

Arlee School District  
Administrative Regulations Manual

2022-2023

Note: This manual contains procedures mandated by the Board of Trustees Policy Manual and procedures created by the Administration.

## **Authorization of Signatures**

The Board Chair and Clerk are authorized to use a facsimile signature plate or stamp. The use and security of a signature stamp by the Board Chair and Clerk shall be in accordance with Section 20-9-221(2) MCA. The Board Chair and Clerk are authorized to sign all District warrants by facsimile signature on behalf of the Board.

The Superintendent and Board Clerk are authorized to sign contracts, leases, and/or contracts for goods and services on behalf of the Board. The types of goods and services contracted for must be pre-approved by the Board.

The Board Chair and Clerk are authorized to sign personnel contracts and agreements of employment by facsimile signature on behalf of the Board. Negotiated agreements shall be signed on behalf of the District by the Board Chair and Clerk.

## **Procedure for Disclosure of Public Records**

From time to time, District administration is requested to disclose public records and provide copies of public records. The following procedures address disclosure of public records.

1. All public records, including electronic records, as that term is defined by MCA § 2-6-1002 produced by the District are available for public inspection and may be copied upon request. These include, but are not limited to, operating manuals, general reports, handbooks, guides, procedures, policies, regulations, job descriptions, contract and budgets.
2. District equipment may be accessible to any person for copying public records, at the price set per page by the District, except when this would disrupt operations of the District.
3. No fee is charged for inspection of public records. Board minutes may be copied at .15 per page. All other documents may be copied at .25 per page. Copies of computer disks etc. shall not exceed costs of reimbursement to the district for its actual labor and supplies.
4. All requests for access or copying of District public records shall be made to the District Clerk. Requests for building public records should be made to the building principal. If a verbal request is not responded to by District personnel, the requestor must put the request in writing unless such method is not accessible to the requestor. The means of requesting public records shall be accessible to all persons.
5. The turnaround time for production of materials is generally ten (10) working days after receipt of the request. If the documents cannot be produced within ten (10) working days, the records custodian shall notify the requestor of the delay and the anticipated timeline for production as well as any fees applicable to fulfilling the request.
6. Refusal to allow inspection in whole or part of a requested record shall include a statement of the specific exemption authorizing withholding of the record.
7. The District may charge a fee for fulfilling a public information request, including the time to gather the requested records, that does not exceed the actual costs directly incident to fulfilling the request in the most cost-efficient and timely manner possible. The fees charged for copying and/or fulfilling shall be documented and provided to the requestor at the time of the request.
8. The District is not required to alter or customize public records in a form requested for the convenience of the requestor, but may agree to customize a response and charge the requestor for such customization as provided in paragraph 7 above.

## **Emergency School Closure**

All students, parents, and school employees should assume that school will be in session and buses running as scheduled, unless there is official notification from the Superintendent to the contrary. Such notice will be given via public media and/or the District's emergency notification system.

In the event that weather conditions or other emergency circumstances require a modification of the normal routine, the Superintendent will make the modification decision prior to 6:00 a.m. and contact the public media for broadcast to the community and will initiate the emergency decision tree communication procedure to all administrators.

### **Work Schedules and Responsibilities for School Closures:**

#### **Superintendent**

Only the Superintendent or the designated representative if the Superintendent is absent or unavailable shall have the authority to modify school starting or ending time or to close schools. The Superintendent will be on duty throughout any existing or potential emergency situation.

#### **Administrative Personnel**

Administrative personnel, as determined by the Superintendent, shall be expected to report for duty on their assigned shifts in the event of any school closure insofar as is safely possible. If it is absolutely impossible for an administrator to report for duty, the administrator may take the day as a personal leave day or vacation day with the permission of the Superintendent.

#### **Key Support Staff**

All key support staff, as identified by the building-level administrators, shall report for duty per their normal shifts or as otherwise directed each day during the school closure, insofar as is safely possible.

#### **Classified Employees**

If schools are closed for weather or other conditions, classified employees (excluding key support staff) are not expected to report for duty, unless directed otherwise. Classified employees who do not report to work shall complete a District Leave Form to declare the full or partial "emergency" day as either personal leave, vacation or leave without pay, according to provisions of employee handbook(s) and/or collective bargaining agreement(s), as applicable.

#### **Certified Employees**

If schools are closed for weather or other conditions, certified employees are not expected to report for duty unless directed otherwise. Certified employees do not submit a District Leave Form. In

cases of school closures, certified employees will fulfill their contract day(s) with “make up” day(s) as determined by the Board of Trustees.

## District Complaint Form

Name: \_\_\_\_\_

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

Telephone: \_\_\_\_\_

1. Who or what is your complaint against?

School: \_\_\_\_\_

2. Has this been discussed with him/her?

Yes

No

Dates: \_\_\_\_\_

DESCRIPTION OF COMPLAINT: Please include all important information such as location, names, dates, who was present, and to whom it was reported. Please use additional paper if more space is needed.

What remedy or action do you suggest?

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Date Received by the District: \_\_\_\_\_

# Curriculum Development and Review Cycle

YