise provided in a collective bargaining
7 agreement.

19 The District will not discriminate in hiring, reemployment, promotion, or benefits based upon
20 membership or service in the uniformed services.

22 All requests for military leave will be submitted to the administrator, in writing, accompanied by
23 copies of the proper documentation showing the necessity for the military leave request.

When possible, all requests for military leave will be submitted at least one (1) full month in advance of the date military service is to begin.

Persons returning from military leave are asked to give the administrator notice of intent to return, in writing, as least one (1) full month in advance of the return date.

1 The District shall post notice of the rights, benefits, and obligations of the District and employees
2 in the customary place for notices.

34	Legal Reference:	38 U.S.C. §§ 4301-4333	The Uniformed Services Employment and
35			Reemployment Act of 1994
36		§10-1-1004, MCA	Rights under federal law
37		§10-1-1005, MCA	Prohibition against employment
38			discrimination
39		§10-1-1006, MCA	Entitlement to leave of absence
40		§10-1-1007, MCA	Right to return to employment without loss
41			of benefits – exceptions – definition
42		§10-1-1009, MCA	Paid military leave for public employees

43 Policy History:

44 Adopted on: 3/16/09

45 Reviewed on:

Revised on: 4/19/21

PERSONNEL

5325

Breastfeeding in the School and Workplace

Recognizing that breastfeeding is a normal part of daily life for mothers and infants and that Montana law authorizes mothers to breastfeed their infants where mothers and children are authorized to be, the District shall support women who want to continue breastfeeding after returning from maternity leave.

The District shall provide reasonable unpaid break time each day to an employee or who needs to express milk for a child. The District is not required to provide break time if to do so would unduly disrupt the District's operations. Supervisors are encouraged to consider flexible schedules when accommodating employees' needs. Building administrators are authorized to work with teachers to provide students necessary time to express milk for a child.

The District shall make reasonable efforts to provide a room or other location other than a toilet stall, where an employee or student can express breast milk and access to a place to store expressed breast milk safely. The available space shall include the provision for lighting and electricity for the pump apparatus. If possible, supervisors and building administrators shall ensure that those employees or students in need of accommodations shall be aware of them prior to maternity leave.

Legal Reference:	§ 39-2-215, MCA	Public employer policy on support of women and breastfeeding – unlawful discrimination
	§ 39-2-216, MCA	Private Place for nursing mothers
	§ 39-2-217, MCA	Break time for nursing mothers
	37.111.811, ARM	Physical Requirements

Policy History:

Adopted on: 3/16/09

Reviewed on: 7/19/21

Revised on: 4/19/21

1 **Terry K-12 Schools**

2
3 **PERSONNEL**

5328

4
5 Family Medical Leave

6
7 Employees are eligible for benefits under the Family Medical Leave Act when the District has
8 fifty (50) or more employees. The Terry School District has less than fifty (50) employees, and
9 therefore employees are not eligible for FMLA benefits.
10
11
12

13 *NOTE: This provision applies to school districts with fifty (50) or more employees. Those*
14 *districts with less than fifty (50) employees must comply with notice and record*
15 *retention but are not obligated to provide the leave as a benefit of any employee's*
16 *employment. The FMLA poster may be obtained by going to the Montana*
17 *Department of Labor website, highlight "Resources & Services" tab and click on*
18 *"Required Postings".*
19
20

21 Policy History:

22 Adopted on: 3/16/09

23 Reviewed on:

24 Revised on: 02/22/2012, 4/19/21

1 **Terry School District**

2
3 **PERSONNEL**

5328P

4
5 Family Medical Leave

6
7 Who Is Eligible

8
9 Employees are eligible if they have worked for the District for at least one (1) year, and for one
10 thousand two hundred fifty (1,250) hours over the previous twelve (12) months, and if there have
11 been at least fifty (50) District employees within seventy-five (75) miles for each working day
12 during twenty (20) or more workweeks in the current or preceding calendar year.

13
14 Benefit

15
16 Under certain conditions, eligible employees, if qualified, may be entitled to up to twelve (12)
17 weeks or twenty-six (26) weeks leave with continuing participation in the District's group
18 insurance plan.

19
20 Reasons for Taking Leave

21
22 Unpaid leave will be granted to eligible employees for any of the following reasons:

- 23
24 a. To care for the employee's child after birth, or placement for adoption or foster care;
25 b. To care for the employee's spouse, child, or parent (does not include parents-in-law) who
26 has a serious health condition;
27 c. For a serious health condition that makes the employee unable to perform the employee's
28 job;

29
30 Military Family Leave

31
32 a. Military Caregiver Leave

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

36
37 b. Qualified Exigency leave

38 An eligible employee can take up to the normal 12 weeks of leave if a family
39 member is on covered active duty. Covered active duty includes duty of a member
40 of a regular component of the Armed Forces during deployment to a foreign
41 country, and duty of a member of a reserve component of the Armed Forces
42 during deployment to a foreign country under a call or order to active duty in
43 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 Spouses Are District Employees

When spouses work for the same employer and each spouse is eligible to take FMLA leave, the FMLA limits the combined amount of leave they may take for some, but not all, FMLA-qualifying leave reasons.

For purposes of FMLA leave, spouse means a husband or wife as defined or recognized in the state where the individual was married and includes individuals in a common law or same-sex marriage. Spouse also includes a husband or wife in a marriage that was validly entered into outside of the United States, if the marriage could have been entered into in at least one state.

Eligible spouses who work for the same employer are limited to a combined total of 12 workweeks of leave in a 12-month period for the following FMLA-qualifying reasons:

- the birth of a son or daughter and bonding with the newborn child,
- the placement of a son or daughter with the employee for adoption or foster care and

- bonding with the newly-placed child, and
- the care of a parent with a serious health condition.

Eligible spouses who work for the same employer are also limited to a combined total of 26 workweeks of leave in a single 12-month period to care for a covered servicemember with a serious injury or illness (commonly referred to as “military caregiver leave”) if each spouse is a parent, spouse, son or daughter, or next of kin of the servicemember. When spouses take military caregiver leave as well as other FMLA leave in the same leave year, each spouse is subject to the combined limitations for the reasons for leave listed above.

The limitation on the amount of leave for spouses working for the same employer does not apply to FMLA leave taken for some qualifying reasons. Eligible spouses who work for the same employer are each entitled to up to 12 workweeks of FMLA leave in a 12-month period, without regard to the amount of leave their spouses use, for the following FMLA-qualifying leave reasons:

- the care of a spouse or son or daughter with a serious health condition;
- a serious health condition that makes the employee unable to perform the essential functions of his or her job; and
- any qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is a military member on “covered active duty.”

Employee Notice Requirement

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

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

Employers are required to provide employees with notice explaining the FMLA through a poster and either a handbook or information upon hire. If an employee requests FMLA leave, an employer must provide notice to the employee within five (5) business days of whether the employee meets the FMLA eligibility requirements. If an employee is not eligible to take

FMLA, the employer must provide a reason. The employer must also provide a rights and responsibilities notice outlining expectations and obligations relating to FMLA leave. If FMLA leave is approved by the employer, it must provide the employee with a designation notice stating the amount of leave that will be counted against an employee’s FMLA entitlement.

Notice for Leave Due to Active Duty of Family Member

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

such notice to the employer as soon as is reasonable and practicable.

Requests

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

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

Medical Certification

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

Intermittent/Reduced Leave

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

Insurance

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

Return

Upon return from FMLA leave, reasonable effort shall be made to place the employee in the

original or equivalent position with equivalent pay, benefits, and other employment terms.

Recordkeeping

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

Summer Vacation

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

SPECIAL RULES FOR INSTRUCTIONAL EMPLOYEES

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

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

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

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

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

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

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

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

Intermittent or Reduced Leave

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

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

Procedure History:

Adopted on: 1/21/20

Reviewed on:

Revised on: 5/17/21

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 Policy History:

18 Adopted on: 3/16/09

19 Reviewed on:

20 Revised on: 7/24/2017; 1/21/20

1 **Terry K-12 Schools**

2
3 **PERSONNEL**

5329P

4
5 Long-Term Illness/Temporary Disability

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

- 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. In the case of any extended illness, procedures for assessing the probable duration of the
16 temporary disability will vary. The number of days of leave will vary according to
17 different conditions, individual needs, and the assessment of individual physicians.
18 Normally, however, the employee should expect to return on the date indicated by the
19 physician, unless complications develop which are further certified by a physician.
20
21 3. An employee who has signified his/her intent to return at the end of extended leave of
22 absence shall be reinstated to his/her original job or an equivalent position with
23 equivalent pay and accumulated seniority, retirement, fringe benefits, and other service
24 credits.
25
26

27 Procedure History:

28 Adopted on: 3/16/09

29 Reviewed on:

30 Revised on: 7/24/17; 1/21/20

1 **Terry K-12 Schools**

2
3 **PERSONNEL**

5330

4
5 Maternity and Paternity Leave

6
7 The School District's maternity leave policy covers employees who are not eligible for FMLA
8 leave at Policy 5328. Maternity leave includes only continuous absence immediately prior to
9 adoption, delivery, absence for delivery, and absence for post-delivery recovery, or continuous
10 absence immediately prior to and in the aftermath of miscarriage or other pregnancy-related
11 complications.

12
13 The School District shall not refuse to grant an employee a reasonable leave of absence for
14 pregnancy or require that an employee take a mandatory maternity leave for an unreasonable
15 length of time. The School District has determined that maternity leave shall not exceed 52
16 weeks unless mandated otherwise by the employee's physician.

17
18 Employees will be required to use appropriate accumulated paid leave concurrently while on
19 FMLA leave. For those employees who are members of the bargaining unit, the District will
20 follow the language in the current collective bargaining agreement as it relates to maternity
21 leave.

22
23 An employee who has signified her intent to return at the end of her maternity leave of absence
24 shall be reinstated to her original job or an equivalent position with equivalent pay and
25 accumulated seniority, retirement, fringe benefits, and other service credits.

26
27 The School District will review requests for Paternity Leave in accordance with any applicable
28 policy or collective bargaining agreement provision governing use of leave for family purposes.

29
30 Legal Reference: § 49-2-310, MCA Maternity leave – unlawful acts of employers
31 § 49-2-311, MCA Reinstatement to job following pregnancy-related
32 leave of absence
33 Admin. R. Mont. 24.9.1201—1207 Maternity Leave
34

35 Policy History:

36 Adopted on: 7/24/2017

37 Reviewed on:

38 Revised on: 1/21/20

1 **Terry K-12 Schools**

2
3 **PERSONNEL**

5331

4
5 Insurance Benefits for Employees

6
7 Newly hired employees are eligible for insurance benefits offered by the District for the
8 particular bargaining unit to which an employee belongs. Other employees will be offered
9 benefits consistent with the District benefit plan, with exceptions noted below:

10
11 1. Classified employees who are employed less than half ($\frac{1}{2}$) time (that is, who are regularly
12 scheduled to work less than twenty (20) hours per week) will not be eligible for group health,
13 dental, and life insurance and will not be considered to be a member of defined employee
14 insurance benefit groups.

15
16 2. Any permanent employee who works half ($\frac{1}{2}$) time or more is eligible for group health
17 and dental insurance, irrespective of the unit to which the employee belongs. All medical
18 and dental insurance premiums will be prorated in the amount of the full contract in terms of
19 full-time equivalency multiplied by the District's maximum contribution as prescribed by the
20 applicable collective bargaining agreement or Board policy.

21
22
23 A medical examination at the expense of the employee may be required, if the employee elects to
24 join the District health insurance program after initially refusing coverage during the "open
25 season" (*July). An eligible employee wishing to discontinue or change health insurance
26 coverage must initiate the action by contacting the personnel office and completing appropriate
27 forms.

28
29 Anniversary dates of the health insurance policies for the District shall be July 1st through June
30 30th.

31
32 Legal Reference: § 2-18-702, MCA Group insurance for public employees and officers
33 § 2-18-703, MCA Contributions
34

35 Policy History:

36 Adopted on:

37 Reviewed on:

38 Revised on: 3/16/09, 05/2016, 5/17/21

1 **Terry K-12 Schools**

2
3 **PERSONNEL**

5333

4
5 Holidays

6
7 Holidays for certified staff are dictated in part by the school calendar. Temporary employees will
8 not receive holiday pay. Part-time employees will receive holiday pay on a prorated basis.

9
10 The holidays required for classified staff, by § 20-1-305, MCA, are:

- 11
12 1. Independence Day
13 2. Labor Day
14 3. Thanksgiving Day
15 4. Christmas Eve Day
16 5. Christmas Day
17 6. New Year's Day
18 7. Good Friday
19 8. Memorial Day
20 9. Such additional days as the Board may designate and other legal holidays when school is
21 not in session.
22 10. State and national election days when the school building is used as a polling place and
23 conduct of school would interfere with the election process
24

25 When an employee, as defined above, is required to work any of these holidays, another day
26 shall be granted in lieu of such holiday, unless the employee elects to be paid for the holiday in
27 addition to the employee's regular pay for all time worked on the holiday.
28

29 When one of the above holidays falls on Sunday, the following Monday will not be a holiday.
30 When one of the above holidays falls on Saturday, the preceding Friday will not be a holiday.
31

32 When a holiday occurs during a period in which vacation is being taken by an employee, the
33 holiday will not be charged against the employee's annual leave.
34
35
36

37 Legal Reference: § 20-1-305, MCA School holidays
38

39 Policy History:

40 Adopted on:

41 Reviewed on: 3/16/09

42 Revised on: 3/17/03

1 **Terry K-12 Schools**

2
3 **PERSONNEL**

5334

4
5 Vacations

6
7 Classified and twelve-(12)-month administrative employees will accrue annual vacation leave
8 benefits in accordance with §§ 2-18-611, 2-18-612, 2-18-614 through 2-18-617 and 2-18-621,
9 MCA. Nothing in this policy guarantees approval for granting specific days as annual vacation
10 leave in any instance. The District will judge each request for vacation in accordance with
11 staffing needs.

12
13 Employees are not entitled to any vacation leave with pay until they have been continuously
14 employed for a period of six (6) calendar months.

15
16
17
18 Legal Reference: § 2-18-611, MCA Annual vacation leave
19 § 2-18-612, MCA Rate earned
20 § 2-18-617, MCA Accumulation of leave – cash for unused – transfer

21
22 Policy History:

23 Adopted on:

24 Reviewed on: 3/16/09, 3/15/21

25 Revised on:

1 **Terry K-12 Schools**

2
3 **PERSONNEL**

5334P
page 1 of 2

4
5 Vacations

6
7 All classified employees, except those in a temporary status, serving more than six (6) months,
8 are eligible to earn vacation leave credits retroactive to the date of employment. Leave credits
9 may not be advanced nor may leave be taken retroactively. A seasonal employee's accrued
10 vacation leave credits may be carried over to the next season, if management has a continuing
11 need for the employee, or paid out as a lump-sum payment to the employee when the season
12 ends (generally in June). The employee may request a lump-sum payment at the end of each
13 season.

14
15 Vacation is earned according to the following schedule:

16
17 RATE-EARNED SCHEDULE

18

19 Years of	20 Working Days
21 <u>Employment</u>	22 <u>Credit per Year</u>
23 1 day - 10 years	24 15
25 10 - 15 years	26 18
27 15 - 20 years	28 21
29 20 years on	30 24

31
32 Time as an elected state, county, or city official, as a school teacher, or as an independent
33 contractor does not count toward the rate earned. For purposes of this paragraph, an employee of
34 a district or the university system is eligible to have school district or university employment
35 time count toward the rate-earned schedule, if that employee was eligible for annual leave in the
36 position held with the school district or university system.

37
38 Maximum Accrual of Vacation Leave

39
40 All full-time and part-time employees serving in permanent and seasonal positions may
41 accumulate two (2) times the total number of annual leave credits they are eligible to earn per
42 year, according to the rate-earned schedule.

43
44 Annual Pay-Out

45
46 The District may, in its sole discretion and/or subject to the terms of a collective bargaining
agreement, provide cash compensation in January of each year for unused vacation leave in lieu
of the accumulation of vacation leave.

47
48 Lump-Sum Payment Upon Termination

49
50 An employee who terminates employment for reasons not reflecting discredit on the employee

shall be entitled, upon the date of such termination, to cash compensation for unused vacation leave, assuming that the employee has worked the qualifying periods set forth in § 2-18-611, MCA. The District shall not pay accumulated leaves to employees who have not worked the qualifying period. Vacation leave contributed to the sick leave bank is nonrefundable and is not eligible for cash compensation upon termination.

Legal Reference: § 2-18-611 - § 2-18-618, MCA Leave Time

Procedure History:

Promulgated on:

Reviewed on: 3/16/09, 3/15/21

Revised on:

PERSONNEL

5336

Fair Labor Standards Act**Compensatory Time and Overtime for Classified Employees**

Non-exempt classified employees who work more than forty (40) hours in a given workweek may receive overtime pay of one and one-half (1½) times the normal hourly rate, unless the District and the employee agree to the provision of compensation time at a rate of one and one-half (1½) times all hours worked in excess of forty (40) hours in any workweek. The administrator must approve any overtime work of a classified employee.

Under Montana law and the Federal Fair Labor Standards Act, a classified employee may not volunteer to work without pay in an assignment similar to the employee's regular work.

A non-exempt employee who works overtime without authorization may be subject to disciplinary action.

Blended Time

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

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

Record-Keeping Requirements Under the Fair Labor Standards Act

1. Records required for ALL employees:

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

2. Additional records required for non-exempt employees:

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

Legal Reference:	29 USC 201, et seq.	Fair Labor Standards Act
	24.9.805, ARM	Employment Records
	Title 39, Chapter 3, Part 4	Minimum Wage and Overtime
		Compensation
	24.16.2501—2581, ARM	Overtime Compensation

Policy History:

Adopted on: 3/16/09

Reviewed on:

Revised on: 11/16/09, 01/19/15, 5/17/21

1 **Terry K-12 Schools**

2
3 **PERSONNEL**

5337

4
5 Workers' Compensation Benefits

6
7 All employees of the District are covered by workers' compensation benefits. In the event of an
8 industrial accident, an employee should:

- 9
10 1. Attend to first aid and/or medical treatment during an emergency;
11
12 2. Correct or report as needing correction a hazardous situation as soon as possible after an
13 emergency situation is stabilized;
14
15 3. Report the injury or disabling condition, whether actual or possible, to the immediate
16 supervisor, within forty-eight (48) hours, on the Employer's First Report of Occupational
17 Injury or Disease; and
18
19 4. Call or visit the administrative office after medical treatment, if needed, to complete the
20 necessary report of accident and injury on an Occupational Injury or Disease form.
21

22 The administrator will notify the immediate supervisor of the report and will include the
23 immediate supervisor as necessary in completing the required report.
24

25 An employee who is injured in an industrial accident may be eligible for workers' compensation
26 benefits. By law, employee use of sick leave must be coordinated with receipt of workers'
27 compensation benefits, on a case-by-case basis, in consultation with the Workers' Compensation
28 Division, Department of Labor and Industry.
29

30 The District will not automatically and simply defer to a report of industrial accident but will
31 investigate as it deems appropriate to determine: (1) whether continuing hazardous conditions
32 exist which need to be eliminated; and (2) whether in fact an accident attributable to the District
33 working environment occurred as reported. The District may require the employee to authorize
34 the employee's physician to release pertinent medical information to the District or to a
35 physician of the District's choice, should an actual claim be filed against the Workers'
36 Compensation Division which could result in additional fees being levied against the District.
37
38
39

40 Legal Reference: §§ 39-71-101, et seq., MCA Workers' Compensation Act
41

42 Policy History:

43 Adopted on:

44 Reviewed on: 3/16/09, 3/15/21

45 Revised on:

1 **Terry K-12 Schools**

2
3 **PERSONNEL**

5338

4
5 Payment of Interest on Employer Contributions for Workers' Compensation Time

6
7 An employee absent because of an employment-related injury entitling the employee to workers'
8 compensation payments may, upon the employee's return to service, contribute to the retirement system
9 an amount equal to the contributions that would have been made by the employee to the system on the
10 basis of the employee's compensation at the commencement of the employee's absence plus regular
11 interest accruing from one (1) year from the date after the employee returns to service to the date the
12 employee contributes for the period of absence.

13
14 The District has the option to pay, or not pay, the interest on the employer's contribution for the period of
15 absence based on the salary as calculated. If the employer elects not to pay the interest costs, this amount
16 must be paid by the employee.

17
18 It is the policy of this District to not pay the interest costs associated with the employer's contribution.

19
20 Legal Reference: §§ 19-3-504, MCA Absence due to illness or injury.

21
22 Policy History:

23 Adopted on: 11/16/09

24 Reviewed on: 3/15/21

25 Revised on:

1 **Terry K-12 Schools**

2
3 **PERSONNEL**

5420

4
5 Paraprofessionals

6
7 Paraprofessionals, as defined in the appropriate job descriptions, are under the supervision of a
8 principal and a teacher to whom the principal may have delegated responsibility for close
9 direction. The nature of the work accomplished by paraprofessionals will encompass a variety of
10 tasks that may be inclusive of “limited instructional duties.”

11
12 Paraprofessionals are employed by the District mainly to assist the teacher. A paraprofessional
13 is an extension of the teacher, who legally has the direct control and supervision of the classroom
14 or playground and responsibility for control and the welfare of the students.

15
16 It is the responsibility of each principal and teacher to provide adequate training for a
17 paraprofessional. This training should take into account the unique situations in which a
18 paraprofessional works and should be designed to cover the general contingencies that might be
19 expected to pertain to that situation. During the first thirty (30) days of employment, the
20 supervising teacher or administrator shall continue to assess the skills and ability of the
21 paraprofessional to assist in reading, writing, and mathematics instruction.

22
23 The Superintendent shall develop and implement procedures for an annual evaluation of
24 paraprofessionals. Evaluation results shall be a factor in future employment decisions.

25
26 If the school receives Title I funds, the District shall notify parents of students attending the
27 school annually that they may request the District to provide information regarding the
28 professional qualifications of their child’s paraprofessionals, if applicable.

29
30 Legal Reference: 20 U.S.C. § 6319 Qualifications for teachers and paraprofessionals

31
32 Policy History:

33 Adopted on: 3/16/09

34 Reviewed on: 3/15/21

35 Revised on: 7/24/2017

Terry K-12 Schools

Adopted on: 7/24/2017

Reviewed on:

Revised on:

5420F

PERSONNEL

ESSA Qualification Notifications

ANNUAL NOTIFICATION - OPTION TO REQUEST PROFESSIONAL QUALIFICATIONS

TO: _____ <i>Parent's Name</i>	FROM _____ <i>School Name</i>
DATE _____	RE _____ <i>Student's Name</i>
	GRADE _____

Dear Parent/Guardian,

Because our District receives federal funds for Title I programs as a part of the Every Student Succeeds Act (ESSA), you may request information regarding the professional qualifications of your child's teacher(s) and paraprofessional(s), if applicable.

If you would like to request this information, please contact _____
by phone at _____ or by e-mail at _____.

Sincerely, _____
Principal/designee

1 **Terry K-12 Schools**

2
3 **PERSONNEL**

5430

page 1 of 2

4
5 Volunteers

6
7 The District recognizes the valuable contributions made to the total school program by members
8 of the community who act as volunteers. By law, a volunteer is an individual who:

- 9
10 1. Has not entered into an express or implied compensation agreement with the District;
11
12 2. Is excluded from the definition of “employee” under appropriate state and federal
13 statutes;
14
15 3. May be paid expenses, reasonable benefits, and/or nominal fees in some situations; and
16
17 4. Is not employed by the District in the same or similar capacity for which he/she is
18 volunteering.
19

20 District employees who work with volunteers shall clearly explain duties for supervising children
21 in school, on the playground, and on field trips. An appropriate degree of training and/or
22 supervision of each volunteer shall be administered commensurate with the responsibility
23 undertaken.
24

25 Volunteers who have unsupervised access to children are subject to the District’s policy
26 mandating background checks.
27

28 Chaperones

29
30 The administrator may direct that appropriate screening processes be implemented to assure that
31 adult chaperones are suitable and acceptable for accompanying students on field trips or
32 excursions.
33

34 When serving as a chaperone for the District, the parent(s)/guardian(s) or other adult volunteers,
35 including employees of the District, assigned to chaperone, shall not use tobacco products in the
36 presence of students, nor shall they consume any alcoholic beverages or use any illicit drug
37 during the duration of their assignment as a chaperone, including during the hours following the
38 end of the day’s activities for students. The chaperone shall not encourage or allow students to
39 participate in any activity that is in violation of District policy during the field trip or excursion,
40 including during the hours following the end of the day’s activities. Chaperones shall be given a
41 copy of these rules and sign a letter of understanding verifying they are aware of and agree to
42 these District rules before being allowed to accompany students on any field trip or excursion.
43

44 Any chaperone found to have violated these rules shall not be used again as a chaperone for any
45 District-sponsored field trips or excursions and may be excluded from using District-sponsored
46 transportation for the remainder of the field trip or excursion and be responsible for their own

transportation back home. Employees found to have violated these rules may be subject to disciplinary action.

Cross Reference: 5122 Fingerprints and Criminal Background Investigations

Policy History:

Adopted on: 3/16/09

Reviewed on: 3/15/21

Revised on:

TERRY K-12 SCHOOLS VOLUNTEER AGREEMENT FORM
COACH/HELPER/AIDE/CHAPERONE

5430F

I, _____ (the Volunteer) hereby agree to serve _____ 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

Request for Protected Health Information

This form should be used when release of a patient's protected health information is being made to the health care provider for an employee or student for a purpose other than treatment, payment or health care operations.

I, _____, hereby authorize _____
Name of Employee, Student 18 or older, or Parent/Guardian *Name of Physician/Practice*
to use and/or disclose my protected health information described below to Terry School District.

My protected health information will be used or disclosed upon request for the following purposes (name and explain each purpose): _____

This authorization for use and/or disclosure applies to the following information (please mark those that apply):

- ☐ Any and all records in the possession of the above-named physician or physician's practice, including mental health, HIV, and/or substance abuse records. (Please cross out any item you do not authorize to be released.)
- ☐ Records regarding treatment for the following condition or injury _____ on or about _____.
- ☐ Records covering the period of time _____ to _____.
- ☐ Other (Specify and include dates.) _____.

I understand that I have the right to revoke this authorization, in writing, at any time by sending such written notification to above-named physician/practice. I also understand that my revocation is not effective to the extent that the persons I have authorized to use and/or disclose my protected health information have acted in reliance upon this authorization.

I understand that I do not have to sign this authorization and that the above-named physician/practice may not condition treatment or payment on whether I sign this authorization.

I understand that information used or disclosed pursuant to this authorization may be subject to re-disclosure by the recipient and no longer protected by federal laws and regulations regarding the privacy of my protected health information.

This authorization expires on the following date or event: _____.

I certify that I have received a copy of this authorization.

Signature of Patient or Personal Representative

Date

Name of Patient or Personal Representative

Personal Representative's Authority

1 **Terry K-12 Schools**

2
3 **PERSONNEL**

5440

4
5 Student Teachers/Interns

6
7 The District recognizes its obligation to assist in the development of members of the teaching
8 profession. The District shall make an effort to cooperate with accredited institutions of higher
9 learning in the education of student teachers and other professionals in training (such as interns)
10 by providing a reasonable number of classroom and other real-life situations each year.

11
12 The District and the respective training institutions shall enter into mutually satisfactory
13 agreements whereby the rules, regulations, and guidelines of the practical experiences shall be
14 established.

15
16 The administrator shall coordinate all requests from cooperating institutions for placement so
17 that excessive concentrations of student teachers and interns shall be avoided. As a general rule:

- 18
19 1. A student teacher may be assigned to a teacher or other professional who has agreed to
20 cooperate and who has no less than three (3) years of experience in the profession;
21
22 2. A supervising professional shall be assigned no more than one (1) student teacher/intern
23 per school year;
24
25 3. The supervising professional shall remain responsible for the class;
26
27 4. The student teacher shall assume the same conditions of employment as a regular teacher
28 with regard to meeting the health examination requirements, length of school day,
29 supervision of co-curricular activities, staff meetings, and in-service training; and
30
31 5. The student teacher shall be subject to the District policy regarding background checks, if
32 the student teacher has unsupervised access to children.
33
34
35

36 Cross Reference: 5122 Fingerprints and Criminal Background Investigations

37
38 Legal Reference: § 20-4-101(2) and (3), MCA System and definitions of teacher and
39 specialist certification – student teacher
40 exception
41

42 Policy History:

43 Adopted on: 3/16/09

44 Reviewed on: 3/15/21

45 Revised on:

1 **Terry K-12 Schools**

2
3 **PERSONNEL**

5450

Page 1 of 2

4
5 Employee use of Electronic Mail, Internet, Networks, and District Equipment

6
7 The District equipment, e-mail and Internet systems are intended to be used for educational
8 purposes only, and employees have no expectation of privacy. Employees have no expectation
9 of privacy in district owned technology equipment, including but not limited to district-owned
10 desktops, laptops, memory storage devices, and cell phones.

11
12 Users of District equipment, e-mail and Internet systems are responsible for their appropriate
13 use. All illegal and improper uses of the equipment, e-mail, and Internet system, including but
14 not limited to network etiquette violations including mail that degrades or demeans other
15 individuals, pornography, obscenity, harassment, solicitation, gambling, and violating copyright
16 or intellectual property rights, are prohibited. Abuse of the equipment, e-mail, or Internet
17 systems through personal use, or use in violation of the law or District policies, will result in
18 disciplinary action, up to and including termination of employment.

19
20 All e-mail/Internet records are considered District records and should be transmitted only to
21 individuals who have a need to receive them. If the sender of an e-mail or Internet message does
22 not intend for the e-mail or Internet message to be forwarded, the sender should clearly mark the
23 message "Do Not Forward."

24
25 To keep District equipment, e-mail and Internet systems secure, users shall not leave the terminal
26 "signed on" when unattended and may not leave their password available in an obvious place
27 near the terminal or share their password with anyone except the system administrator. The
28 District reserves the right to bypass individual passwords at any time and to monitor the use of
29 such systems by employees.

30
31 Additionally, District equipment, records and e-mail/Internet records are subject to disclosure to
32 law enforcement or government officials or to other third parties through subpoena or other
33 process.

34
35 Consequently, the District retains the right to access stored records in cases where there is
36 reasonable cause to expect wrongdoing or misuse of the system and to review, store, and disclose
37 all information sent over the District e-mail systems for any legally permissible reason, including
38 but not limited to determining whether the information is a public record, whether it contains
39 information discoverable in litigation, and to access District information in the employee's
40 absence. Employee e-mail/Internet messages may not necessarily reflect the views of the
41 District.

42
43 All District employees should be aware that e-mail messages can be retrieved, even if they have
44 been deleted, and that statements made in e-mail communications can form the basis of various
45 legal claims against the individual author or the District.

All e-mail/Internet records are considered District records and should be transmitted only to individuals who have a need to receive them. E-mail sent or received by the District or the District's employees may be considered a public record subject to public disclosure or inspection. All District e-mail and Internet communications may be monitored.

Policy History:

Adopted on:

Reviewed on: 03/15/21

Revised on: 3/16/09, 02/22/2012, 09/21/2015, 4/19/22

**EMPLOYEE EQUIPMENT USE, INTERNET CONDUCT,
AND NETWORK ACCESS AGREEMENT**

Every staff member must read and sign below:

I have read, understand, and agree to abide by the terms of the School District's policy regarding District-Provided Access to Electronic Information, Equipment, Services, and Networks (Policies 5450 and 5450P). Should I commit any violation or in any way misuse my access to the District's computers, network and/or the Internet, I understand and agree that my access privilege may be revoked and school disciplinary action may be taken against me.

Terms and Conditions

1. Acceptable Use – Access to the District's technology and electronic networks must be:
(a) for the purpose of education or research and consistent with the educational objectives of the District; or (b) for legitimate business use.
2. Privileges – The use of the District's technology and electronic networks is a privilege, not a right, and inappropriate use will result in cancellation of those privileges. The system administrator (and/or principal) will make all decisions regarding whether or not a user has violated these procedures and may deny, revoke, or suspend access at any time. That decision is final.
3. Unacceptable Use – The user is responsible for his or her actions and activities involving the network. Some examples of unacceptable uses are:
 - a. Using the network for any illegal activity, including violation of copyright or other contracts, or transmitting any material in violation of any federal or state law;
 - b. Unauthorized downloading of software, regardless of whether it is copyrighted or devirused;
 - c. Downloading copyrighted material for other than personal use;
 - d. Using the network for private financial or commercial gain;
 - e. Wastefully using resources, such as file space;
 - f. Hacking or gaining unauthorized access to files, resources, or entities;
 - g. Invading the privacy of individuals, which includes the unauthorized disclosure, dissemination, and use of information of a personal nature about anyone;
 - h. Using another user's account or password;

- i. Posting material authored or created by another, without his/her consent;
 - j. Posting anonymous messages;
 - k. Using the network for commercial or private advertising;
 - l. Accessing, submitting, posting, publishing, or displaying any defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, harassing, or illegal material; and
 - m. Using the network while access privileges are suspended or revoked.
4. Network Etiquette – The user is expected to abide by the generally accepted rules of network etiquette. These include but are not limited to the following:
- a. Be polite. Do not become abusive in messages to others.
 - b. Use appropriate language. Do not swear or use vulgarities or any other inappropriate language.
 - c. Do not reveal personal information, including the addresses or telephone numbers, of students or colleagues.
 - d. Recognize that electronic mail (e-mail) is not private. People who operate the system have access to all mail. Messages relating to or in support of illegal activities may be reported to the authorities.
 - e. Do not use the network in any way that would disrupt its use by other users.
 - f. Consider all communications and information accessible via the network to be private property.
5. No Warranties – The District makes no warranties of any kind, whether expressed or implied, for the service it is providing. The District will not be responsible for any damages the user suffers. This includes loss of data resulting from delays, non-deliveries, missed deliveries, or service interruptions caused by its negligence or the user's errors or omissions. Use of any information obtained via the Internet is at the user's own risk. The District specifically denies any responsibility for the accuracy or quality of information obtained through its services.

6. Indemnification – The user agrees to indemnify the District for any losses, costs, or damages, including reasonable attorney fees, incurred by the District, relating to or arising out of any violation of these procedures.
7. Security – Network security is a high priority. If the user can identify a security problem on the Internet, the user must notify the system administrator or building principal. Do not demonstrate the problem to other users. Keep your account and password confidential. Do not use another individual's account without written permission from that individual. Attempts to log on to the Internet as a system administrator will result in cancellation of user privileges. Any user identified as a security risk may be denied access to the network.
8. Vandalism and Damage – Vandalism will result in cancellation of privileges, and other disciplinary action. Vandalism is defined as any malicious attempt to harm or destroy data of another user, the Internet, or any other network. This includes but is not limited to uploading or creation of computer viruses. The user is responsible for any unintentional damage to the District-owned equipment or technology that cause by the use or user's negligence. Such damage includes but is not limited to that caused by drops, spills, virus, exposure to heat and cold, or submersion.
9. Charges – The District assumes no responsibility for any unauthorized charges or fees, including telephone charges, long-distance charges, per-minute surcharges, and/ or equipment or line costs.

Internet Safety

1. Internet access is limited to only those "acceptable uses," as detailed in these procedures. Internet safety is almost assured if users will not engage in "unacceptable uses," as detailed in these procedures, and will otherwise follow these procedures.
2. Staff members shall supervise students while students are using District Internet access, to ensure that the students abide by the Terms and Conditions for Internet access, as contained in these procedures.
3. Each District computer with Internet access has a filtering device that blocks entry to visual depictions that are: (1) obscene; (2) pornographic; or (3) harmful or inappropriate for students, as defined by the Children's Internet Protection Act and determined by the Superintendent or designee.
4. The district shall provide age-appropriate instruction to students regarding appropriate online behavior. Such instruction shall include, but not be limited to: positive interactions with others online, including on social networking sites and in chat rooms; proper online social

etiquette; protection from online predators and personal safety; and how to recognize and respond to cyberbullying and other threats.

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

I understand and will abide by the technology, equipment and network access policies. I understand that the District and/or its agents may access and monitor my use of the Internet, including my e-mail and downloaded material, without prior notice to me. I further understand that should I commit any violation, my access privileges may be revoked, and school disciplinary action and/or appropriate legal action may be taken. In consideration for using the District's issuance of technology, electronic network connection and having access to public networks, I hereby acknowledge the risk for any claims and damages arising from my use of, or inability to use the equipment, network, and Internet. I understand any negligence arising out of my use of equipment or networks shall be attributed to me as comparative negligence within the meaning of Section 27-1-702, MCA.

User Name (*please print*)

User Signature

Date

PERSONNEL

5450P

Page 1 of 4

Employee use of Electronic Mail, Internet, Networks, and District Equipment Procedure

All use of electronic networks shall be consistent with the District's goal of promoting educational excellence by facilitating resource sharing, innovation, and communication. These procedures do not attempt to state all required or proscribed behaviors by users. However, some specific examples are provided. **The failure of any user to follow these procedures will result in the loss of privileges, disciplinary action, and/or appropriate legal action.**

Terms and Conditions

1. Acceptable Use – Access to the District's electronic networks must be: (a) for the purpose of education or research and consistent with the educational objectives of the District; or (b) for legitimate business use.
2. Privileges – The use of the District's electronic networks is a privilege, not a right, and inappropriate use will result in cancellation of those privileges. The system administrator (and/or principal) will make all decisions regarding whether or not a user has violated these procedures and may deny, revoke, or suspend access at any time. That decision is final.
3. Unacceptable Use – The user is responsible for his or her actions and activities involving the network. Some examples of unacceptable uses are:
 - a. Using the network for any illegal activity, including violation of copyright or other contracts, or transmitting any material in violation of any federal or state law;
 - b. Unauthorized downloading of software;
 - c. Downloading copyrighted material for other than personal use;
 - d. Using the network for private financial or commercial gain;
 - e. Wastefully using resources, such as file space;
 - f. Hacking or gaining unauthorized access to files, resources, or entities;
 - g. Invading the privacy of individuals, which includes the unauthorized disclosure, dissemination, and use of information of a personal nature about anyone;
 - h. Using another user's account or password;

- i. Posting material authored or created by another, without his/her consent;
 - j. Posting anonymous messages;
 - k. Using the network for commercial or private advertising;
 - l. Accessing, submitting, posting, publishing, or displaying any defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, harassing, or illegal material; and
 - m. Using the network while access privileges are suspended or revoked.
4. Network Etiquette – The user is expected to abide by the generally accepted rules of network etiquette. These include but are not limited to the following:
- a. Be polite. Do not become abusive in messages to others.
 - b. Use appropriate language. Do not swear or use vulgarities or any other inappropriate language.
 - c. Do not reveal personal information, including the addresses or telephone numbers, of students or colleagues.
 - d. Recognize that electronic mail (e-mail) is not private. People who operate the system have access to all mail. Messages relating to or in support of illegal activities may be reported to the authorities.
 - e. Do not use the network in any way that would disrupt its use by other users.
 - f. Consider all communications and information accessible via the network to be private property.
5. No Warranties – The District makes no warranties of any kind, whether expressed or implied, for the service it is providing. The District will not be responsible for any damages the user suffers. This includes loss of data resulting from delays, non-deliveries, missed deliveries, or service interruptions caused by its negligence or the user's errors or omissions. Use of any information obtained via the Internet is at the user's own risk. The District specifically denies any responsibility for the accuracy or quality of information obtained through its services.

6. Indemnification – The user agrees to indemnify the District for any losses, costs, or damages, including reasonable attorney fees, incurred by the District, relating to or arising out of any violation of these procedures.
7. Security – Network security is a high priority. If the user can identify a security problem on the Internet, the user must notify the system administrator or building principal. Do not demonstrate the problem to other users. Keep your account and password confidential. Do not use another individual’s account without written permission from that individual. Attempts to log on to the Internet as a system administrator will result in cancellation of user privileges. Any user identified as a security risk may be denied access to the network.
8. Vandalism and Damage – Vandalism will result in cancellation of privileges, and other disciplinary action. Vandalism is defined as any malicious attempt to harm or destroy data of another user, the Internet, or any other network. This includes but is not limited to uploading or creation of computer viruses. The user is responsible for any unintentional damage to the District-owned equipment or technology that cause by the use or user’s negligence. Such damage includes but is not limited to that caused by drops, spills, virus, exposure to heat and cold, or submersion.
9. Charges – The District assumes no responsibility for any unauthorized charges or fees, including telephone charges, long-distance charges, per-minute surcharges, and/ or equipment or line costs.
10. Copyright Web Publishing Rules – Copyright law and District policy prohibit the republishing of text or graphics found on the Web or on District Websites or file servers, without explicit written permission.
 - a. For each republication (on a Website or file server) of a graphic or text file that was produced externally, there must be a notice at the bottom of the page crediting the original producer and noting how and when permission was granted. If possible, the notice should also include the Web address of the original source.
 - b. Students and staff engaged in producing Web pages must provide library media specialists with e-mail or hard copy permissions before the Web pages are published. Printed evidence of the status of “public domain” documents must be provided.
 - c. The absence of a copyright notice may not be interpreted as permission to copy the materials. Only the copyright owner may provide the permission. The manager of the Website displaying the material may not be considered a source of permission.

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

Internet Safety

1. Internet access is limited to only those “acceptable uses,” as detailed in these procedures. Internet safety is almost assured if users will not engage in “unacceptable uses,” as detailed in these procedures, and will otherwise follow these procedures.
2. Staff members shall supervise students while students are using District Internet access, to ensure that the students abide by the Terms and Conditions for Internet access, as contained in these procedures.
3. Each District computer with Internet access has a filtering device that blocks entry to visual depictions that are: (1) obscene; (2) pornographic; or (3) harmful or inappropriate for students, as defined by the Children’s Internet Protection Act and determined by the Superintendent or designee.
4. The district shall provide age-appropriate instruction to students regarding appropriate online behavior. Such instruction shall include, but not be limited to: positive interactions with others online, including on social networking sites and in chat rooms; proper online social etiquette; protection from online predators and personal safety; and how to recognize and respond to cyberbullying and other threats.
5. The system administrator and principal shall monitor student Internet access.

Legal Reference: Children’s Internet Protection Act, P.L. 106-554
Broadband Data Services Improvement Act/Protecting Children in
the 21st Century Act of 2008 (P.L. 110-385)
20 U.S.C. § 6801, et seq. Language instruction for limited English
proficient and immigrant students
47 U.S.C. § 254(h) and (l) Universal service

Procedure History:

Adopted on: 04/19/22

Reviewed on:

Revised:

Terry K-12 Schools

PERSONNEL

5460

Page 1 of 2

Electronic Resources and Social Networking

The Terry School District recognizes that an effective public education system develops students who are globally aware, civically engaged, and capable of managing their lives and careers. The District also believes that students need to be proficient users of information, media, and technology to succeed in a digital world.

Public school employees are held to a high standard of behavior. The Montana Department of Education *Professional Educators of Montana Code of Ethics* requires District staff to maintain a professional relationship with each student, both in and outside the classroom. The District encourages all staff to read and become familiar with the Code of Ethics.

The school district staff shall not socialize with students on social networking websites (during school or out-of-school) in a manner contrary to this policy. Staff are reminded that the same relationship, exchange, interaction, information, or behavior that would be unacceptable in a non-technological medium, is unacceptable when done through the use of technology. In fact, due to the vastly increased potential audience digital dissemination presents, extra caution must be exercised by staff to ensure they don't cross the line of acceptability.

Specifically, the following forms of technology based interactivity or connectivity are expressly permitted or forbidden when used in a manner not related to the delivery of educational services or district operations.

- Sharing personal landline or cell phone numbers with students for non-educational purposes;
- Text messaging students for non-educational purposes;
- Emailing students other than through and to school controlled and monitored accounts;
- Soliciting students as friends or contacts on social networking sites for non-educational purposes;
- Accepting the solicitation of students as friends or contacts on social networking sites for non-educational purposes;
- Creation of administratively approved and sanctioned "groups" on social networking sites that permit the broadcast of information without granting students access to staff member's personal information;
- Sharing with student's access information to personal websites or other media through which the staff member would share personal information and occurrences.

Accessing social networking websites for individual use during school hours is prohibited, unless asked to do so by administration. Except in an emergency situation, staff shall not access social networking sites using district equipment or personal equipment, including during breaks or

preparation periods. All school district employees who participate in social networking websites, shall not post any school district data, documents, photographs, logos, or other district owned or created information on any website. Further, the posting of any private or confidential school district material on such websites is strictly prohibited.

The Board directs the Superintendent or his/her designee to create strong electronic educational systems that support innovative teaching and learning, to provide appropriate staff development opportunities and to develop procedures to support this policy.

Staff should contact the administration if they would like to establish an educational related social media presence.

Cross Reference:	5015	Bullying/Harassment/Intimidation
	5223	Personal Conduct
	5255	Disciplinary Action
		<i>Professional Educators of Montana Code of Ethics</i>

Policy History:

Adopted on:

Reviewed on: 3/15/21

Revised on: 7/16/18

1 **Terry K-12 Schools**

2
3 **PERSONNEL**

5500

4
5 Payment of Wages Upon Termination

6
7 When a District employee separates from employment, wages owed will be paid on the next
8 regular pay day for the pay period in which the employee left employment or within fifteen (15)
9 days, whichever occurs first.

10
11 In the case of an employee discharged for allegations of theft connected to the employee's work,
12 the District may withhold the value of the theft, provided:

- 13
14 • The employee agrees in writing to the withholding; or
15
16 • The District files a report of the theft with law enforcement within seven (7) business
17 days of separation.

18
19 If no charges are filed within thirty (30) days of the filing of a report with law enforcement,
20 wages are due within a thirty-(30)-day period.

21
22
23
24 Legal Reference: § 39-3-205, MCA Payment of wages when employee separated from
25 employment prior to payday – exceptions
26

27 Policy History:

28 Adopted on:

29 Reviewed on: 3/15/21

30 Revised on: 3/16/09, 8/17/09, 02/22/2012, 7/16/18

PERSONNEL

5510

page 1 of 4

HIPAABackground**Health Insurance Portability and Accountability Act of 1996 (HIPAA)**

The District's group health plan is a Covered Entity under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and its implementing regulations, the Standards for the Privacy of Individually Identifiable Information. In order to comply with HIPAA and its related regulations, the District has implemented the following HIPAA Privacy Policy:

The HIPAA Privacy Rule

HIPAA required the federal government to adopt national standards for *electronic health care transactions*. At the same time, Congress recognized that advances in electronic technology could erode the privacy of health information and determined there was a need for national privacy standards. As a result HIPAA included provisions which mandated the adoption of federal privacy standards for individually identifiable health information.

The standards found in the Privacy Rule are designed to protect and guard against the misuse of individually identifiable health information, with particular concern regarding employers using an employee's (or dependent's) health information from the group health plan to make adverse employment-related decisions. The Privacy Rule states that verbal, written, or electronic information that can be used to connect a person's name or identity with medical, treatment, or health history information is Protected Health Information (PHI) under the HIPAA Privacy Rule.

Under the HIPAA Privacy Rule:

1. Individuals have a right to access and copy their health record to the extent allowed by HIPAA.
2. Individuals have the right to request an amendment to their health record. The plan may deny an individual's request under certain circumstances specified in the HIPAA Privacy Rule.
3. Individuals have the right to an accounting of disclosures of their health record for reasons other than treatment, payment, or healthcare operations.
4. PHI, including health, medical, and claims records, can be used and disclosed without authorization for specific, limited purposes (treatment, payment, or operations of the group health plan). A valid authorization from the individual must be provided for use or disclosure for other than those purposes.

5. Safeguards are required to protect the privacy of health information.
6. Covered entities are required to issue a notice of privacy practices to their enrollees.
7. Violators are held accountable with civil and criminal penalties for improper use or disclosure of PHI.

Compliance

The District Clerk has been designated Privacy Officer. The Privacy Officer will oversee all ongoing activities related to the development, implementation, maintenance of, and adherence to the District's policies and procedures covering the privacy of and access to patient health information in compliance with HIPAA, other applicable federal and state laws, and the District's privacy practices.

As required for a Covered Entity under HIPAA, the plan has developed these internal privacy policies and procedures to assure that PHI is protected and that access to and use and disclosure of PHI are restricted in a manner consistent with HIPAA's privacy protections. The policies and procedures recognize routine and recurring disclosures for treatment, payment, and healthcare operations and include physical, electronic, and procedural safeguards to protect PHI. The procedures include safeguards for sending PHI via mail or fax, receiving PHI for plan purposes, and workstation safeguards and procedures for securing and retaining PHI received by the plan. Plan participants are entitled to receive a copy of the plan's policies and procedures upon request.

Designating a limited number of privacy contacts allows the District to control who is receiving PHI from the contract claims payor for plan operations purposes. The contract claims payor will provide only the minimum PHI necessary for the stated purpose and, as required under the Privacy Rule, will provide PHI only to individuals with a legitimate need to know for plan operations purposes.

The District has distributed a notice of privacy practices to plan participants. The notice informs plan participants of their rights and the District's privacy practices related to the use and disclosure of PHI. A copy of this notice may be obtained by contacting the Privacy Officer.

The District has reviewed how PHI is used and disclosed by the plan and has limited disclosure of that information to employees who have a legitimate need to know or possess the PHI for healthcare operations and functions. The District will make reasonable efforts to use de-identified information whenever possible in the operations of the plan and will only use the minimum PHI necessary for the stated purpose.

Some of the District's employees need access to PHI in order to properly perform the functions of their jobs. The District has identified these employees and has given them training in the

important aspects of the HIPAA Privacy Rule, the privacy policy, and procedures. New employees who will have access to PHI will receive training on the HIPAA Privacy Rule and related policies and procedures as soon as reasonably possible after they are employed. Employees who improperly use or disclose PHI or misuse their access to that information may be subject to discipline, as deemed appropriate.

In the event the group health plan must disclose PHI in the course of performing necessary plan operations functions or as required by law or a governmental agency, the District has developed a system to record those disclosures and requests for disclosures. An individual may request a list of disclosures of his or her PHI made by the plan for other than treatment or claims payment purposes. All requests for an accounting of PHI disclosures must be made in writing, and the plan may impose fees for the cost of production of this information. Requests will be responded to within sixty (60) days. If the plan is not able to provide the requested information within sixty (60) days, a written notice of delay will be sent to the requesting individual, with the reasons for the delay and an estimated time for response.

In order to comply with the new privacy regulations, the plan has implemented compliant communication procedures. Except for its use in legitimate healthcare operations, written permission will be required in order for the District to disclose PHI to or discuss it with a third party.

The HIPAA Privacy Rule prohibits the District from disclosing medical information without the patient's written permission other than for treatment, payment, or healthcare operations purposes. An authorization signed by the patient and designating specified individuals to whom the District may disclose specified medical information must be on file, before the plan can discuss a patient's medical information with a third party (such as a spouse, parent, group health plan representative, or other individual).

The District has taken the following steps to ensure PHI is safeguarded:

- The District has implemented policies and procedures to designate who has and who does not have authorized access to PHI.
- Documents containing PHI are kept in a restricted/locked area.
- Computer files with PHI are password protected and have firewalls making unauthorized access difficult.
- Copies of PHI will be destroyed when information is no longer needed, unless it is required by law to be retained for a specified period of time.
- The District will act promptly to take reasonable measures to mitigate any harmful effects known to the group health plan, due to a use or disclosure of PHI in violation of the

plan's policies, procedures, or requirements of the HIPAA Privacy Rule.

- The District will appropriately discipline employees who violate the District's group health plan's policies, procedures, or the HIPAA Privacy Rule, up to and including termination of employment if warranted by the circumstances.

The District has received signed assurances from the plan's business associates that they understand the HIPAA Privacy Rule, applicable regulations, and the Privacy Policy and will safeguard PHI just as the plan would.

The contract claims payor and certain other entities outside the group health plan require access on occasion to PHI, if they are business associates of the group health plan and in that role need to use, exchange, or disclose PHI from the group health plan. The plan requires these entities to sign an agreement stating they understand HIPAA's privacy requirements and will abide by those rules just as the group health plan does, to protect the PHI to which they have access. For example the plan engages a certified public accountant to audit the plan annually and to make sure payments are made in compliance with the Plan Document. In order for the CPA to complete an audit, the auditor reviews a sample of the claims for accuracy.

The District will ensure health information will not be used in making employment and compensation decisions. The HIPAA Privacy Rule and other applicable laws expressly prohibit an employer from making adverse employment decisions (demotions, terminations, etc.) based on health information received from the group health plan. To the extent possible, the District has separated the plan operations functions from the employment functions and has safeguards in place to prevent PHI from the plan from going to or being used by an employee's supervisor, manager, or superior to make employment-related decisions.

Complaints

If an employee believes their privacy rights have been violated, they may file a written complaint with the Privacy Officer. No retaliation will occur against the employee for filing a complaint. The contact information for the Privacy Officer is:

District Clerk
Terry K-12 Schools
PO Box 187
Terry, MT 59349

Policy History:

Adopted on: 3/16/09
Reviewed on: 3/15/21
Revised on:

1 **Terry K-12 Schools**

2
3 **PERSONNEL**

5630

4
5 Employee Use of Cellular Phones and Other Electronic Devices

6
7 The Board recognizes that the use of cellular telephones and other electronic communication
8 devices may be appropriate to help ensure the safety and security of District property, students,
9 staff, and others while on District property or engaged in District-sponsored activities. To this
10 end, the Board authorizes the purchase and employee use of such devices, as deemed appropriate
11 by the Superintendent.

12 District-owned cellular telephones and other devices will be used for authorized District business
13 purposes. Personal use of such equipment may prohibited except in emergency situations.

14 Use of cellular telephones and other electronic communication devices in violation of Board
15 policies, administrative regulations, and/or state/federal laws will result in discipline up to and
16 including dismissal.

17 District employees are prohibited from using cell phones or other electronic communication
18 devices while driving or otherwise operating District-owned motor vehicles, or while driving or
19 otherwise operating personally-owned vehicles when transporting students on school-sponsored
20 activities.

21 **Emergency Use**

22 Staff are encouraged to use any available cellular telephone in the event of an emergency that
23 threatens the safety of students, staff or other individuals.

24 **Use of Personal Cell Phones and Communication Devices**

25 Employees are strongly discouraged from using their personal cell phone during the school days.
26 When necessary, employees may use their personal cell phones and similar communication
27 devices only during non-instructional time. In no event shall an employee's use of a cell phone
28 interfere with the employee's job obligations and responsibilities. If such use is determined to
29 have interfered with an employee's obligations and responsibilities, the employee may be
30 disciplined in accordance with the terms of the collective bargaining agreement and Board
31 policies.

32
33 Policy History:

34 Adopted on: 3/19/10

35 Reviewed on:

36 Revised on:

R = required

TERRY K-12 SCHOOLS

6000 SERIES ADMINISTRATION

TABLE OF CONTENTS

6000
R 6110-6110P
6122

Goals
Administrator
Delegation of Authority

1 **Terry K-12 Schools**

2
3 **ADMINISTRATION**

6000

4
5 Goals

6
7 The administrative staff's primary functions are to manage the District and to facilitate the
8 implementation of a quality educational program. It is the goal of the Board that the
9 administrative organization:

- 10
11 1. Provide for efficient and responsible supervision, implementation, evaluation, and
12 improvement of the instructional program, consistent with the policies established by the
13 Board;
14
15 2. Provide effective and responsive communication with staff, students, parents, and other
16 citizens; and
17
18 3. Foster staff initiative and rapport.

19
20 The District's administrative organization will be designed so that all divisions and departments
21 of the District are part of a single system guided by Board policies implemented through the
22 administrator.
23
24
25

26 Policy History:

27 Adopted on:

28 Reviewed on: 3/16/09

29 Revised on:

Terry K-12 Schools

R

ADMINISTRATION

6110

Administrator

Duties and Authorities

The Administrator is the District's executive officer and is responsible for the administration and management of District schools, in accordance with Board policies and directives and state and federal law. The administrator is authorized to develop administrative procedures to implement Board policy and to delegate duties and responsibilities; however, delegation of a power or duty does not relieve the administrator of responsibility for that which was delegated.

Qualifications and Appointment

The Superintendent will have the experience and skills necessary to work effectively with the Board, District employees, students, and the community. The Superintendent must be appropriately licensed and endorsed in accordance with state statutes and Board of Public Education rules; or considered appropriately assigned if the Superintendent is enrolled in an internship program as defined in ARM 10.55.602 and meets the requirements of ARM 10.55.607 and ARM 10.55.702.

Administrative Work Year

The Superintendents' work year will correspond with the District's fiscal year, unless otherwise stated in an employment agreement. In addition to legal holidays, the Superintendent will have vacation periods as approved by the Board of Trustees. [The Board of Trustees must give the Superintendent prior approval for time away from the District as included in this policy.]

Evaluation

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

Compensation and Benefits

The Board and the administrator will enter into a contract which conforms to this policy and state law. The contract will govern the employment relationship between the Board and the administrator.

Legal Reference:	§ 20-4-402, MCA	Duties of district superintendent or county high school principal
	ARM 10.55.602	Definition of Internship
	ARM 10.55.607	Internships
	ARM 10.55.702	Licensure and Duties of District Administrator – District Superintendent

Policy History:

Adopted on:

Reviewed on: 3/16/09

Revised on: 03/19/2014

ADMINISTRATION

6110P

page 1 of 2

Administrator

The Board will:	The Administrator will:
Select the administrator and delegate to him/her all necessary administrative powers.	Serve as chief executive officer of the District.
Adopt policies for the operations of the school system and review administrative procedures.	Recommend policies or policy changes to the Board and develop procedures which implement Board policy.
Formulate a statement of goals reflecting the philosophy of the District.	Provide leadership in the development, operation, supervision, and evaluation of the educational program.
Adopt annual objectives for improvement of the District.	Recommend annual objectives for improvement of the District.
Approve courses of study.	Recommend courses of study.
Approve textbooks.	Recommend textbooks.
Approve the annual budget.	Prepare and submit the annual budget.
Employ certificated and classified staff, in its discretion, upon recommendation of the Superintendent.	Recommend candidates for employment as certificated and classified staff.
Authorize the allocation of certificated and classified staff.	Recommend staff needs based on student enrollment, direct and assign teachers and other employees of the schools under his/her supervision; shall organize, reorganize, and arrange the administrative and supervisory staff, including instruction and business affairs, as best serves the District, subject to the approval of the Board.
Approve contracts for major construction, remodeling, or maintenance.	Recommend contracts for major construction, remodeling, or maintenance.
Approve payment of vouchers and payroll.	Recommend payment of vouchers and payroll.
Approve proposed major changes of school plant and facilities.	Prepare reports regarding school plant and facilities needs.

The Board will:	The Administrator will:
Approve collective bargaining agreements.	Support negotiations of collective bargaining agreements.
Assure that appropriate criteria and processes for evaluating staff are in place.	Establish criteria and processes for evaluating staff.
Appoint citizens and staff to serve on special Board committees, if necessary.	Recommend formation of <i>ad hoc</i> citizens' committees.
Conduct regular meetings.	As necessary, attend all Board meetings and all Board and citizen committee meetings, serve as an ex-officio member of all Board committees, and provide administrative recommendations on each item of business considered by each of these groups.
Serve as final arbitrator for staff, citizens, and students.	Inform the Board of appeals and implement any such forthcoming Board decisions.
Promptly refer to the administrator all criticisms, complaints, and suggestions called to its attention.	Respond and take action on all criticism, complaints, and suggestions, as appropriate.
Authorize the ongoing professional enrichment of its administrative leader, as feasible.	Undertake consultative work, speaking engagements, writing, lecturing, or other professional duties and obligations.
Approve appropriate District expenditures recommended by the administrator for the purpose of ongoing District operations.	Diligently investigate and make purchases that benefit the most efficient and functional operation of the District.

NOTE: A copy of the Superintendent's evaluation tool and job description may be included.

Legal Reference: ARM 10.55.701 Board of Trustees

Procedure History:

Promulgated on:

Reviewed on: 4/19/21

Revised on: 3/16/09, 7/16/18

1 **Terry K-12 Schools**

2
3 **ADMINISTRATION**

6122

4
5 Delegation of Authority

6
7 Unless otherwise specified, the administrator has the authority to designate a staff member to
8 serve in an official capacity for the implementation of District policies or as his/her personal
9 representative. This authorization will include those responsibilities appropriate for the position
10 as designated or directed by the administrator.
11
12
13

14 Policy History:

15 Adopted on: 3/16/09

16 Reviewed on: 4/19/21

17 Revised on:

R = required

TERRY K-12 SCHOOLS
7000 SERIES
FINANCIAL MANAGEMENT

TABLE OF CONTENTS

7000	Goals
7008	Tuition
7110	Budget and Program Planning
7121	Budget Adjustments
7210	Revenues
7220 -7220P	Title I Supplement Not Supplant
7225	Crowd Funding Proposal
7251	Disposal of School District Property Without a Vote
7260	Endowments, Gifts, and Investments
7265	Tax Credit
7310	Budget Implementation and Execution
7320	Purchasing
7325	Accounting System Design
7326	Documentation and Approval of Claims
7329	Petty Cash Funds
7330	Payroll Procedures/Schedules
7332	Advertising in Schools/Revenue Enhancement
7335	Personal Reimbursements
7336	Travel Allowances and Expenses
7400	Credit Card Use
7405	Procurement Cards
7410	Fund Accounting System
7425	Extra- and Co-Curricular Funds
7430	Financial Reporting and Audits
7500	Property Records
7510	Capitalization Policy for Fixed Assets
7515	GASB 54
7520	Independent Investment Accounts
7525	Lease – Purchase Agreement
7530	Procurement of Supplies or Services

1 **Terry K-12 Schools**

2
3 **FINANCIAL MANAGEMENT**

7000

4
5 Goals

6
7 Because educational programs are dependent on adequate funding and the proper management of
8 those funds, District goals can best be attained through efficient fiscal management. As trustee of
9 local, state, and federal funds allocated for use in public education, the Board shall fulfill its
10 responsibility to see that funds are used to achieve the intended purposes.

11
12 Because of resource limitations, fiscal concerns often overshadow the educational program.
13 Recognizing this, the District must take specific action to ensure that education remains primary.
14 This concept shall be incorporated into Board operations and into all aspects of District
15 management and operation.

16
17 The Board seeks to achieve the following goals in the District's fiscal management:

- 18
19 1. Engage in advance planning, with staff and community involvement, to develop budgets
20 which will achieve the greatest educational returns in relation to dollars expended.
21
22 2. Establish levels of funding which shall provide superior education for District students.
23
24 3. Provide timely and appropriate information to staff who have fiscal responsibilities.
25
26 4. Establish efficient procedures in all areas of fiscal management.
27
28
29

30 Legal Reference: Title 20, Chapter 9, MCA Finance

31
32 Policy History:

33 Adopted on:

34 Reviewed on: 3/16/09

35 Revised on:

1 **Terry K-12 Schools**

2
3 **FINANCIAL MANAGEMENT**

7008

4
5 Tuition

6
7 Whenever a nonresident student is to be enrolled in the District, either by choice or by
8 placement, an attendance agreement must be filed with the Board. Terms of the agreement must
9 include tuition rate, the party responsible for paying tuition and the schedule of payment,
10 transportation charges, if any, and the party responsible for paying transportation costs.

11
12 Tuition rates shall be determined annually, consistent with Montana law and approved by the
13 Board.

14
15
16
17 Cross Reference: 3141 Discretionary Nonresident Student Attendance Policy

18
19 Legal Reference: § 20-5-314, MCA Reciprocal attendance agreement with adjoining
20 state or province
21 § 20-5-320, MCA Attendance with discretionary approval
22 § 20-5-321, MCA Attendance with mandatory approval – tuition and
23 transportation
24 § 20-5-322, MCA Residency determination – notification – appeal for
25 attendance agreement
26 § 20-5-323, MCA Tuition and transportation rates
27 10.10.301, ARM Calculating Tuition Rates
28

29 Policy History:

30 Adopted on:

31 Reviewed on: 3/16/09, 4/19/21

32 Revised on:

1 **Terry K-12 Schools**

2
3 **FINANCIAL MANAGEMENT**

7110

4
5 Budget and Program Planning

6
7 The annual budget is evidence of the Board's commitment to the objectives of the instruction
8 programs. The budget supports immediate and long-range goals and established priorities within
9 all areas – instructional, noninstructional, and administrative programs.

10
11 Before presentation of a proposed budget for adoption, the administrator and business manager
12 will prepare, for the Board's consideration, recommendations (with supporting documentation)
13 designed to meet the needs of students, within the limits of anticipated revenues.

14
15 Program planning and budget development will provide for staff participation and the sharing of
16 information with patrons before any action by the Board.

17
18
19
20 Policy History:

21 Adopted on:

22 Reviewed on: 3/16/09, 4/19/21

23 Revised on:

1 **Terry K-12 Schools**

2
3 **FINANCIAL MANAGEMENT**

7121

4
5 Budget Adjustments

6
7 When any budgeted fund line item is in excess of the amount required, the Board may transfer
8 any of the excess appropriation to another line item(s) within the same fund.
9

10 The Board authorizes the administration to transfer line items within the same budgeted fund to
11 adjust line item overdrafts or to meet special line item needs. Line item budget transfers to adjust
12 line item overdrafts are at the discretion of the administrator.
13

14 Total budget expenditures for each fund as adopted in the final budget shall constitute the
15 appropriations of the District for the ensuing fiscal year. The Board will be limited in the
16 incurring of expenditures to the total of such appropriations.
17

18 With timely notice of a public meeting, trustees, by majority vote of those present, may declare
19 by resolution that a budget amendment (in addition to the final budget) is necessary. Budget
20 amendments are authorized for specified reasons by § 20-9-161, MCA. The resolution will state
21 the facts of the budget amendment, the estimated amount of funds needed, and the time and place
22 the Board will meet for the purpose of considering and adopting a budget amendment.
23

24 The meeting to adopt a budget amendment will be open and will provide opportunity for any
25 taxpayer to appear and be heard. Budget procedures will be consistent with statutory
26 requirements. When applicable, the District will apply for state financial aid to supplement the
27 amount to be collected from local taxes.
28

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

42
43 Policy History:

44 Adopted on:

45 Reviewed on: 3/16/09, 4/19/21

46 Revised on:

1 **Terry K-12 Schools**

2
3 **FINANCIAL MANAGEMENT**

7210

4
5 Revenues

6
7 The District will seek and utilize all available sources of revenue for financing its educational
8 programs, including revenues from non-tax, local, state, and federal sources. The District will
9 properly credit all revenues received to appropriate funds and accounts as specified by federal
10 and state statutes and accounting and reporting regulations for Montana school districts.

11
12 The District will collect and deposit all direct receipts of revenues as necessary but at least once
13 monthly. The District will make an effort to collect all revenues due from all sources, including
14 but not limited to rental fees, bus fees, fines, tuition fees, other fees and charges. Uncollectible
15 checks may be turned over to the county attorney for collection.

16
17
18
19 Legal Reference: Title 20, Chapter 9, MCA Finance
20 Title 10, Chapter 10, ARM Special Accounting Practices

21
22 Policy History:

23 Adopted on:

24 Reviewed on: 3/16/09

25 Revised on:

Terry School District

R

FINANCIAL MANAGEMENT

7220

Use of Federal Title I Funds

The School District will ensure that federal Title I funds, are used only to supplement, and not supplant, state and local funds that would, in the absence of federal funds, be spent on Title I programs or services supported by federal funds.

Title I funds will not take the place of funds supporting education services that are to be provided to all students. The School District uses Title I funds only to supplement funds that would, in the absence of Title I funds, be made available from state and local non-Federal sources for the education of children participating in Title I programs.

Cross Reference: 2160 – Title I Family Engagement

Legal Reference: Elementary and Secondary Education Act, Section 1118(b)(1)

Policy History:

Adopted on:

Reviewed on: 5/17/21

Revised on:

Terry School District

R

FINANCIAL MANAGEMENT

7220P

Use of Federal Title I Funds Methodology

In accordance with the Every Student Succeeds Act (ESSA), Terry School District has adopted this procedure to ensure that Title I-A federal funds are supplementing District resources and not supplanting District resources. The procedure documents that the School District's neutrally determined distribution of state and local funds to each school within the boundaries of the School District is in compliance with federal law.

Terry School District is a district with a single school and is exempt from the methodology requirement.

The School District determines the resource allocation on total enrollment for each school as if the state and local funds are the only resources each school is receiving. Each school is given additional allocations for other needs such as technology, supplies, and additional necessary costs.

The School District groups schools by elementary or secondary grade span. Each grade span may receive a different per student amount, but all schools are treated the same whether or not these schools are served under Title I-A.

Cross Reference: 7220 – Use of Federal Title I Funds

Legal Reference: Elementary and Secondary Education Act, Section 1118(b)(1)

Policy History:

Adopted on:

Reviewed on:

Revised on: 5/17/21

PERSONNEL

Page 1 of 2

Crowdfunding Proposals

All crowd funding requests and receivables are governed and supervised by board policy. Crowd funding endeavors are generally viewed as beneficial when coordinated with district goals, initiatives, and existing plans. Proposals, products, and resources generated through crowd funding must receive prior approval from the Superintendent or designee. Approvals for proposals or gifted resources may be denied based upon but not limited to: technology, curricular, and/or activities incompatibility; long term sustainability concerns regarding materials, service, and/or staffing; conflicts with district initiatives, state or federal law.

If a proposal is successfully funded:

- The author(s) shall immediately notify the Superintendent.
- A check should be requested to be mailed to the school in the name of the school, not to an individual person.
- All gifts, grants, bequests and contributions must be officially accepted in accordance Policy 7260 (Endowments, Gifts, and Investments).
- All non-monetary items (supplies, equipment, etc.) obtained are the property of the Terry School District and all inventory procedures apply, and, if applicable, will remain in the school where the author(s) was (were) located at time of the grant award.
- All monetary donations should be recorded by the business clerk in the Schools Funds accounting system at each school.

A file is to be maintained at the school for any crowd funding request. This file should include: the principal's/administrator's fundraising approval form, the written detail of the projects as well as what is posted on the platform website, any photos or images posted with the project and a copy of all agreements and permission forms.

Only district related/approved groups are permitted to operate under this policy and that non-District groups may not use the District's name, network or infrastructure to conduct online fundraising.

As public employees, staff members are subject to Montana public employees ethics laws. Staff members may not solicit or accept material, cash, or equipment intended for personal use from individuals or through a crowd source effort that could be considered a gift of substantial value or that otherwise violates the ethics statutes.

Cross Reference: Policy 7260 Endowments, Gifts, and Investments

Legal Reference:	§20-6-601, MCA	Power to accept gifts
	§20-6-604, MCA	Sale of property when resolution passed after hearing – appeal procedure
	§2-2-102(3), MCA	Definitions
	§2-2-104, MCA	Rules of conduct for public officers, legislators, and public employees

Policy History:

Adopted on: 1/17/17

Reviewed on: 4/19/21

Revised on:

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5

7251

The Board is authorized to dispose of a site, building, or any other real or personal property of the District, that is or is about to become abandoned, obsolete, undesirable, or unsuitable for school purposes.

To effect proper disposal, the trustees shall pass a resolution stating their decision concerning property disposal. The resolution will not become effective until fourteen (14) days after the resolution is published in a newspaper of general circulation in the District.

Should any taxpayer properly protest the resolution during the fourteen (14) days after the date of publication, the trustees shall submit testimony to the court with jurisdiction.

Once the resolution is effective, or if appealed the decision has been upheld by the court, the trustees shall sell or dispose of the real or personal property in a reasonable manner determined to be in the best interests of the District. Proceeds from the sale of fixed assets can be deposited to the general, debt service, building, or any other appropriate fund.

Unless the property can be disposed of without a vote, the Board has the power to dispose of all District property, only when the qualified electors of the District approve of such action at an election called for such approval or when the trustees adopt a resolution stating their intention to dispose of the property. When the trustees adopt such a resolution, they shall schedule a meeting to consider a resolution to authorize the sale of the real property. The conduct of the meeting and any such subsequent appeals shall be in accord with § 20-6-604, MCA.

The money realized from the sale or disposal of real or personal property of the district must be credited to the debt service fund, building fund, general fund, or other appropriate fund, at the discretion of the trustees.

Legal Reference:	§ 20-6-603, MCA	Trustees' authority to acquire or dispose of sites and buildings – when election required
	§ 20-6-604, MCA	Sale of property when resolution passed after hearing – appeal procedure

Adopted on:
Reviewed on: 3/16/09, 11/15/21
Revised on: 5/17/21

1 **Terry K-12 Schools**

2
3 **FINANCIAL MANAGEMENT**

7260

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. Neither the Board nor the Superintendent will approve any gifts that are
14 inappropriate.

15
16 If the District deposited donated funds in an endowment fund without specific instruction by the
17 donor, the Board may move the donated funds and any accumulated interest to any other
18 budgeted or nonbudgeted fund of the District and may spend donated funds and any accumulated
19 interest unless restricted by condition imposed by the donor.
20

21 The Board authorizes the Superintendent to establish procedures for determining the suitability
22 or appropriateness of all gifts received and accepted by the District. Once accepted, donated
23 funds are public funds subject to state law. Donated funds may not be transferred to a private
24 entity. Benefactors may not adjust or add terms or conditions to donated funds after the donation
25 has been accepted.
26

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

32 Educational Foundations may exist in the community, but are not managed, directed, or
33 approved by the Board of Trustees.
34

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

43 Policy History:

44 Adopted on:

45 Reviewed on: 3/16/09

46 Revised on: 7/16/18; 1/21/20

1 **Terry K-12 Schools**

2
3 **FINANCIAL MANAGEMENT**

7310

4
5 Budget Implementation and Execution

6
7 Once adopted by the Board, the operating budget shall be administered by the administrator's
8 designees. All actions of the administrator/designees in executing programs and/or activities
9 delineated in that budget are authorized according to these provisions:

- 10
11 1. Expenditure of funds for employment and assignment of staff shall meet legal
12 requirements of the state of Montana and adopted Board policies.
13
14 2. Funds held for contingencies may not be expended without Board approval.
15
16 3. A listing of warrants describing goods and/or services for which payment has been made
17 must be presented for Board ratification each month.
18
19 4. Purchases will be made according to the legal requirements of the state of Montana and
20 adopted Board policy.
21
22
23

24 Legal Reference: § 20-3-332, MCA Personal immunity and liability of trustees
25 § 20-9-213, MCA Duties of trustees
26

27 Policy History:

28 Adopted on:

29 Reviewed on: 3/16/09, 4/19/21

30 Revised on:

1 **Terry K-12 Schools**

2
3 **FINANCIAL MANAGEMENT**

7320

page 1 of 2

4
5 Purchasing

6
7 Authorization and Control

8
9 The administrator is authorized to direct expenditures and purchases within limits of the detailed
10 annual budget for the school year. The Board must approve purchase of capital outlay items,
11 when the aggregate total of a requisition exceeds Twenty-Five Thousand Dollars (\$25,000),
12 except the administrator shall have the authority to make capital outlay purchases without
13 advance approval when necessary to protect the interests of the District or the health and safety
14 of staff or students. The administrator will establish requisition and purchase order procedures to
15 control and maintain proper accounting of expenditure of funds. Staff who obligate the District
16 without proper authorization may be held personally responsible for payment of such
17 obligations.

18
19 Bids and Contracts

20
21 Whenever it is in the interest of the District, the District will execute a contract for any building
22 furnishing, repairing, purchasing or other work for the benefit of the District. If the sum of the
23 contract or work exceeds Eighty Thousand Dollars (\$80,000), the District will call for formal
24 bids by issuing public notice as specified in statute. Specifications will be prepared and made
25 available to all vendors interested in submitting a bid. The contract shall be awarded to the
26 lowest responsible bidder, except that the trustees may reject any or all bids as per § 18-4-307,
27 MCA as stated below in the legal reference. The Board, in making a determination as to which
28 vendor is the lowest responsible bidder, will take into consideration not only the amount of each
29 bid, but will also consider the skill, ability, and integrity of a vendor to do faithful, conscientious
30 work and to promptly fulfill the contract according to its letter and spirit. Bidding requirements
31 do not apply to a registered professional engineer, surveyor, real estate appraiser, or registered
32 architect; a physician, dentist, pharmacist, or other medical, dental, or health care provider; an
33 attorney; a consulting actuary; a private investigator licensed by any jurisdiction; a claims
34 adjuster; or an accountant licensed under Title 37, Chapter 50.

35
36 Advertisement for bid must be made once each week for two (2) consecutive weeks, and a
37 second (2nd) publication must be made not less than five (5) nor more than twelve (12) days
38 before consideration of bids.

39
40 The administrator will establish bidding and contract-awarding procedures. Bid procedures will
41 be waived only as specified in statute. Any contract required to be let for bid shall contain
42 language to the following effect:

43
44 *In making a determination as to which vendor is the lowest responsible bidder, if*
45 *any, the District will take into consideration not only the pecuniary ability of a*
46 *vendor to perform the contract, but will also consider the skill, ability, and*

integrity of a vendor to do faithful, conscientious work and promptly fulfill the contract according to its letter and spirit. References must be provided and will be contacted. The District further reserves the right to contact others with whom a vendor has conducted business, in addition to those listed as references, in determining whether a vendor is the lowest responsible bidder. Additional information and/or inquiries into a vendor's skill, ability, and integrity are set forth in the bid specifications.

Cooperative Purchasing

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

Legal Reference:	§ 18-1-101, et seq., MCA	Preferences and General Matters
	§ 18-1-201, et seq., MCA	Bid Security
	§ 18-4-307, MCA	Cancellation of invitations for bids or requests for proposals
	§ 20-9-204, MCA	Conflicts of interests, letting contracts, and calling for bids - exceptions
	§ 20-10-110, MCA	School Bus Purchases – contracts- bids
	<i>Debcon v. City of Glasgow</i> , 305 Mont. 391 (2001)	

Policy History:

Adopted on:

Reviewed on: 07/15/19, 4/19/21

Revised on: 3/16/09, 8/15/11, 8/19/13, 7/16/18

1 **Terry K-12 Schools**

2
3 **FINANCIAL MANAGEMENT**

7325

4
5 Accounting System Design

6
7 The District accounting system will be established to present, with full disclosure, the financial
8 position and results of financial operations of District funds and account groups in conformity
9 with generally accepted accounting principles. The accounting system must be in compliance
10 with accounting system requirements established by legislative action. The accounting system
11 shall be able to demonstrate compliance with finance-related legal and contractual provisions.
12
13
14

15 Policy History:

16 Adopted on:

17 Reviewed on: 3/16/09, 4/19/21

18 Revised on:

1 **Terry K-12 Schools**

2
3 **FINANCIAL MANAGEMENT**

7326

4
5 Documentation and Approval of Claims

6
7 All financial obligations and disbursements must be documented in compliance with statutory
8 provisions and audit guidelines. Documentation will specifically describe acquired goods and/or
9 services, budget appropriations applicable to payment, and required approvals. All purchases,
10 encumbrances and obligations, and disbursements must be approved by the administrator. The
11 responsibility for approving these documents cannot be delegated.

12
13 The District business office is responsible for developing procedures and forms to be used in the
14 requisition, purchase, and payment of claims.

15
16
17
18 Policy History:

19 Adopted on:

20 Reviewed on: 3/16/09, 4/19/21

21 Revised on:

1 **Terry K-12 Schools**

2
3 **FINANCIAL MANAGEMENT**

7329

4
5 Petty Cash Funds

6
7 The use of petty cash funds shall be authorized for specific purchases only. Those purchases will
8 include individual purchases of supplies and materials under the amount of Fifty Dollars (\$50),
9 postage, delivery charges, and freight. Individual personal reimbursements which exceed Fifty
10 Dollars (\$50) should not be made from petty cash funds. Petty cash accounts will be maintained
11 as cash on hand, with the total dollar amount of the petty cash account limited to Two Hundred
12 Dollars (\$200).

13
14 The administrator may appoint and designate a fund custodian to carry out bookkeeping and
15 security duties. Moneys not specifically designated as petty cash will not be co-mingled with the
16 petty cash fund. At the conclusion of each school year, all petty cash funds must be closed out
17 and the petty cash vouchers and cash on hand returned to the business office for processing.

18
19 The District business office is responsible for establishing procedures for use and management of
20 petty cash funds.

21
22
23
24 Policy History:

25 Adopted on:

26 Reviewed on:

27 Revised on: 3/16/09

1 **Terry K-12 Schools**

2
3 **FINANCIAL MANAGEMENT**

7330

4
5 Payroll Procedures/Schedules

6
7 The District will establish one (1) or more days in each month as fixed paydays for payment of
8 wages in accord with the current collective bargaining agreement or District practice. Employees
9 may choose to have their salaries paid in full upon the last pay date following completion of their
10 assignments or may annualize their pay. Employees who choose to receive payment of wages
11 beyond the period in which the wages were earned (deferred payment) will be subject to Internal
12 Revenue Service (IRS) penalties, unless they provide a written election of such deferral prior to
13 (the first (1st) duty day) (July 1)¹ of the year of deferral. Forms for such deferral shall be made
14 available. Any change to the election must be made prior to the first (1st) duty day of the fiscal
15 year of the deferment.

16
17 When a District employee quits, is laid off, or is discharged, wages owed will be paid on the next
18 regular payday for the pay period in which the employee left employment or within fifteen (15)
19 days, whichever occurs first.
20

21
22
23 Cross Reference: 5500 Payment of Wages Upon Termination

24
25 Legal Reference: § 409A, Internal Revenue Code, Deferred Compensation
26

27 Policy History:

28 Adopted on: 3/16/09

29 Reviewed on: 4/19/21

30 Revised on:

1—The District must choose between the first (1st) duty day of the deferral year or July 1 of the deferral year.

1 **Terry K-12 Schools**

2
3 **FINANCIAL MANAGEMENT**

7332

page 1 of 2

4
5 Advertising in Schools/Revenue Enhancement

6
7 Revenue enhancement through a variety of District-wide and District-approved marketing
8 activities, including but not limited to advertising, corporate sponsorship, signage in or on
9 District facilities, is a Board-approved venture. The Board may approve such opportunities
10 subject to certain restrictions in keeping with the community standards of good taste.

11 Advertising will model and promote positive values for District students through proactive
12 educational messages and not be simply traditional advertising of a product. Preferred
13 advertising includes messages encouraging student achievement and establishment of high
14 standards of personal conduct.

15
16 All sponsorship contracts will allow the District to terminate the contract on at least an annual
17 basis, if it is determined that it will have an adverse impact on implementation of curriculum or
18 the educational experience of students.

19
20 The revenue derived should:

- 21
22 1. Enhance student achievement;
23 2. Assist in maintenance of existing District athletic and activity programs; and
24 3. Provide scholarships for students participating in athletic, academic, and activity
25 programs, who demonstrate financial need and merit.

26
27 Appropriate opportunities for marketing activities include but are not limited to:

- 28
29 1. Fixed signage.
30 2. Banners.
31 3. District-level publications.
32 4. Television and radio broadcasts.
33 5. Athletic facilities, including stadiums, high school baseball fields, and high school
34 gymnasiums.
35 6. District-level projects.
36 7. Expanded usage of facilities beyond traditional uses (i.e., concerts, rallies, etc.).
37 8. The interior and exterior of a limited number of District buses, if the advertising is
38 associated with student art selected by the District. The only advertising information
39 allowed will note sponsorship of the student art by the participant. Maintenance for these
40 buses will include but not exceed normal maintenance costs.
41 9. Individual school publications (when not in conflict with current contracts).

42
43 Advertising will not be allowed in classrooms, other than corporate-sponsored curriculum
44 materials approved subject to Board policy.

45
46 The following restrictions will be in place when seeking revenue enhancement. Revenue

enhancement activities will not:

1. Promote hostility, disorder, or violence;
2. Attack ethnic, racial, or religious groups;
3. Discriminate, demean, harass, or ridicule any person or group of persons on the basis of gender;
4. Be libelous;
5. Inhibit the functioning of the school and/or District;
6. Promote, favor, or oppose the candidacy of any candidate for election, adoption of any bond/budget issues, or any public question submitted at any general, county, municipal, or school election;
7. Be obscene or pornographic, as defined by prevailing community standards throughout the District;
8. Promote the use of drugs, alcohol, tobacco, firearms, or certain products that create community concerns;
9. Promote any religious or political organization;
10. Use any District or school logo without prior approval.

Cross Reference: 2120 Curriculum Development and Assessment
 2309 Library Materials
 2311 Instructional Materials

Policy History:

Adopted on:

Reviewed on: 3/16/09, 4/19/21

Revised on: 7/16/18

1 **Terry K-12 Schools**

2
3 **FINANCIAL MANAGEMENT**

7335

4
5 Personal Reimbursements

6
7 While it is recommended that all purchases of goods or services be made within established
8 purchasing procedures, there may be an occasional need for an employee to make a purchase for
9 the benefit of the District from personal funds. In that event, an employee will be reimbursed for
10 a personal purchase under the following criteria:

- 11
12 1. It is clearly demonstrated that the purchase is of benefit to the District;
13
14 2. The purchase was made with the prior approval of the Superintendent;
15
16 3. The item purchased was not available from District resources; and
17
18 4. The claim for personal reimbursement is properly accounted for and documented with an
19 invoice or receipt.
20

21 The District business office is responsible for developing procedures and forms to be used in
22 processing claims for personal reimbursements.
23
24
25

26 Policy History:

27 Adopted on:

28 Reviewed on: 3/16/09, 5/17/21

29 Revised on:

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 20
- 21
- 22
- 23
- 24
- 25
- 26

7336

6
7
8
9
0
1
2
3
4
5
6
7
8
9
20
21
22
23
24
25
26

2
3
4
5
6
7
8
9
20
21
22
23
24
25
26

5
6
7
8
9
20
21
22
23
24
25
26

28
29
30
31
32
33
34
35
36

24
25
2625
26

26

1 **Terry K-12 Schools**

2
3 **FINANCIAL MANAGEMENT**

7400

4
5 Credit Card Use

6
7 The Board of Trustees permits the use of District credit cards by certain school officials and
8 Board members to pay for actual and necessary expenses incurred in the performance of work-
9 related duties for the District. All District employees will have use of the credit card(s). All
10 credit cards will be preapproved by the Board and will be in the name of the District. The Board
11 requires the District to have two (2) credit checks per year.

12
13 The District shall establish a credit line not to exceed Five Thousand Dollars (\$5,000) for each
14 card issued and an aggregate credit limit of Ten Thousand Dollars (\$10,000) for all cards issued
15 to the District.

16
17 Credit cards may only be used for legitimate District business expenditures. The use of credit
18 cards is not intended to circumvent the District's policy on purchasing.

19
20 Users must take proper care of District credit cards and take all reasonable precautions against
21 damage, loss, or theft. Any damage, loss, or theft must immediately be reported to the business
22 office and to the appropriate financial institution. Failure to take proper care of credit cards or
23 failure to report damage, loss, or theft may subject the employee to financial liability.

24
25 Purchases that are unauthorized, illegal, represent a conflict of interest, are personal in nature, or
26 violate the intent of this policy may result in credit card revocation and discipline of the
27 employee.

28
29 Users must submit detailed documentation, including itemized receipts for commodities,
30 services, travel, and/or other actual and necessary expenses which have been incurred in
31 connection with school-related business for which the credit card has been used.

32
33 The Superintendent shall establish regulations governing the issuance and use of credit cards.
34 Each cardholder shall be apprised of the procedures governing the use of the credit card, and a
35 copy of this policy and accompanying regulations shall be given to each cardholder.

36
37 The Clerk shall monitor the use of each credit card every month and report any serious problems
38 and/or discrepancies directly to the Superintendent and the Board.

39
40 Cross Reference: 7320 Purchasing
41 7335 Personal Reimbursements
42 7336 Travel Allowances and Expenses

43
44 Legal Reference: § 2-7-503, MCA Financial reports and audits of local government
45 entities

46
47 Policy History:

48 Adopted on: 3/16/09

49 Reviewed on: 5/17/21

50 Revised on:

1 **Terry K-12 Schools**

2
3 **FINANCIAL MANAGEMENT**

7405

4
5 Procurement Card Use

6
7 The Board of Trustees permits the use of 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 the District's policy on purchasing.

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

20
21 Purchases that are unauthorized, illegal, represent a conflict of interest, are personal in
22 nature, or violate the intent of this policy may result in procurement card revocation and
23 discipline of the 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
30 procurement cards. Each cardholder shall be apprised of the procedures governing the use of
31 the procurement card, and a copy of this policy and accompanying regulations shall be given
32 to each cardholder.

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

36
37
38 Cross Reference: 7320 Purchasing
39 7335 Personal Reimbursement
40 7336 Travel Allowances and Expenses

41
42 Legal Reference: §2-7-503, MCA Financial reports and audits of local
43 government entities

44 Policy History:

45 Adopted on:

46 Reviewed on: 5/17/21

47 Revised on:

1 **Terry K-12 Schools**

2
3 **FINANCIAL MANAGEMENT**

7410

4
5 Fund Accounting System

6
7 The accounts of the District are organized on the basis of funds, each of which is considered to
8 be a separate accounting entity. The operations of each fund are accounted for by providing a
9 separate set of self-balancing accounts. The accounts of the District are maintained on the
10 modified accrual basis of accounting. The following funds are maintained by the District:

11

12 General Fund	Transportation Fund
13 Bus Reserve Fund	Lunch Fund
14 Tuition Fund	Retirement Fund
15 Miscellaneous Fund	Adult Ed. Fund
16 Traffic Ed. Fund	House & Dorm Fund
17 Compensated Absences Fund	Technology Fund
18 Flexibility Fund	Building Fund
19 Building Reserve Fund	Section 125
20 Endowment Fund	Student Activity Account

21
22
23

24 Legal Reference: § 20-9-201, MCA Definitions and application

25
26 Policy History:

27 Adopted on:

28 Reviewed on: 3/16/09

29 Revised on:

1 **Terry K-12 Schools**

2
3 **FINANCIAL MANAGEMENT**

7425

4
5 Extra- and Co-Curricular Funds

6
7 The Board is responsible for establishment and management of student extra- and co-curricular
8 funds. The purpose of student extra- and co-curricular funds is to account for revenues and
9 disbursements of those funds raised by students through recognized student body organizations
10 and activities. The funds shall be deposited and expended by check, in a bank account
11 maintained by the District for student extra- and co-curricular funds. The use of the student
12 extra- and co-curricular funds is limited to the benefit of the students. Students will be involved
13 in the decision-making process related to use of the funds.
14

15 The Board shall follow the *Student Activity Fund Accounting* (published by the Montana
16 Association of School Business Officials (MASBO)) in establishing accounting procedures for
17 administration of student extra- and co-curricular funds and will appoint a fund administrator.
18

19 Specific procedures are available in the Clerk's office.
20
21
22

23 Legal Reference:	§ 2-7-503, MCA	Financial reports and audits of local government
		entities
	§ 20-9-504, MCA	Extracurricular fund for pupil functions

26
27 Policy History:

28 Adopted on:

29 Reviewed on: 3/16/09, 5/17/21

30 Revised on:

1 **Terry K-12 Schools**

2
3 **FINANCIAL MANAGEMENT**

7430

4
5 Financial Reporting and Audits

6
7 The Board directs that financial reports of all District funds be prepared in compliance with
8 statutory provisions and generally accepted accounting and financial reporting standards. In
9 addition to reports required for local, state, and federal agencies, financial reports will be
10 prepared monthly and annually and presented to the Board. Financial reports shall reflect
11 financial activity and status of District funds.

12
13 Appropriate interim financial statements and reports of financial position, operating results, and
14 other pertinent information will be prepared to facilitate management and control of financial
15 operations.

16
17 The Board directs that District audits be conducted in accordance with Montana law. Each audit
18 shall be a comprehensive audit of the affairs of the District and District funds. The audits shall
19 comply with all statutory provisions and generally accepted governmental auditing standards. It
20 is the policy of the District to conduct annual audits.

21
22
23
24 Legal Reference: §§ 2-7-501, et seq., MCA Audits of Political Subdivisions
25 § 20-9-212, MCA Duties of county treasurer
26 § 20-9-213, MCA Duties of trustees

27
28 Policy History:

29 Adopted on:

30 Reviewed on: 5/17/21

31 Revised on: 3/16/09

1 **Terry K-12 Schools**

2
3 **FINANCIAL MANAGEMENT**

7500

4
5 Property Records

6
7 Property and inventory records will be maintained for all land, buildings, and physical property
8 under District control and will be updated annually.
9

10 For purposes of this policy, “equipment” means a unit of furniture or furnishings, an instrument,
11 a machine, an apparatus or a set of articles which retains its shape and appearance with use, is
12 nonexpendable, and does not lose its identity when incorporated into a more complex unit. The
13 Superintendent will ensure inventories of equipment are systematically and accurately recorded
14 and updated annually. Property records of facilities and other fixed assets will be maintained on
15 an ongoing basis. No equipment will be removed for personal or non-school use except in
16 accordance with Board policy.
17

18 Property records will show, appropriate to the item recorded, the:
19

- 20 1. Description and identification
21 2. Manufacturer
22 3. Date of purchase
23 4. Initial cost
24 5. Location
25 6. Serial number, if available
26 7. Model number, if available
27

28 Equipment may be identified with a permanent tag providing appropriate District and equipment
29 identification.
30
31
32

33 Cross Reference: 7510 Capitalization Policy for Fixed Assets
34

35 Legal Reference: § 20-6-602, MCA Trustees’ power over property
36 § 20-6-608, MCA Authority and duty of trustees to insure district
37 property
38

39 Policy History:

40 Adopted on:

41 Reviewed on: 3/16/09, 5/17/21

42 Revised on:

4
5 Capitalization Policy for Fixed Assets

6
7 A fixed asset is a property that meets all the following requirements:

- 8
9 1. Must be tangible in nature;
10
11 2. Must have a useful life of longer than the current fiscal year; and
12
13 3. Must be of significant value.
14

15 Fixed assets may be acquired through donation, purchase, or may be self-constructed. The asset
16 value for a donation will be the fair market value at the time of donation. The asset value for
17 purchases will be the initial cost plus the trade-in value of any old asset given up, plus all costs
18 related to placing the asset into operation. The cost of self-constructed assets will include both
19 the cost of materials used and the cost of labor involved in construction of the asset.
20

21 The following significant values will be used for different classes of assets:

22

<u>Class of Fixed Asset</u>	<u>Significant Value</u>
Equipment and machinery	\$10,000.00 or more
Buildings - improvements	\$10,000.00 or more
Improvements other than to buildings	\$10,000.00 or more
Land	Any amount

32
33
34

35 Cross Reference: 7500 Property Records

36
37 Policy History:

38 Adopted on:

39 Reviewed on: 3/16/09, 5/17/21

40 Revised on: 6/20/18

FINANCIAL MANAGEMENT

7515

Page 1 of 3

Fund Balances

[Note: The provisions of this policy include the provisions of Statement No. 54 of the Governmental Accounting Standards Board (GASB).]

I. PURPOSE

The fund balance policy establishes a framework for the management of all excess funds managed by the Terry School District. The policy is in accordance with GASB Statement 54; management of fund balance. It also provides guidance and direction for elected and appointed officials as well as staff in the use of excess funds at year-end.

II. SCOPE

This fund balance policy applies to all funds in the custody of the School District Business Manager/Clerk of the Terry School District, Terry, Montana. These funds are accounted for in the District's annual audited financial reports and include, but are not limited to, the following:

- General Fund
- Special Revenue Funds
- Capital Project Funds
- Enterprise Funds
- Any new funds created by the District, unless specifically exempted by the governing body; in accordance with state law or GASB pronouncements.

III. CLASSIFICATION OF FUND BALANCES

The school district shall classify its fund balances in its various funds in one or more of the following five classifications: nonspendable, restricted, committed, assigned, and unassigned.

IV. DEFINITIONS

A. *Fund balance*---means the arithmetic difference between the assets and liabilities reported in a school district fund.

B. *Committed fund balance*—amounts constrained to specific purposes by the District itself, using its highest level of decision-making authority; to be reported as committed, amounts cannot be used for any other purpose unless the District takes the same highest-level action to remove or change the constraint

C. *Assigned fund balance*—amounts a school district *intends* to use for a specific purpose; intent can be expressed by the District or by an official to which the Board of Trustees delegates the authority

D. *Nonspendable fund balance*—amounts that are not in a spendable form (such as inventory) or are required to be maintained intact (such as the corpus of an endowment fund)

E. *Restricted fund balance*—amounts constrained to specific purposes by their providers (such as grantors, bondholders, and higher levels of government), through constitutional provisions, or by enabling legislation

F. *Unassigned fund balance*—amounts that are available for any purpose; these amounts are reported only in the general fund.

V. MINIMUM FUND BALANCE

The school district will strive to maintain a minimum unassigned general fund balance of 10 percent of the annual budget.

VI. ORDER OF RESOURCE USE

If resources from more than one fund balance classification could be spent, the school district will strive to spend resources from fund balance classifications in the following order (first to last): restricted, committed, assigned, and unassigned.

[Note: The school board determines this order.]

VII. COMMITTING FUND BALANCE

A majority vote of the school board is required to commit a fund balance to a specific purpose and subsequently to remove or change any constraint so adopted by the board.

VIII. ASSIGNING FUND BALANCE

The school board, by majority vote, may assign fund balances to be used for specific purposes when appropriate. The board also delegates the power to assign fund balances to the following: Superintendent and or the business manager. Assignments so made shall be reported to the school board on a monthly basis, either separately or as part of ongoing reporting by the assigning party if other than the school board.

An appropriation of an existing fund balance to eliminate a projected budgetary deficit in the subsequent year's budget in an amount no greater than the projected excess of expected expenditures over expected revenues satisfies the criteria to be classified as an assignment of fund balance.

IX. REVIEW

The school board will conduct, at a minimum, an annual review of the sufficiency of the minimum unassigned general fund balance level.

Legal References: Statement No. 54 of the Governmental Accounting Standards Board

Policy History:

Adopted on: 09/19/2011

Reviewed on:

Revised on: 5/17/21

1 **Terry K-12 Schools**

2
3 **FINANCIAL MANAGEMENT**

7520

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: 3/16/09

33 Revised on: 1/21/20

1 **Terry K-12 Schools**

2
3 **FINANCIAL MANAGEMENT**

7525

4
5 Lease-Purchase Agreement

6
7 The trustees of a district can lease property with an option to purchase.

8
9 Personal property -- the lease cannot be more than seven (7) years.

10
11 Real property -- the lease cannot be more than fifteen (15) years.

12
13 The terms of the lease must comply with 20-6-625, MCA. If real property is acquired, the
14 trustees shall comply with 20-6-603, MCA.

15
16 The trustees of any district may lease buildings or land suitable for school purposes when it is
17 within the best interests of the district to lease the buildings or land from the county,
18 municipality, another district, or any person. The term of the lease may not be for more than
19 fifteen (15) years unless prior approval of the qualified electors of the district is obtained in the
20 manner prescribed by law for school elections, in which case the lease may be for a term
21 approved by the qualified electors, but not exceeding ninety-nine (99) years. Whenever the lease
22 is for a period of time that is longer than the current school fiscal year, the lease requirements for
23 the succeeding school fiscal years shall be an obligation of the final budgets for such years.

24
25
26 Cross Reference: Policy 7251 Disposal of school district property without
27 a vote.

28
29
30 Legal Reference: § 20-6-603, MCA Trustees' authority to acquire or dispose of
31 sites and buildings – when election required.
32 § 20-6-609, MCA Trustees' authority to acquire property by
33 lease-purchase agreement.
34 § 20-6-625, MCA Authorization to lease buildings or land for
35 school purposes.

36
37 Policy History:

38 Adopted on: 07/15/15

39 Reviewed on: 5/17/21

40 Revised on:

1 **Terry K-12 Schools**

2
3 **FINANCIAL MANAGEMENT**

7530

4
5 Procurement of Supplies or Services

6
7 The Board adopts all applicable provisions of the Montana Procurement Act (i.e., §§ 18-4-121, et
8 seq., MCA).

9
10
11
12 Legal Reference: § 18-4-121, et seq., MCA Montana Procurement Act
13 2.5.604, ARM Sole Source Procurement
14

15 Policy History:

16 Adopted on:

17 Reviewed on: 3/16/09, 5/17/21

18 Revised on:

1 **Terry K-12 Schools**

2
3 **Financial Management**

7625

4
5 Use of Enhanced Tax Credit Receipts

6
7 On receiving a donation from an enhanced tax credit, the District shall seek preapproval, in a
8 manner prescribed by the Department of Revenue (DOR), that the amount of tax credit sought by
9 the taxpayer is available under the aggregate limit set in statute. Upon preapproval by the DOR,
10 the District shall issue a receipt, in a form prescribed by the DOR, to each contributing taxpayer
11 indicating the value of the donation received and documenting the preapproval of the credit.
12

13 The District shall use the funds received from an enhanced tax credit for innovative educational
14 programs specified in law which are defined as:

- 15 (a) transformational learning as defined in Section 20-7-1602, MCA;
16 (b) advanced opportunity as defined in Section 20-7-1503, MCA;
17 (c) any program, service, instructional methodology, or adaptive equipment used to expand
18 opportunity for a child with a disability as defined in Section 20-7-401, MCA;
19 (d) any courses provided through work-based learning partnerships or for postsecondary
20 credit or career certification under Policy 2600; and
21 (e) technology enhancements, including but not limited to any expenditure incurred for
22 purposes specified in Section 20-9-533, MCA.
23

24 Legal Reference: Title 15, Chapter 30, Part 31, MCA- Tax Credit for Qualified Education
25 Contributions
26
27

28 Policy History:

29 Adopted on: 05/23/22

30 Reviewed on:

31 Revised on:
32

TERRY K-12 SCHOOLS

R = required

8000 SERIES NONINSTRUCTIONAL OPERATIONS

TABLE OF CONTENTS

8000	Goals
8100	Transportation
8110	Bus Routes and Schedules
8111	Transportation of Students With Disabilities
8121	District-Owned Vehicles
8123	Driver Training and Responsibility
8124	Student Conduct on Buses
8125	School Bus Emergencies
8129	Chemical Safety
8130	Air Quality Restrictions on Outdoor Activities, Practice and Competition
8131	Indoor Air Quality
8132	Activity Trips
R 8200	Food Services
R 8205	Meal Charge Policy
R 8210	Procurement Policy for Food Service Purchases
8225	Tobacco Free Policy
8300	Risk Management
8301	District Safety
8302	Noxious Plant and Animal Control
8303	Cleaning and Disinfecting
8320	Property Damage
8400	Sale of Real Property
8410	Operation and Maintenance of District Facilities
8411	Water Supply Systems
8420	District-Wide Asbestos Program
8421	Lead Renovation
8425 – 8425P	Service Animals
R 8430	Records Management
8440	Computer Software
8450	Automated External Defibrillators (AED's)
8502	Construction and Repairs

1 **Terry K-12 Schools**

2
3 **NONINSTRUCTIONAL OPERATIONS**

8000

4
5 Goals

6
7 In order for students to obtain the maximum benefits from their educational program, a complex
8 set of support services must be provided by the District. These services are essential to the
9 success of the District, and the staff that provides them is an integral part of the educational
10 enterprise. Because resources are always scarce, all assets of District operations, including
11 noninstructional support services, shall be carefully managed in order to obtain maximum
12 efficiency and economy. To that end, the goal of the District is to seek new ways of supporting
13 the instructional program, which shall maximize the resources directly available for students'
14 learning programs.
15
16
17

18 Policy History:

19 Adopted on:

20 Reviewed on: 3/16/09

21 Revised on:

1 **Terry K-12 Schools**

2
3 **NONINSTRUCTIONAL OPERATIONS**

8100

page 1 of 2

4
5 Transportation

6
7 The District may provide transportation to and from school for a student who:

- 8
9 1. Resides three (3) or more miles, over the shortest practical route, from the nearest
10 operating public elementary or public high school;
11
12 2. Is a student with a disability, whose IEP identifies transportation as a related service; or
13
14 3. Has another compelling and legally sufficient reason to receive transportation services.
15

16 The District may elect to reimburse the parent or guardian of a student for individually
17 transporting any eligible student.
18

19 The District may provide transportation by school bus or other vehicle or through individual
20 transportation such as paying the parent or guardian for individually transporting the student. The
21 Board may pay board and room reimbursements, provide supervised correspondence study, or
22 provide supervised home study. The Board may authorize children attending an approved private
23 school to ride a school bus, provided that space is available and a fee to cover the per-seat cost
24 for such transportation is collected. The District may transport and charge for an ineligible public
25 school student, provided the parent or guardian pays a proportionate share of transportation
26 services. Fees collected for transportation of ineligible students shall be deposited in the
27 transportation fund. Transportation issues that cannot be resolved by the trustees may be
28 appealed to the county transportation committee.
29

30 Homeless students shall be transported in accordance with the McKinney Homeless Assistance
31 Act and state law.
32

33 In-Town Busing

34
35 In-town busing is defined as the busing of students within three (3) miles of their school. In-town
36 busing is a privilege the District can discontinue at any time. The administrator will establish
37 guidelines under which a student may request in-town busing.
38

39 Children in Foster Care

40
41 The Superintendent will appoint a Point of Contact (POC) to coordinate activities relating to the District's
42 provisions of services to children placed in foster care, including transportation services. The
43 Superintendent, or designee, will inform the Department of Health and Human Services who is the POC
44 for the District. The District will collaborate with the Department of Health and Human Services when
45 transportation is required to maintain children placed in foster care in a school of origin outside their
46 usual attendance area or District when in the best interest of the student. Under the supervision of the
47 Superintendent/designee, the POC will invite appropriate District officials, the Department of Health and

Human Services POC, and officials from other districts to consider how such transportation is to be arranged and funded in a cost-effective manner.

If there are additional costs to be incurred in providing transportation to maintain a student in the school of origin, the District will provide transportation to such school if:

- The Department agrees to reimburse the District for the cost of such transportation;
- The District agrees to pay for the cost of such transportation; or
- The District and the Department agree to share the cost of such transportation.

Definitions

“Foster Care” means 24-hour care for children placed away from their parents, guardians, or person exercising custodial control or supervision and for whom the Department has placement care and responsibility.

“School of origin” means the school in which a child is enrolled at the time of placement in foster care.

While “Best Interest” is not defined in ESSA, that determination shall take into account all relevant factors, including consideration of the appropriateness of the current educational setting, and the proximity to the school in which the child is enrolled at the time of foster care placement.

Legal Reference:	§ 20-10-101, MCA	Definitions
	§ 20-10-121, MCA	Duty of trustees to provide transportation – types of transportation – bus riding time limitation
	§ 20-10-122, MCA	Discretionary provision of transportation and payment for this transportation
	§ 20-10-123, MCA	Provision of transportation for nonpublic school children
	10.7.101, et seq., ARM	Pupil Transportation
	10.64.101-700, et seq., ARM	Transportation

Policy History:

Adopted on:

Reviewed on: 5/17/21

Revised on: 3/16/09, 7/24/2017

1 **Terry K-12 Schools**

2
3 **NONINSTRUCTIONAL OPERATIONS**

8110
page 1 of 3

4
5 Bus Routes and Schedules

6
7 The administrator's designee is responsible for scheduling bus transportation, including
8 determination of routes and bus stops. Such routes are subject to approval of the county
9 transportation committee. The purpose of bus scheduling and routing is to achieve maximum
10 service with a minimum fleet of buses consistent with providing safe and reasonably equal
11 service to all bus students.

12
13 In order to operate the transportation system as safely and efficiently as possible, the following
14 factors shall be considered in establishing bus routes:

- 15
16 1. A school bus route shall be established with due consideration of the sum total of local
17 conditions affecting the safety, economic soundness, and convenience of its operation,
18 including road conditions, condition of bridges and culverts, hazardous crossings,
19 presence of railroad tracks and arterial highways, extreme weather conditions and
20 variations, length of route, number of families and children to be serviced, availability of
21 turnaround points, capacity of bus, and related factors.
22
23 2. The District may extend a bus route across another transportation service area, if it is
24 necessary in order to provide transportation to students in the District's own
25 transportation service area. A district may not transport students from outside its
26 transportation service area.
27
28 3. No school child attending an elementary school shall be required to ride the school bus
29 under average road conditions more than one (1) hour without consent of the child's
30 parent or guardian.
31
32 4. School bus drivers are encouraged to make recommendations in regard to establishing or
33 changing routes.
34
35 5. Parents should be referred to the administrator for any request of change in routes, stops,
36 or schedules.

37
38 The Board reserves the right to change, alter, add, or delete any route at any time such changes
39 are deemed in the best interest of the District, subject to approval by the county transportation
40 committee.

41
42 Bus Stops

43
44 Buses should stop only at designated places approved by school authorities. Exceptions should
45 be made only in cases of emergency and inclement weather conditions.
46

Bus stops shall be chosen with safety in mind. Points shall be selected where motorists approaching from either direction will have a clear view of the bus for a distance of at least three hundred (300) to five hundred (500) feet.

School loading and unloading zones are to be established and marked to provide safe and orderly loading and unloading of students. The administrator is responsible for the conduct of students waiting in loading zones.

Delay in Schedule

The driver is to notify the administration of a delay in schedule. The administration will notify parents on routes and radio stations, if necessary.

Responsibilities - Students

Students must realize that safety is based on group conduct. Talk should be in conversational tones at all times. There should be no shouting or loud talking which may distract the bus driver. There should be no shouting at passersby. Students should instantly obey any command or suggestions from the driver and/or his/her assistants.

Responsibilities - Parents

The interest and assistance of each parent is a valued asset to the transportation program. Parents' efforts toward making each bus trip a safe and pleasant experience are requested and appreciated. The following suggestions are only three of the many ways parents can assist:

1. Ensure that students are at the bus stop in sufficient time to efficiently meet the bus.
2. Properly prepare children for weather conditions.
3. Encourage school bus safety at home. Caution children regarding safe behavior and conduct while riding the school bus.

Safety

The administrator will develop written rules establishing procedures for bus safety and emergency exit drills and for student conduct while riding buses.

If the bus and driver are present, the driver is responsible for the safety of his/her passengers, particularly for those who must cross a roadway prior to loading or after leaving the bus. Except in emergencies, no bus driver shall order or allow a student to board or disembark at other than his/her assigned stop unless so authorized by the administrator. In order to assure the safety of all, the bus driver may hold students accountable for their conduct during the course of transportation and may recommend corrective action against a student. Bus drivers are expressly prohibited from using corporal punishment.

The bus driver is responsible for the use of the warning and stop signaling systems and the consequent protection of his/her passengers. Failure to use the system constitutes negligence on the part of the driver.

Inclement Weather

The Board recognizes the unpredictability and resulting dangers associated with weather in Montana. In the interest of safety and operational efficiency, the administrator is empowered to make decisions as to emergency operation of buses, cancellation of bus routes, and closing of school, in accordance with his or her best judgment. The Board may develop guidelines in cooperation with the administrator to assist the administrator in making such decisions.

NOTE: To receive full state/county reimbursement, budgets must have enough funds to cover the costs of any changes to the route.

NOTE: The county transportation committee has authority to establish transportation service areas, should circumstances and/or geography (demographics) warrant.

Legal Reference:	§ 20-10-106, MCA	Determination of mileage distances
	§ 20-10-121, MCA	Duty of trustees to provide transportation – types of transportation – bus riding time limitation
	§ 20-10-132, MCA	Duties of county transportation committee

Policy History:

Adopted on:

Reviewed on: 5/17/21

Revised on: 3/16/09

1 **Terry K-12 Schools**

2
3 **NONINSTRUCTIONAL OPERATIONS**

8111

4
5 Transportation of Students With Disabilities

6
7 Transportation shall be provided as a related service, when a student with a disability requires
8 special transportation in order to benefit from special education or to have access to an
9 appropriate education placement. Transportation is defined as:

- 10
11 (a) Travel to and from school and between schools;
12
13 (b) Travel in and around school buildings or to those activities that are a regular part of the
14 student's instructional program;
15
16 (c) Specialized equipment (such as special or adapted buses, lifts, and ramps) if required to
17 provide special transportation for a student with disabilities.
18

19 The Evaluation Team that develops the disabled student's Individualized Education Program will
20 determine, on an individual basis, when a student with a disability requires this related service.
21 Such recommendations must be specified on the student's IEP. Only those children with
22 disabilities who qualify for transportation as a related service under the provisions of the IDEA
23 shall be entitled to special transportation. All other children with disabilities in the District have
24 access to the District's regular transportation system under policies and procedures applicable to
25 all District students. Utilizing the District's regular transportation service shall be viewed as a
26 "least restrictive environment."
27

28 Mode of Transportation

29
30 One of the District's education buses will be the preferred mode of transportation. Exceptions
31 may be made in situations where buses are prohibited from entering certain subdivisions due to
32 inadequate turning space, or when distance from school may seriously impact bus scheduling. In
33 such situations other arrangements, such as an individual transportation contract, may be
34 arranged with parents. Such voluntary agreement will stipulate in writing the terms of
35 reimbursement.
36
37

38 Cross Reference: 3300 Corrective Actions and Punishment

39
40 Legal Reference: 10.16.3820, ARM Transportation for Special Education Students with
41 Disabilities
42

43 Policy History:

44 Adopted on:

45 Reviewed on: 5/17/21

46 Revised on: 3/16/09

1 **Terry K-12 Schools**

2
3 **NONINSTRUCTIONAL OPERATIONS**

8121

4
5 District-Owned Vehicles

6
7 The District owns and maintains certain vehicles. Included among them are pickups, school
8 buses, and vans. These are for use by properly authorized personnel of the District for District
9 business purposes.

10
11 Any driver who receives a citation for a driving violation while operating a District vehicle shall
12 personally pay all fines levied. All citations received while the driver is a District employee,
13 whether operating a District vehicle or not, must be reported and may result in disciplinary action
14 up to and including termination.

15
16 Bus and Vehicle Maintenance, District

17
18 Buses used in the District's transportation program shall be in safe and legal operating condition.
19 All buses shall be inspected by the Department of Justice, Montana Highway Patrol, before the
20 beginning of each semester. All other District vehicles shall be maintained following established
21 programs developed by the administrator.

22
23
24
25 Policy History:

26 Adopted on:

27 Reviewed on:

28 Revised on: 3/16/09

1 **Terry K-12 Schools**

2
3 **NONINSTRUCTIONAL OPERATIONS**

8123

4
5 Driver Training and Responsibility

6
7 Bus drivers shall observe all state statutes and administrative rules governing traffic safety and school bus
8 operation. At the beginning of each school year, the District will provide each driver with a copy of the
9 District's written rules for bus drivers and for student conduct on buses.

10
11 School bus drivers must hold a valid Montana school bus certificate in order for a district to receive state
12 reimbursement for that driver's bus routes. Qualifications for bus drivers are prescribed by 20-10.103,
13 MCA, and by the board of Public Education in Arm 10.64.201. The first aid certificate required by ARM
14 10.64.201 must include certification in CPR, be signed by a certified instructor, and be received after an
15 initial in-person training of at least four hours with annual renewals.

16
17 A school bus driver is prohibited from operating a school bus while using a cellular phone, including
18 hands free cellular phone devices, except:

- 19 (1) During an emergency situation;
20 (2) To call for assistance if there is a mechanical breakdown or other mechanical
21 problem;
22 (3) When the school bus is parked.

23
24 A driver may not operate a school bus without a valid, current certificate.

25
26 A teacher, coach, or other certified staff member assigned to accompany students on a bus will have
27 primary responsibility for behavior of students in his or her charge. The bus driver has final authority and
28 responsibility for the bus. The Superintendent will establish written procedures for bus drivers.

29
30 Maximum Driving Time

31
32 The district recognizes from a risk management and student safety standard the importance of driver
33 safety while transporting students. Therefore, the district will meet the federal standard on maximum
34 driving time for drivers.

- 35 1. Meet the federal standard on maximum driving time for drivers

36 Cross Reference: 2018 Montana School Bus Standards, Page 138, Bus use for School
37 Activity Trips

38
39 Legal Reference: § 20-10-103, MCA School bus driver qualifications
40 10.7.111, ARM Bus Drivers Certification Requirement for
41 Reimbursement
42 10.64.201, ARM School Bus Driver Qualifications
43 National Highway Traffic Safety Administration
44 CFR 49, Part 395 Transportation - Hours of Service for Drivers

45
46 Policy History:

47 Adopted on:

48 Reviewed on:

49 Revised on: 3/16/09, 11/16/09, 3/19/10, 7/18/16, 6/21/21

1 **Terry K-12 Schools**

2
3 **NONINSTRUCTIONAL OPERATIONS**

8124

4
5 Student Conduct on Buses

6
7 The general student code of conduct is applicable to conduct on school buses.

8
9 The Superintendent may establish written rules of conduct for students riding school buses.
10 Such rules will be reviewed annually by the administrator and revised if necessary. If rules are
11 substantially revised, they will be submitted to the Board for approval.

12
13 At the beginning of each school year, a copy of the rules of conduct for students riding buses will
14 be provided to students, and the classroom teacher and bus driver will review the rules with the
15 students. A copy of the rules will be available upon request at the District office.

16
17 The bus driver is responsible for enforcing the rules and will work closely with a parent and the
18 administrator to modify a student's behavior. Rules shall include consistent consequences for
19 student misbehavior. A recommendation for permanent termination of bus privileges,
20 accompanied by a written record of the incident(s) that led to the recommendation, shall be
21 referred to the administrator for final determination. The student's parent or guardian may
22 appeal a termination to the Board. No further appeal shall be allowed.

23
24
25
26 Cross Reference: 3310 Student Discipline
27 8111 Transportation of Students With Disabilities

28
29 Legal Reference: § 20-4-302, MCA Discipline and punishment of pupils – definition of
30 corporal punishment – penalty – defense
31 § 20-5-201, MCA Duties and sanctions
32

33 Policy History:

34 Adopted on:

35 Reviewed on: 6/21/21

36 Revised on: 3/16/09, 7/16/18

1 **Terry K-12 Schools**

2
3 **NONINSTRUCTIONAL OPERATIONS**

8125

4
5 School Bus Emergencies

6
7 In the event of an accident or other emergency, the bus driver shall follow the emergency
8 procedures developed by the administrator. A copy of the emergency procedures will be located
9 in every bus. To ensure the success of such emergency procedures, every bus driver will conduct
10 an emergency evacuation drill within the first six (6) weeks of school. The District will conduct
11 such other drills and procedures as may be necessary.
12
13
14

15 Policy History:

16 Adopted on:

17 Reviewed on: 6/21/21

18 Revised on: 3/16/09

1 **Terry School District**

2
3 **NONINSTRUCTIONAL OPERATIONS**

8129

4
5 Chemical Safety

6
7 The District shall establish and maintain a Chemical Hygiene Plan all areas that store
8 hazardous chemicals including but not limited to science labs, industrial arts classrooms or
9 buildings. Chemical Hygiene Plans shall include plans for appropriate selection, storage,
10 inventory, use, and disposal of hazardous chemicals, and biological materials.

11
12 The District has designated Head of Maintenance as the Chemical Hygiene Officer in
13 accordance with the requirements of the Occupational Safety and Health Administration.
14 The Officer has primary responsibility for ensuring the implementation of all components of
15 the Chemical Hygiene Plan.

16
17 Safety Data Sheets for all materials in science labs, industrial arts classrooms or buildings,
18 and art labs, and lab storage rooms shall be stored in those rooms and be accessible at all
19 times. The Safety Data Sheets shall also be kept in a secure, remote site outside of the science
20 lab, industrial arts classroom or buildings, and art labs, and lab storage rooms.

21
22 All District staff shall ensure storage areas are kept clean and organized. Unused hazardous
23 materials shall be disposed in a timely manner as stated by the manufacturer and approved
24 by DEQ. Schools shall consult with the DEQ and the DPHHS for additional information
25 about how they can properly discard hazardous material.

26
27
28 Legal Reference: 37.111.812, ARM Safety Requirements
29 Section 50-78-101, MCA, et seq Montana Employee and Community
30 Hazardous Chemical Information
31 Act

32
33
34 Policy History:

35 Adopted on: 7/19/21

36 Reviewed on:

37 Revised on:

1 **Terry School District**

2
3 **NONINSTRUCTIONAL OPERATIONS**

8130

4
5 Air Quality Restrictions on Outdoor Activities, Practice and Competition

6
7 Each school district is responsible for ensuring the safety of its students and student athletes when
8 participating in physical education, recess, practices or athletic contests.
9

10 The District Board of Trustees and Administration shall use the Recommendations for Outdoor Activities
11 Based on Air Quality for Schools guidelines, developed by DEQ and the DEQ's Air Data Map, as the
12 determining factor when making a decision to allow or not allow students to participate in outdoor
13 activities and contests.
14

15 The District Board of Trustees and Administration have developed the following protocol for
16 determination of allowing students and student athletes to participate in outdoor activities when Air
17 Quality Restrictions have reached the Unhealthy for Sensitive Groups or higher categories as indicated on
18 the DEQ guidelines.
19

- 20 1. The Terry School District shall use the todaysair.mt.gov website to determine the air quality for
21 our school district.
22 2. The following personnel shall make the decision to hold or cancel outdoor activities, practices, or
23 contests:
24 a. Recess (all levels) _____
25 b. Junior High practices (all levels) _____
26 c. Junior High contests (all levels) _____
27 d. High School practices (all levels) _____
28 e. High School contests (all levels) _____
29 f. All outdoor activities, (all levels) _____
30
31 3. The decision to hold or cancel outdoor activities shall be made hours in advance of the activity.
32 4. The notice to hold or cancel an outdoor activity shall be communicated to:
33 a. Students through _____
34 b. Staff through _____
35 c. Coaches through _____
36 d. Parents through _____
37 e. Community _____
38

39 The superintendent or an employee designated by the superintendent is authorized to establish a
40 procedure to limit the infiltration of outside air into each school during poor air quality conditions.
41

42 References: 10.55.701(q), ARM Board of Trustees
43 www. todaysair.mt.gov
44 <http://svc.mt.gov/deq/todaysair/smokereport/mostRecentUpdate.aspx>
45 37.111.827, ARM Outdoor Air Quality

46 Policy History:

47 Adopted on: 7/19/21

48 Reviewed on:

49 Revised on:

1 **Terry School District**

2
3 **NONINSTRUCTIONAL OPERATIONS**

8131

4
5 Indoor Air Quality

6
7 The District shall ensure ventilation systems operate properly and increase circulation of outdoor
8 air as much as possible. District ventilation systems shall undergo annual checks by the school
9 facility manager, superintendent or other staff approved by the superintendent to ensure
10 ventilation systems are operating within manufacturer parameters.

11
12 Air filters in the District shall have a minimum efficiency reporting value of between 8 and 13
13 as recommended by the National Air Filtration Association and the EPA unless other types of
14 non-MERV rated filters are used.

15
16 To the greatest extent possible during times of poor outdoor air quality, the District shall
17 change filters to MERV 13 or greater in ventilation systems using MERV rated air filters. The
18 District shall clean any electrostatic air filters according to manufacturer specifications.

19
20 The school facility manager, superintendent or other staff approved by the superintendent
21 shall complete annual indoor air quality inspections using the Walk-Through Inspection
22 Checklist from EPA's Indoor Air Quality Tools for Schools or other DPHHS-approved
23 inspection form.

24
25 The District shall maintain records of indoor air quality inspection on site for no less than
26 three years and the records shall be made available to the local health authority and DPHHS
27 upon request.

28
29
30 Legal Reference: 37.111.826, ARM Indoor Air Quality

31
32
33 Policy History:

34 Adopted on: 7/19/21

35 Reviewed on:

36 Revised on:
37

1 **Terry K-12 Schools**

2
3 **NONINSTRUCTIONAL OPERATIONS**

8132

4
5 Activity Trips

6
7 The use of school buses is strictly limited to school activities. Buses may not be loaned or leased
8 to non-school groups, unless permission is specifically granted by the Board. Buses will be
9 operated by a qualified bus driver on all activity runs, and only authorized activity participants,
10 professional staff, and chaperones assigned by the administration may ride the bus.

11
12 A duplicate copy of the passenger list will be made for all activity trips. One (1) copy will
13 remain with the professional staff member in charge on the bus, and one (1) copy will be left at
14 the office.

15
16
17
18 Policy History:

19 Adopted on:

20 Reviewed on: 6/21/21

21 Revised on: 3/16/09

NONINSTRUCTIONAL OPERATIONS

8200

Food Services

The District supports the philosophy of the National School Lunch Program and will provide wholesome, appetizing, and nutritious meals for children in District schools. The Board may authorize a portion of federal funds received in lieu of taxes to be used to provide free meals for federally connected indigent students.

Because of the potential liability of the District, the food services program will not accept donations of food without approval of the Board. Should the Board approve a food donation, the administrator will establish inspection and handling procedures for the food and determine that provisions of all state and local laws have been met before selling the food as part of school meals.

Commodities

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

Free and Reduced-Price Food Services

The District will provide free and reduced-price meals to students, according to the terms of the National School Lunch Program and the laws, rules, and regulations of the state. The District will inform parents of the eligibility standards for free or reduced-price meals. Identity of students receiving free or reduced-price meals will be confidential, in accordance with National School Lunch Program guidelines. A parent has the right to appeal to a designated hearing official any decision with respect to his or her application for free or reduced-price food services.

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

Legal Reference:	§ 20-10-204, MCA	Duties of trustees
	§ 20-10-205, MCA	Allocation of federal funds to school food services fund for federally connected, indigent pupils
	§ 20-10-207, MCA	School food services fund

Policy History:

Adopted on:

Reviewed on: 6/21/21a

Revised on: 3/16/09

8205 – R NONINSTRUCTIONAL OPERATIONS

Meal Charge Policy

Note: For the purpose of this policy, parent includes guardian, caretaker relative, and any adult responsible for the care of the child.

The goal of the Terry Public School District is to allow children to receive the nutrition they need to stay focused during the school day. The purpose of this policy is to ensure compliance with federal reporting requirements for the USDA Child Nutrition Program and to provide oversight and accountability for the collection of outstanding student meal balances.

The District complies with Federal USDA policies on meal charging and debt collection. All meal charges must be paid directly to the Terry Public School District.

If a student is without meal money, the administration will take action deemed necessary to collect unpaid meal charges while ensuring the nutritional needs of the student are met in providing the student with a regular meal. If financial hardship exists, parents and families will be encouraged to apply for free or reduced price lunches for their child(ren).

Meal Charges:

Lunch account monitoring is the responsibility of the parent and the child. The lunch clerk is there for help in any way—children may ask for a balance at any time.

A student is allowed to charge no more than \$25. After the \$25 is reached, the parent must send money to pay the charges or send meals from home with your child. If there are no available funds in the student's account, he/she will be given a breakfast or lunch on account. A regular meal will be served until the account is balanced or if the student has money in hand for the current meal. Deposit request letters will go out once per week via USPS, as well as a notification sent home with the student. If there are financial problems, please contact the school and we will implement a payment program.

Students are responsible for their own cash lunch money—the school will not replace stolen or lost cash. Parents that send a check for the account and the check is lost or does not appear on the account, may bring in a photo copy of the check from the bank to the office if it has been cashed. Mistakes happen and if the check was cashed by our food service, corrections to the account will be made as soon as possible. If a photo copy is not available, the deposit will not be replaced. [Please send deposit money via check, if possible, (cash is accepted, also), in an envelope with the child's full name and teacher's name.]

Adult Meals:

Adults are not allowed to charge meals, as per USDA policy regarding school food service use of Federal NSLP funds.

Refunds for withdrawn or graduating students: A written request for a refund of any money remaining in their account must be submitted. An e-mail request is also acceptable. Students who are graduating at the end of the year will be given the option to transfer to a sibling's account with a written request.

1
2 Uncollected meal debt will be sent to collections per state and/or federal guidelines.
3

4 Legal Reference: <https://www.fns.usda.gov/school-meals/policy>

5 Child Nutrition and WIC Reauthorization Act of 2004, PL 108-265

6 Child Nutrition Act 1966, 42 United States Code (USC) Section 1771 et seq.

7 Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC)

8 Section 794 et seq.

9 Individuals with Disabilities Education Act (IDEA), 20 United States Code

10 (USC) Sections 1400-1485

11 7 Code of Federal Regulations (CFR) Parts 15B, 210 and 220

2
3 **NONINSTRUCTIONAL OPERATIONS**

8210

Page 1 of 2

4
5 Procurement Policy for School Food Purchases

6
7 The Terry School District will adhere to the following requirements for any procurement related to food
8 service:

9
10 **Purchases:**

- 11 • Purchases greater than \$80,000:
- 12 ○ If the aggregate amount exceeds eighty thousand dollars (\$80,000), the contract must be
 - 13 awarded through a formal bid process and a call for bids or request for proposals shall be
 - 14 published according to 20-9-204, MCA. No contract shall be divided for the purpose of
 - 15 avoiding the formal procurement process.
 - 16 ○ The District may enter into a cooperative purchasing contract for procurement of supplies
 - 17 with one or more districts or a Cooperative Services Program. This allows the District to
 - 18 participate in a cooperative purchasing group to purchases supplies through the group
 - 19 without bidding if the cooperative purchasing group has a publicly available master list of
 - 20 items available with pricing included and provides an opportunity at least twice yearly for
 - 21 any vendor, including a Montana vendor, to compete, based on a lowest responsible
 - 22 bidder standard.
- 23
- 24 • Purchases great than \$45,000 and less than \$80,000:
- 25 ○ Any purchase greater than \$45,000 and less than eighty thousand (\$80,000) will be
 - 26 handled in a fair and equitable manner consistent with district policy on purchasing.
 - 27 ○ The Terry School District will obtain two or more estimates when any purchase will cost
 - 28 more than \$45,000 and less than eighty thousand (\$80,000).
 - 29 ○ The District may enter into a cooperative purchasing contract for procurement of supplies
 - 30 with one or more districts or a Cooperative Services Program. This allows the District to
 - 31 participate in a cooperative purchasing group to purchases supplies through the group
 - 32 without bidding if the cooperative purchasing group has a publicly available master list of
 - 33 items available with pricing included and provides an opportunity at least twice yearly for
 - 34 any vendor, including a Montana vendor, to compete, based on a lowest responsible
 - 35 bidder standard.
- 36

37 **Standards of Conduct for District Employees:**

- 38 • The Terry School District maintains the following code of conduct for any employees engaged in
- 39 award and administration of contracts supported by Federal Funds:
- 40
- 41 • No District employee will engage in any procurement when there is a conflict of interest, real or
- 42 perceived, and District employees cannot solicit or accept any gratuities, favors or anything of
- 43 monetary value from prospective vendors. This shall not preclude district personnel from serving
- 44 on boards or participating in organizations that support the district's need to obtain quality
- 45 services and supplies.
- 46
- 47 • No District employee shall participate in the selection, award or administration of a contract when
- 48 any of the following persons have a financial interest in the firm selected for award:
- 49
- 50

- The employee
- Any member of his/her immediate family
- People with whom there is an intimate personal relationship
- An organization which employs or is about to employ any of the above

- The District would like all employees to behave with the utmost integrity and never be self-serving, be fair in all aspects of the procurement process, be alert to conflicts of interest, and avoid any compromising situations.
- Employees found to be in violation of this policy are subject to disciplinary action, up to and including termination.

Policy History:

Adopted on: 1/17/17

Reviewed on:

Revised on: 5/17/21

Terry K-12 Schools

NON-INSTRUCTIONAL OPERATIONS

8225

Tobacco Free Policy

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

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

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

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

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

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

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

Policy History:

Adopted on:

Reviewed on:

Revised on: 3/16/09, 3/19/10, 03/18/19; 1/21/20

2
3 **NONINSTRUCTIONAL OPERATIONS**

8301

4
5 District Safety

6
7 For purposes of this policy, *“disaster means the occurrence or imminent threat of damage,*
8 *injury, or loss of life or property”*.
9

10 The Board recognizes that safety and health standards should be incorporated into all aspects of
11 the operation of the District. Rules for safety and prevention of accidents shall be posted in
12 compliance with the Montana Safety Culture Act and the Montana Safety Act. Injuries and
13 accidents shall be reported to the District office.
14

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

17 [Fire, Earthquake, Avalanche, High Winds, Tornadoes, Intruders, Firearms, etc.]
18

19 The Superintendent shall design and incorporate drills in its school safety or emergency
20 operations plan to address the above stated hazards. The trustees shall certify to the office of
21 public instruction that a school safety or emergency operations plan has been adopted. This plan
22 and procedures shall be discussed and distributed to each teacher at the beginning of each school
23 year. There shall be at least eight (8) disaster drills a year in a school. All teachers shall discuss
24 safety drill procedures with their class at the beginning of each year and shall have them posted
25 in a conspicuous place next to the exit door. Drills must be held at different hours of the day or
26 evening to avoid distinction between drills and actual disasters. A record shall be kept of all fire
27 drills.
28

29 The trustees shall review the school safety or emergency operations plan periodically and update
30 the plan as determined necessary by the trustees based on changing circumstances pertaining to
31 school safety. Once the trustees have made the certification to the office of public instruction,
32 the trustees may transfer funds pursuant to Section 2, 20-1-401, MCA to make improvements to
33 school safety and security.
34

35 The Superintendent shall develop safety and health standards which comply with the Montana
36 Safety Culture Act.
37

38 To ensure a safe school setting and to comply with regulations governing schools in Montana,
39 the following safety measures shall be implemented in the District:
40
41
42
43
44
45
46

- (a) Janitorial and other storage areas that contain toxic or hazardous materials must be kept locked between periods of use. Custodial closets, boiler rooms, and other areas where hazardous or poisonous compounds are stored must be inaccessible to students.
- (b) All cleaning compounds and other toxic chemicals not stored in the product container or package in which it was obtained must be stored in a labeled container that clearly identifies the product by name.
- (c) Chemicals must be stored as specified by the chemical's Safety Data Sheet.
- (d) The school and school site must be free of objects or conditions which create unreasonable or unnecessary dangers to health or safety.
- (e) First aid kits and AEDs must be provided and stored in accessible locations that are easily identifiable to staff and trained personnel.
- (f) Playground and school yards must be inspected every month by the facility manager or other school personnel and the inspection must be recorded and records kept on the school site. Inspections must be conducted using a playground safety checklist approved by the DPHHS.
- (g) Playground inspection results must be made available for review by the local health authority or the DPHHS upon request.
- (h) Periodic maintenance and repair must be performed on playground equipment according to the manufacturer's specifications. Repairs, not including the leveling of fall protection material, must be documented.
- (i) Playground equipment must be maintained in a safe condition.

Legal Reference:	§ 20-1-401, MCA	Disaster drills to be conducted regularly – districts to identify disaster risks and adopt school safety plan
	§ 20-1-402, MCA	Number of disaster drills required – time of drills to vary
	§§ 39-71-1501, et seq., MCA	Montana Safety Culture Act
	37.111.812, ARM	Safety Requirements

Policy History:

Adopted on:

Reviewed on: 3/16/09

Revised on: 8/19/13, 07/15/15; 1/21/20, 7/19/21

1 **Terry School District**

2
3 **NONINSTRUCTIONAL OPERATIONS**

8302

4
5 Noxious Plant and Animal Control

6
7 Each school and school site shall be maintained free of harborage for insects, rodents, and other
8 pests. Extermination methods and other measures to control pests shall conform with the
9 requirements of the DPHHS or the local health authority.

10
11 All areas shall be maintained free of accumulation of debris or standing water which may
12 provide harborage for pests.

13
14 Storage areas shall be maintained so as to prevent pest harborage. Lumber, pipe, and other
15 building materials shall be stored neatly.

16
17 The growth of brush, weeds, and grass shall be controlled to prevent harborage of pests. School
18 grounds shall be maintained to prevent the growth of noxious weeds considered detrimental to
19 health.

20
21 Integrated Pest Management Plan

22
23 The District has developed and implemented an Integrated Pest Management (IPM) program.
24 Students, parents, and staff shall be notified when chemicals for IPM are going to be used. The
25 school IPM shall include strategies to prevent the spread of pests.

26
27 The facility manager, superintendent or other staff approved by the superintendent shall,
28 whenever practical, ensure the use of nonchemical methods to control pests, including
29 proper sanitation practices, structural repair, and window screens.

30
31 Pesticide Application Notification

32
33 Except as otherwise provided in this policy, the District shall notify parents or guardians of
34 students of the application of a pesticide to an area of the school that is used by or is accessible
35 to students least 24 hours before the application. The notification shall state the following:

- 36
37 (a) A description of the area where the pesticide will be applied;
38 (b) The date and approximate time of application;
39 (c) The common or brand name of each pesticide to be used;
40 (d) The targeted pests to be controlled by the pesticide;
41 (e) Each active ingredient in the pesticide;
42 (f) The EPA registration number;
43 (g) The telephone contact number, if any, on the label of the pesticide for additional
44 information about each pesticide; and
45 (h) A contact name and telephone number at the school.
46 (i) If the application will be outdoors, the notification shall also include three dates in
47 chronological order in case the preceding date is canceled due to weather.
48
49
50

During the school year, the notification required by this policy shall be made by individual notice delivered by phone, face-to-face oral communication, electronic mail, postal mail, or facsimile. The Board of Trustees authorizes the superintendent or other staff approved by the superintendent to develop a registration system to provide this notification only to those parents who wish to receive the notification. The registration shall provide written notice to the parents or guardians of the student at the beginning of the school year, or upon a child's enrollment, that pesticides may be used in or around the school. The administrator shall develop methods to permit each parent or guardian how to register to be notified at least 24 hours before a pesticide treatment.

If pesticides are used outside the school year and the school is open or to be accessible by the public, the notification required shall be prominently posted in a conspicuous location on the school premises at least 24 hours before the pesticide application is scheduled to occur.

Immediately before starting the application of a pesticide, the certified applicator shall post in the area of the school where the pesticide is to be applied, a sign 8.5x11-inch in size, or greater. Fonts shall be no smaller than 26 point (one-fourth inch). The administrator shall ensure the sign remains posted and students are kept out of the treated area until the reentry interval on the label, if any, has expired, or, if the label does not specify a reentry interval, for at least 24 hours.

Emergency Pesticide Application

The superintendent or other staff approved by the superintendent may authorize an immediate pesticide treatment without prior notification if the superintendent determines an emergency exists. An emergency includes an immediate and unanticipated threat to the health and safety of the individuals at the school. If a school administrator authorizes an emergency pesticide application all the information that is required in a notice under this policy shall be included in the record maintained as required by this policy

Exceptions to the Notice Requirements

The following pesticide applications are not subject to the notification or posting requirements of this rule:

- (a) Applications of antimicrobial pesticides;
- (b) An application where the school remains unoccupied for a continuous 72- hour period following the application of the pesticide;
- (c) Applications of rodenticides in tamper-resistant bait stations or in areas inaccessible to students; and
- (d) Applications of silica gels and other ready-to-use pastes, foams, or gels that will be used in areas inaccessible to students.

Record Keeping

The superintendent or other staff approved by the superintendent shall keep records of pesticide applications subject to the notification and posting requirements of this rule. Records shall include:

- (a) A copy of each notice issued;
- (b) The date of application;
- (c) The name and employer of the individual who applied the pesticide, including the individual's certification number;
- (d) The rate of application;
- (e) The concentration of the pesticide applied; and
- (f) The total amount of pesticide used.

Records shall be kept for at least five years and shall be made available to the local health authority, DPHHS, or the public for review upon request.

Legal Reference: 37.111.846, ARM Noxious Plant and Animal Control
10.55.701(s), ARM Board of Trustees

Policy History:

Adopted on: 7/19/21

Reviewed on:

Revised on:

4
5 Facility Cleaning and Maintenance

6
7 District personnel shall routinely both clean by removing germs, dirt and impurities and, when
8 necessary, disinfect by using chemicals to kill germs on all surfaces and objects in any school
9 building and on school property that are frequently touched. This process shall include cleaning
10 objects/surfaces not ordinarily cleaned daily.

11
12 Personnel shall clean with the cleaners typically used and will use all cleaning products
13 according to the directions on the label. When necessary, personnel shall disinfect with common
14 EPA-registered household disinfectants. Personnel shall follow the manufacturer's instructions
15 for all cleaning and disinfection products.

16
17 When necessary, the District shall provide EPA-registered disposable wipes to teachers, staff,
18 and secondary students so that commonly used surfaces (e.g., keyboards, desks, remote controls)
19 can be wiped down before use. The superintendent or other staff approved by the superintendent
20 are required to ensure adequate supplies to support cleaning and disinfection practices.
21 Specifically, the District shall comply with the following cleaning and maintenance
22 requirements:

- 23
24 (a) Daily cleaning and maintenance services will be provided whenever the school is in
25 use.
26 (b) Each janitor room will be kept clean, ventilated, lockable, and free from odors.
27 (c) Soiled mop heads will be changed frequently, using laundered replacements.
28 (d) Toilets, lavatories, and showers will not be used for washing and rinsing of mops,
29 brooms, brushes, or any other cleaning device.
30 (e) Cleaners used in cleaning showers, lavatories, urinals, toilet bowls, toilet seats, and
31 floors will contain fungicides or germicides.
32 (f) Deodorizers and odor-masking agents will not be used
33 (g) Toilet bowl brushes, mops and sponges will be used only for cleaning toilet bowls and
34 urinals and will be stored separately from other cleaning devices. Cleaning devices
35 used for lavatories and showers may not be used for any other purposes.
36 (h) Dry dust mops and dry dust cloths for cleaning purposes are prohibited, except for use
37 on gymnasium floors. Only treated mops, wet mops, treated cloths, moist cloths or
38 other means approved by the DPHSS or local health authority which will not spread
39 soil from one place to another may be used for dusting and cleaning, with the
40 exception of gymnasium floors.
41 (i) All furnishings, fixtures, floors, walls, and ceilings will be clean and in good repair
42 as outlined in this Policy.
43 (j) Cleaning compounds and pesticides will be stored, used, and disposed of in
44 accordance with the manufacturer's instructions.
45 (k) Safety data sheets will be kept with all cleaning supplies in the area where the
46 cleaning supplies are located.
47 (l) As current non-green cleaning supplies are depleted it is recommended that they are

replaced with cleaning products that are "Green Products."

(m) All cleaning supplies need to have an EPA registration number, a "use by" reading letter, be stored with approved ventilation, and stored out of the reach of students.

(n) All vomit, blood, and fecal matter including diarrhea will be cleaned using appropriate personal protective equipment. Cleaning supplies and personal protective equipment used for vomit, blood, and fecal matter clean-up will be disposed in accordance with disposal of medical equipment in Policy 3416, if applicable. All affected areas will be disinfected in accordance with this Policy.

(o) All therapeutic whirlpools will be constructed and maintained for easy cleaning. Whirlpools will be drained and sanitized after each use. Individuals with open sores or infections are prohibited from using therapeutic whirlpools.

Assigned Cleaning and Disinfecting

Personnel shall evaluate and identify surfaces and objects to be cleaned and disinfected in accordance with their knowledge, experience, and applicable guidance from federal, state, tribal, and local health officials. Personnel shall have access to or the opportunity to access the latest available guidance upon request to their supervisor.

Personnel shall coordinate with colleagues and supervisors to develop a plan, schedule, and routine to regularly clean identified surfaces and objects. Personnel shall honor this plan, schedule, and routine until adjusted. Reasons for adjustment may include but are not limited to change in school schedule, absence of colleagues, availability of equipment and supplies, and federal, state, tribal or local health directives and guidance. If adjustment is necessary, personnel shall again coordinate with colleagues and supervisors to improve the plan, schedule, and routine. Personnel shall solicit and accept perspectives from colleagues and other school officials when considering improvements to the plan.

Personnel shall prioritize cleaning frequently touched and indoor surfaces. Hard and non-porous surfaces and objects that are touched daily shall be the top priority for cleaning on a daily basis. Hard and non-porous surfaces and objects that are not indoors or have not been occupied for seven days shall be routinely cleaned. Personnel shall always use chemicals, products, and substances in a manner consistent with the applicable instructions.

Personnel shall thoroughly clean or launder soft, porous, or fabric-based materials as permitted by location and substance. During evaluation and identification of surfaces, personnel shall consider removing soft and porous materials in high traffic areas that may increase risk of exposure.

Personnel shall establish and maintain safe work practices in accordance with these procedures and School District policy in order to reduce the risk of exposure. If disinfection of any surface

or item is necessary, disinfection shall occur in accordance with stated guidance and substance instructions.

Physical Barriers and Guides

Personnel shall review school buildings and identify areas where installation of physical barriers, such as sneeze guards and partitions, shall assist or protect students and staff. Personnel shall coordinate with building or district administrators to complete or install any identified physical barrier.

Legal References: 37.111.841, ARM Cleaning and Maintenance
 10.55.701(s), ARM Board of Trustees

Policy History:

Adopted on: 7/19/21

Reviewed on:

Revised on:

1 **Terry K-12 Schools**

2
3 **NONINSTRUCTIONAL OPERATIONS**

8320

4
5 Property Damage

6
7 The District will maintain a comprehensive insurance program which will provide adequate
8 coverage, as determined by the Board, in the event of loss or damage to school buildings and/or
9 equipment, including motor vehicles. The comprehensive insurance program will maximize the
10 District's protection and coverage while minimizing costs for insurance. This program may
11 include alternatives for sharing the risk between the District and an insurance carrier and through
12 self-insurance plans.

13
14 Privately Owned Property

15
16 The District will not assume responsibility for maintenance, repair, or replacement of any
17 privately owned property brought to a school or to a District function, unless the use or presence
18 of such property has been specifically requested in writing by the administration.

19
20
21
22 Legal Reference: § 20-6-608, MCA Authority and duty of trustees to insure district
23 property

24
25 Policy History:

26 Adopted on:

27 Reviewed on: 3/16/09

28 Revised on:

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7

8400

5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7

7
8
9
0
1
2

4
5

9
20
21
22

24

25

26

27

1 **Terry K-12 Schools**

2
3 **NONINSTRUCTIONAL OPERATIONS**

8410

4
5 Operation and Maintenance of District Facilities

6
7 The District seeks to maintain and operate facilities in a safe and healthful condition. The
8 administrator, fire chief, and county sanitarian, will periodically inspect plant and facilities. The
9 administrator will develop a program to maintain the District physical plant by way of a
10 continuous program of repair, maintenance, and reconditioning. Budget recommendations will
11 be made each year to meet these needs and any such needs arising from an emergency.

12
13 The administrator will formulate and implement energy conservation measures. The
14 administrator and staff are encouraged to exercise other cost-saving procedures in order to
15 conserve District resources in their buildings.

16
17
18
19 Legal Reference: 10.55.908, ARM School Facilities

20
21 Policy History:

22 Adopted on:

23 Reviewed on: 6/21/21

24 Revised on: 3/16/09

2
3 **NONINSTRUCTIONAL OPERATIONS**

8411

4
5 Water Supply Systems and Wastewater

6
7 The District shall ensure an adequate and potable supply of water for school buildings and
8 properties by either:

- 9
10 (a) connecting to a compliant public water supply system; or
11 (b) utilizing a non-public system whose construction and use meet the standards
12 published by DPHHS if the school is not utilized by more than 25 persons daily at
13 least 60 days out of the calendar year, including staff and students, and a
14 - compliant public water supply system is not accessible. When using a system
15 outlined in this subsection (b) a school shall submit a water sample at least
16 quarterly to a laboratory licensed by the DPHHS to perform microbiological
17 analysis of the water supplied in order to determine that the water does not exceed
18 the maximum microbiological contaminant levels acceptable to DPHHS.

19
20 A water supply system of a type other than described in subsections (a) or (b) may be utilized
21 only if it is designed by a professional engineer and offers equivalent sanitary protection as
22 determined by DPHHS or local health authority. When using a system outlined in this
23 paragraph, the District shall submit a water sample at least quarterly to a laboratory licensed by
24 DPHHS to perform microbiological analysis of the water supplied in order to determine that
25 the water does not exceed the maximum microbiological contaminant levels acceptable to
26 DPPHS, DEQ, or local health authority.

27
28 The District shall replace or repair the water supply system serving it whenever the
29 water supply:

- 30
31 (a) contains microbiological contaminants in excess of the maximum levels
32 acceptable to DPPHS, DEQ, or local health authority.
33 (b) does not have the capacity to provide adequate water for drinking, cooking,
34 personal hygiene, laundry, and water-carried waste disposal.

35
36 If the District cannot make water under pressure available, the drinking water from an approved
37 source shall be stored in a clean and sanitized container having a tight-fitting lid and a suitable
38 faucet apparatus for filling individual cups. In this situation, single service drinking cups shall be
39 provided.

40
41 Flushing and Testing

42
43 The District shall review water systems and features including but not limited to sink faucets,
44 drinking fountains, decorative fountains to ensure they are safe to use after a prolonged facility
45 shutdown. Drinking fountains shall be regularly cleaned and sanitized. The District shall create
46 and implement a flushing program unless it meets the established waiver requirements

established by DEQ. Flushing shall be required following any period of time during which the school is inactive.

The District shall maintain a schematic and inventory of fixtures in accordance with DEQ protocols as part of the District's water testing program. The District shall sample all water fountains and sinks used for food preparation. All other potential human consumption fixtures shall be sampled, unless the District receives approval for a testing plan from DEQ to test a representative sample of potential fixtures in the school in accordance with DEQ protocols. All samples shall be analyzed by a Montana certified lab using EPA-approved standard drinking water methods for the detection and quantification of lead. All test results will be considered public records.

Wastewater

The District shall ensure wastewater is completely and safely disposed of by:

- (a) connecting to a compliant public wastewater system; or
- (b) if the school is not utilized by more than 25 persons daily at least 60 days out of the calendar year, including staff and students, and a compliant public wastewater system is not available, utilizing a non-public system whose construction and use meet DEQ construction and operation standards.

If the District uses pit privies, the privies shall be operated and maintained in compliance with the standards specified in DEQ Circular-4. If the District uses a wastewater system design of a type other than described in this policy, it shall be designed by a professional engineer and offers equivalent sanitary protection as determined by the DPPHS, DEQ, or local health authority.

Legal References: 37.111.832, ARM Water Supply System
ARM Title 17, chapter 38, subchapter 1
17.38.207, ARM Maximum Microbiological Containment Levels
DEQ Circular FCS 1-2016.
DEQ Circular 4
10.55.701(s), ARM Board of Trustees
10.55.701(l), ARM Board of Trustees
10.55.701(q), ARM Board of Trustees

Policy History:

Adopted on: 7/19/21

Reviewed on:

Revised on:

1 **Terry K-12 Schools**

2
3 **NONINSTRUCTIONAL OPERATIONS**

8420

4
5 District-Wide Asbestos Program

6
7 It is the intent of the District that the Asbestos Hazard Emergency Response Act (AHERA) and
8 all of its amendments and changes be complied with by all District employees, vendors, and
9 contractors.

10
11
12
13 Legal Reference: 15 USC § 2641 Congressional findings and purpose

14
15 Policy History:

16 Adopted on:

17 Reviewed on: 3/16/09, 6/21/21

18 Revised on:

1 Terry K-12 Schools

3 NONINSTRUCTIONAL OPERATIONS

8421

Page 1 of 2

5 Lead Renovation

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

11 The Lead-based paint renovation, repair and painting program (RRP) is a federal regulatory
12 program affecting contractors, property managers, and others who disturb painted surfaces. It
13 applies to child-occupied facilities such as schools and day-care centers built prior to 1978.

15 “Renovation” is broadly defined as any activity that disturbs painted surfaces and includes most
16 repair, remodeling, and maintenance activities, including window replacement.

18 The District has implemented this policy to identify, inspect, control, maintain and improve the
19 handling of lead related issues across the district facilities and grounds. In an effort to reduce
20 potential hazards, the District through training has put together maintenance programs that will
21 not only better protect the environment, but the students and employees of the District as well.

23 The District’s Lead Renovation Policy shall apply too not only employees of the maintenance
24 department but to outside contractors as well. No outside painting contractor will be permitted to
25 work for the District after April 22, 2010 unless they can show proof of training relative to lead
26 renovation or maintenance from an accredited training institution.

28 Information Distribution Requirements

30 No more than 60 days before beginning renovation activities in any school facility of the District,
31 the company performing the renovation must:

- 32 1. Provide the Superintendent with EPA pamphlet titled *Renovate Right: Important Lead*
33 *Hazard Information for Families, Child Care Providers and Schools*.
- 34 2. Obtain, from the District, a written acknowledgement that the District has received the
35 pamphlet.
- 36 3. Provide the parents and guardians of children using the facility with the pamphlet and
37 information describing the general nature and locations of the renovation and the
38 anticipated completion date by complying with one of the following:
 - 39 (i) Mail or hand-deliver the pamphlet and the renovation information to each parent or guardian of
40 a child using the child-occupied facility.
 - 41 (ii) While the renovation is ongoing, post informational signs describing the general nature and
42 locations of the renovation and the anticipated completion date. These signs must be posted in
43 areas where they can be seen by the parents or guardians of the children frequenting the child-
44 occupied facility. The signs must be accompanied by a posted copy of the pamphlet or information
45 on how interested parents or guardians can review a copy of the pamphlet or obtain a copy from
46 the renovation firm at no cost to the parents or guardians.
- 47 4. The renovation company must prepare, sign, and date a statement describing the steps
48

performed to notify all parents and guardians of the intended renovation activities and to provide the pamphlet.

Recordkeeping Requirements *

All documents must be retained for three (3) years following the completion of a renovation.

- Records that must be retained include:
- Reports certifying that lead-based paint is not present.
- Records relating to the distribution of the lead pamphlet.
- Documentation of compliance with the requirements of the Lead-Based Paint Renovation, Repair, and Painting Program.

**Note: The MTSBA recommends that districts follow the same record retention schedule as they do for Asbestos abatement (forever).*

Legal Reference:	40 CFR Part 745, Subpart E	Lead-based paint poisoning in certain residential structures
	15 U.S.C. 2682 and 2886	Toxic Substances Control Act, Sections 402 and 406

Policy History:

Adopted on: 10/2010

Reviewed on: 6/21/21

Revised on:

NONINSTRUCTIONAL OPERATIONS

8425

Service Animals

For the purposes of this policy, state law defines a service animal as a dog or any other animal that is individually trained to do work or perform tasks for the benefit of an individual with a disability. Federal law definition of a disability includes a physical, sensory, psychiatric, intellectual, or other mental disability.

The District shall permit the use of a miniature horse by an individual with a disability, according to the assessments factors as outlined in Policy 8425P, if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.

The Terry School District will permit the use of service animals by an individual with a disability according to state and federal regulations. The School District will honor requests for service animals in accordance with the applicable Section 504 or Special Education policy adopted by the Board of Trustees. The work or tasks performed by a service animal must be directly related to the handler's disability.

Examples of work or tasks performed by the service animal to accommodate an identified disability include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

The District may ask an individual with a disability to remove a service animal from the premises if:

- The animal is out of control and the animal's handler does not take effective action to control it; or
- The animal is not housebroken

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

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

Cross Reference: Policy 8425P Procedure for allowance of service animals
Policy 2161 Special Education
Policy 2162 Section 504 of the Rehabilitation Act of 1973

Legal Reference: 28 CFR 35.136 Service Animals
28 CFR 35.104 Definitions
49-4-203(2), MCA Definitions

Policy History:

Adopted on: 09/19/2011

Reviewed on: 6/21/21

Revised on: 10/15/2012, 03/18/19

NONINSTRUCTIONAL OPERATIONS

8425P

Service Animal Allowance Procedure

The School District will honor requests for service animals by students or staff in accordance with the applicable Section 504 or Special Education policy adopted by the Board of Trustees. The following procedures have been developed which will help guide the administration when a request for the use of a service animal has been presented by an individual with a disability.

Inquiries: The administration shall not ask about the nature or extent of a person's disability, but may make two inquiries to determine whether an animal qualifies as a service animal. The administration may ask if the animal is required because of a disability and what work or task the animal has been trained to perform. The administration shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. Generally, the administration may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).

Exclusions: The administration may ask the individual to remove the service animal from the premises if the animal is out of control and the handler does not take effective action to control it, or if the animal is not housebroken. If the administration properly excludes the service animal, it shall give the individual the opportunity to participate in the service, program, or activity without having the service animal on the premises.

Surcharges: The administration shall not ask or require the individual to pay a surcharge, even if people who are accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets. If the District normally charges individuals for the damage they cause, the individual may be charged for damage caused by his or her service animal.

Miniature horses assessment factors: In determining whether reasonable modifications can be made to allow a miniature horse into a specific facility, the District shall consider:

- The type, size, and weight of the miniature horse
- Whether the miniature horse is housebroken, and
- Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

Policy History:

Promulgated on: 09/19/2011

Reviewed on: 6/21/21

Revised on: 03/18/19

2
3 **NONINSTRUCTIONAL OPERATIONS**

8430

page 1 of 2

4
5 Records Management

6
7 The District will retain, in a manner consistent with applicable law and the state's *Rules for*
8 *Disposition of Local Government Records*, such records as are required by law or regulations to
9 be created and/or maintained, and such other records as are related to students, school personnel,
10 and the operations of the schools.

11
12 For the purpose of this policy, "records" are all documentary materials, regardless of media or
13 characteristics, made or received and maintained by the school unit in transaction of its business.
14 Records include email and other digital communications sent and received.

15
16 Records may be created, received, and stored in multiple formats, including but not limited to
17 print, microfiche, audio and videotapes, and various digital forms (on hard drives, computer
18 disks and CDs, servers, flash drives, etc.).

19
20 The Superintendent will be responsible for developing and implementing a records management
21 program for the cataloging, maintenance, storage, retrieval, and disposition of school records.
22 The Superintendent will also be responsible for developing guidelines to assist school employees
23 in understanding the kinds of information that must be saved and those which can be disposed of
24 or deleted. The Superintendent may delegate records-management responsibilities to other
25 school personnel at his/her discretion to facilitate implementation of this policy.

26
27 All personnel records made or kept by an employer, including, but not necessarily limited to,
28 application forms and other records related to hiring, promotion, demotion, transfer, layoff or
29 termination, rates of pay or other terms of compensation and selection for training or
30 apprenticeship, shall be preserved for 2 years from the date the record is made or from the date
31 of the personnel action involved, whichever occurs later.

32
33 Student records must be permanently kept, and employment records must be kept for 10 years
34 after termination.

35
36 Litigation Holds for Electronic Stored Information (ESI)

37
38 The school district will have an ESI Team. The ESI Team is a designated group of individuals
39 who implement and monitor litigation holds, a directive not to destroy ESI that might be relevant
40 to a pending or imminent legal proceeding. The ESI Team will include a designated school
41 administrator, an attorney, and a member from the Technology Department. In the case of a
42 litigation hold, the ESI Team shall direct employees and the Technology Department, as
43 necessary, to suspend the normal retention procedure for all related records.

44
45 Inspections of ESI

Any requests for ESI records should be made in writing and will be reviewed by the Superintendent or designee, in consultation with an attorney if needed, and released in accordance with Montana public records law.

Delegated Authority

The Board delegates to the Superintendent or designees the right to implement and enforce additional procedures or directives relating to ESI retention consistent with this policy, as needed.

Information Security Breach

Information security breaches shall be handled in accordance with 30-14-1704, MCA, Computer Security Breach, including, but not limited to, investigations and notifications.

Cross Reference:	1402	School Board Use of Electronic Mail
	3600, 3600P	Student Records
	5231, 5231P	Personnel Records
	5450	Employee Electronic Mail

Legal Reference:	Montana Secretary of State (Rules for Disposition of Local Government Records)	
	Federal Rules of Civil Procedure (FRCP)	
	§ 2-6-403, MCA	Duties and responsibilities
	§ 20-1-212, MCA	Destruction of records by school officer
	§ 20-9-215, MCA	Destruction of certain financial records
	24.9.805 (4), ARM	Employment Records
	§ 30-14-1704, MCA	Computer Breach Security

Policy History:

Adopted on: 11/16/09

Reviewed on:

Revised on: 3/16/09, 5/17/21

1 **Terry K-12 Schools**

2
3 **NONINSTRUCTIONAL OPERATIONS**

8440

4
5 Computer Software

6
7 Unauthorized copying of any computer software licensed or protected by copyright is theft.
8 Failure to observe software copyrights and/or license agreements may result in disciplinary
9 action by the District and/or legal action by a copyright owner.

10
11 No District-owned computing resources should be used for unauthorized commercial purposes.
12
13
14

15 Policy History:

16 Adopted on:

17 Reviewed on: 3/16/09, 6/21/21

18 Revised on:

1 **Terry K-12 Schools**

2
3 **NONINSTRUCTIONAL OPERATIONS**

8450

page 1 of 2

4
5 Automated External Defibrillators (AED)

6
7 The Board of Trustees of the Terry School District recognizes that from time to time
8 emergencies may arise that justify the use of an Automated External Defibrillator (AED). The
9 Board has purchased one or more of these units for use by qualified personnel. The Board of
10 Trustees approves the use of AED units, subject to the following conditions:

- 11
- 12 1. Establish a program for the use of an AED that includes a written plan that must specify:
 - 13 • Where the AED will be placed;
 - 14 • The individuals who are authorized to operate the AED;
 - 15 • How AED use will be coordinated with an emergency medical service providing
16 services in the area where the AED is located;
 - 17 • The medical supervision that will be provided;
 - 18 • The maintenance that will be performed on the AED;
 - 19 • Records that will be kept by the program;
 - 20 • Reports that will be made of AED use;
 - 21 • The name, location, and telephone number of a physician, or other individual
22 designated by the physician, designated to provide medical supervision of the
23 AED program; and
 - 24 • Other matters as specified by the Department of Public Health and Human
25 Services;
 - 26 2. Adhere to the written plan required by subsection (1);
 - 27 3. Ensure that before using the AED, an individual authorized to operate the AED receives
28 appropriate training approved by the DPHHS in cardiopulmonary resuscitation and the
29 proper use of an AED;
 - 30 4. Maintain, test, and operate the AED according to the manufacturer's guidelines and
31 maintain written records of all maintenance and testing performed on the AED;
 - 32 5. Each time an AED is used for an individual in cardiac arrest, require that an emergency
33 medical service is summoned to provide assistance as soon as possible and that the AED
34 use is reported to the supervising physician or the person designated by the physician and
35 to the District as required by the written plan;
 - 36 6. Before allowing any use of an AED, provide the following to all licensed emergency
37 services and any public safety answering point or emergency dispatch center providing
38 services to the area where the AED is located:
 - 39 a. A copy of the plan prepared pursuant to this section; and
 - 40 b. Written notice, in a format prescribed by the DPHHS rules, stating:
 - 41 i. That an AED program has been established by the District;
 - 42 ii. Where the AED is located; and
- 43
44
45
46

- iii. How the use of the AED is to be coordinated with the local emergency medical service system.

Liability Limitations

An individual who provides emergency care or treatment by using an AED in compliance with this policy and an individual providing cardiopulmonary resuscitation to an individual upon whom an AED is or may be used are immune from civil liability for a personal injury that results from that care or treatment.

An individual who provides emergency care or treatment by using an AED in compliance with this policy and an individual providing cardiopulmonary resuscitation to an individual upon whom an AED is or may be used are immune from civil liability as a result of any act or failure to act in providing or arranging further medical treatment for the individual upon whom the AED was used, unless the individual using the AED or the person providing CPR, as applicable, acts with gross negligence or with willful or wanton disregard for the care of the person upon whom the AED is or may be used.

The following individuals or entities are immune from civil liability for any personal injury that results from an act or omission that does not amount to willful or wanton misconduct or gross negligence, if applicable provisions of this part have been met by the individual or entity:

- a. A person providing medical oversight of the AED program, as designated in the plan;
- b. The entity responsible for the AED program, as designated in the plan;
- c. An individual providing training to others on the use of an AED.

Legal Reference:	Title 37, Chapter 104, subchapter 6, ARM – Automated External Defibrillators (AED)
	§50-6-501, MCA Definitions
	§50-6-502, MCA AED program – requirements for AED use
	§50-6-503, MCA Rulemaking
	§50-6-505, MCA Liability limitations

Policy History:

Adopted on: 10/25/2010
Reviewed on: 6/21/21
Revised on:

TERRY SCHOOL DISTRICT
AUTOMATIC EXTERNAL DEFIBRILLATOR
INCIDENT REPORT

Name of person completing report: _____

Date report is being completed: _____ Date of Incident: _____

Name of patient on which AED was applied: _____ Age _____

Known status of patient

- ☐ Student
- ☐ Parent of Student
- ☐ Other, explain _____

Describe incident: _____

List series of events from the start of the emergency until its conclusion: _____

Your Signature: _____

Please forward to the Superintendent of Schools no later than 48 hours after the incident.

Operational Services

Exhibit - School Staff AED Notification Letter

On District letterhead

Date:

To: Staff members

Re: Notification to School Staff of the Physical Fitness Facility Medical Emergency Response Instructions and AED Availability

We would like to notify you about our plan for responding to medical emergencies that might occur in our gymnasium or other indoor physical fitness facility. This plan includes access to an Automatic External Defibrillator (AED) in the following locations in these buildings:

Building	Location
_____	_____
_____	_____
_____	_____

The AEDs are strategically placed and readily accessible to predetermined AED users to maximize rapid use. The AED is available during school hours and after school during on-site school activities. The predetermined AED users are school nurses and any other person who has received AED training (American Heart Association, American Red Cross, or equivalent training) and has a completion card on file with the Superintendent.

The following information is posted with each AED:

1. Instructions to immediately call 9-1-1 and instructions for emergency care.
2. A statement that the AED is to be used only by trained users.
3. Instructions for using an AED.

Please contact me if you would like information on becoming a trained AED user. We appreciate your support.

Sincerely,

Superintendent

TERRY SCHOOL DISTRICT
Terry, Montana

AUTOMATIC EXTERNAL DEFIBRILLATOR
SERVICE LOG

Date	Inspected and In-Service	Inspected and Out-of-Service	Signature of Designee

Once per month or more often the designee will inspect the AED. If the AED is out-of-service or does not have the appropriate equipment, the designee will contact the Superintendent of Schools or designee immediately.

DESIGNATION AND ACCEPTANCE TO ADMINISTER GLUCAGON

As a parent, an individual who has executed a caretaker relative educational authorization affidavit, an individual who has executed a caretaker relative medical authorization affidavit, or a guardian of a diabetic student, I have designated _____ to administer glucagon to _____ only in emergency situations. I understand the designee must be an adult.

Signature

Date

As the parent-designated adult, I agree to administer glucagon in emergency situations to _____. I understand the glucagon must be provided by the parent, an individual who has executed a caretaker relative educational authorization affidavit, an individual who has executed a caretaker relative medical authorization affidavit, or the guardian of the student. I confirm that I have been trained in recognizing hypoglycemia and the proper method of administering glucagon. I have been trained by _____ on the _____ day of _____, 20____.

Signature of parent-designated adult

Date

EDUCATIONAL AUTHORIZATION AFFIDAVIT

Terry School District

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

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

Name of child: _____

Child's date of birth: _____

My name (caretaker relative): _____

My date and year of birth: _____

My home address: _____

My relationship to the child: _____

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

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

- ☐ The child was subject to formal disciplinary action, including suspension or expulsion, at the child's previous school. The school may either implement the previous school district's disciplinary action without further due process or hold a hearing and determine whether the student's conduct in the previous school district merits denial of enrollment. If the district decides to enroll the child, then the school may require the child to comply with a behavior contract as a condition of enrollment.

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

- ☐ A parent of the child identified above has left the child with me and has expressed no definite time period when the parent will return for the child.
- ☐ The child is now residing with me on a full-time basis.
- ☐ No adequate provision, such as appointment of a legal custodian or guardian or execution of a notarized power of attorney, has been made for enrollment of the child in school, other educational services, or educationally related medical services.

DO NOT SIGN THIS FORM IF ANY OF THE ABOVE STATEMENTS ARE INCORRECT, OR YOU WILL BE COMMITTING A CRIME PUNISHABLE BY A FINE, IMPRISONMENT, OR BOTH.

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

Signed this _____ day of _____, 20__.

(Signature of caretaker relative)

STATE OF MONTANA)
 : ss.
County of _____)

On this _____ day of _____, 20__, before me, a Notary Public for the state of Montana, personally appeared _____, known to me to be the person named in the foregoing Educational Authorization Affidavit, and acknowledged to me that _____ executed the same as _____ free act and deed for the purposes therein mentioned.

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

(SEAL)

_____[name]
NOTARY PUBLIC for the state of Montana
Residing at _____, Montana
My commission expires: _____

NOTES:

1. Completion of this affidavit does not affect the rights of the child's parents or legal guardian regarding the care, custody, and control of the child and does not mean that the caretaker relative has legal custody of the child.
2. A person who relies on this affidavit has no obligation to make any further inquiry or investigation.
3. The completed affidavit is effective for the earlier of:
 - a. The end of the first school year after delivery of the affidavit to a school district;
 - b. Until it has been revoked by the caretaker relative; or
 - c. Until the child no longer resides with the caretaker relative.
4. If the child stops living with you, you shall notify anyone to whom you have given this affidavit.

Terry K-12 Schools

NONINSTRUCTIONAL OPERATIONS

8502

Page 1 of 4

Construction and Repairs

Before commencing new school construction or repairs, the District shall submit plans for construction of a new school or an addition to or an alteration of an existing school to DPHHS or the local health authority for review and approval. Plans shall include the following where applicable:

- (a) Location and detail of classrooms used for science or science laboratories, consumer science, art classrooms, art supply rooms, mechanic/carpentry, and industrial arts, including location and ventilation detail of lockable storage area of chemicals and other hazardous products;
- (b) Location and detail of janitorial facilities;
- (c) Specifications for the sewage treatment and disposal system to serve the school unless previously approved;
- (d) Specifications for the water supply to serve the school unless previously approved;
- (e) Locations for all emergency eyewash and shower stations, which shall meet the American National Standard for Emergency Eyewash and Shower Equipment;
- (f) Location and detail of laundry facilities including description of equipment and a flow chart indicating the route of laundry through sorting, washing, drying, ironing, folding, and storage;
- (g) Specifications for the final finishes of floors, walls and ceilings in toilet, locker and shower rooms, laundries, and janitorial closets;
- (h) Statement from the designer of the facilities that lighting capable of meeting the minimum requirements of ARM 37.111.830 will be provided;
- (i) Location and detail of the solid waste storage facilities;
- (j) name of DEQ-approved sanitary landfill which will receive solid waste from the school;
- (k) Specifications for a food service to serve the school unless the food service has been previously approved by the DPHHS and/or local health authority;
- (l) Any other information requested by the DPHHS or local health authority relating to the health, sanitation, safety, and physical well-being of the teachers, staff, and students;
- (m) Specifications for any new or modified playground equipment, which shall comply with the standards of the United States Consumer Product Safety Commission's 2010 Handbook for Public Playground Safety and the requirements of the 2010 ADA Standards for Accessible Design;
- (n) Specifications for any new or modified air intakes;
- (o) Specifications for any radon-resistant technique used in the building process;
- (p) Documentation reflecting how the topography of the site will permit good drainage of surface water away from the school building to eliminate significant areas of standing water and infiltration of surface water into the school building;
- (q) Specifications showing all chemical storage areas in new construction will be constructed to maintain negative air pressure to eliminate contamination of the school's indoor air quality by being vented to the outside of the building;

- (r) Specifications showing gas supply lines serving science laboratories, consumer science, industrial arts, and other rooms utilizing multiple outlets will have a master shut-off valve that is readily accessible to the instructor or instructors-in-charge without leaving the classroom or storage area;
- (s) Specifications showing industrial arts classrooms or buildings and other rooms using electrically will operated instruction equipment which presents a significant safety hazard to the student utilizing such equipment shall be supplied with a master electric switch readily accessible to the instructor or instructors-in-charge without leaving the classroom or storage area.
- (t) Specifications showing that janitorial storage spaces will be lockable, have sufficient storage are for equipment and chemicals; and be vented to the outside of the building.
- (u) Specifications showing that hot and cold water shall be provided to handwashing sinks and shower facilities. Hot water shall not be below 100° F nor exceed a temperature of 120° F.
- (v) Documentation showing DPHHS the use of radon prevention strategies in new construction.

The District shall not commence construction until all plans required by this policy been approved by DPPHS or the local health authority. Construction shall be in accordance with the plans as approved unless permission is granted in writing by the DPHHS or the local health authority to make changes.

Change of Use in Existing Building

The District shall not use an existing building not currently utilized as a school without the prior approval of the DPHHS or the local health authority. The District shall comply with this policy when modifying a building in order to be utilized as a school.

The District is authorized to use of modular or mobile buildings in response to temporary or permanent closure of the existing school facility, segments thereof, or classroom overflow when plans are submitted and approved by DPHHS or the local health authority.

Contractor Assurance

No contract shall be let to any contractor who is not licensed or registered as required by the laws of this state. Nor shall a contractor be granted a contract unless a statement is submitted and sworn to which states that the contractor is in compliance with the state laws relating to prevailing wage, non-collusion, and residence requirements for public works and with state and federal laws relating to non-discrimination in hiring. A statement to this effect must be a part of every appropriate contract.

No contract shall be let to any contractor if the provision conflicts with the provisions of § 20-9-204.

Contractor Surety Bonds and Insurance

A bid bond must accompany each contractor's bid or other security authorized by state law in the amount of at least ten (10) percent of the total bid amount, excluding taxes. Any bid, which is not successful, shall entitle the bidder to a refund of its security or bond. The successful bidder shall have his/her bond or security retained until such a time as it is determined that the bidder shall complete the contract. All bids received shall specify whether the District or the contractor shall carry fire, liability, or other insurance during construction.

The successful bidder is required to execute and deliver to the Board a good and sufficient performance bond with two (2) or more sureties or a surety company which shall state that the contractor shall execute and faithfully perform the provisions of the contract and shall pay all subcontractors and material men as required by law.

Architect and Engineering Services

The Superintendent shall invite architects and/or engineers to express interest in performing such necessary planning services for the District. Advertising shall be designed to reach a wide geographical area to help insure gender and minority applicant consideration.

Interested firms will be requested to submit a state of qualifications and performance data to enable the Board to determine which architectural or engineering firm will best serve the needs of the District. Criteria for selection of a firm shall include, but not be limited to, quality and breadth of staff, design of similar projects, production capability, supervision and quality control, relationship with clients, cost estimates and budget control.

The Superintendent is directed to establish necessary procedures to solicit and screen qualified engineers and architects. The Superintendent shall recommend one or more firms to the Board for its consideration. The Board and the successful architectural or engineering firm shall enter into a contract for the necessary services. In the event the Board and the selected firm are unable to negotiate a fair and reasonable fee, the trustees may select another firm provided reasonable public notice of the selection is given.

Educational Specifications

Facilities shall be designed to accommodate the educational and instructional needs of the District. The professional experience and judgment of staff shall be solicited in developing such educational specifications. The law requires that special attention be given to accessibility to the education program by students of both genders and those with disabilities. The Superintendent shall see that all construction projects comply with the requirements for accessibility for individuals with disabilities and comparability between the genders. The architect shall be responsible for ensuring compliance with state and federal laws including access for individuals with disabilities and requirements for gender comparability.

When the Board considers major remodeling or building a facility, it shall endeavor to seek facility expertise in all affected program areas as well as comments from faculty, students, and community.

Legal Reference:	§ 2-2-303, MCA	Agreements to appoint relative to office
	§ 18-2-402, MCA	Standard prevailing rate of wages
	§ 18-2-430, MCA	Preference of Montana labor in public works - wages
	§ 18-2-404, MCA	Approval of contract – bond
	§ 18-2-201, MCA, et seq	Performance, Labor, and Material bonds
	§ 20-9-204, MCA	Conflicts of interest, letting contracts and calling for
	bids	
	§50-1-206, MCA	Regulation in schools on matters of health
	§20-6-631, MCA	When contracts for architectural services required
	§20-6-633, MCA	Hiring for architectural services authorized
	37.111.804, ARM	Preconstruction Review
	37.111.805, ARM	Existing Building – Change of Use
	10.55.701(s), ARM	Board of Trustees
	10.55.701(l), ARM	Board of Trustees

Policy History:

Adopted on: 7/19/21

Reviewed on:

Revised on: 4/19/22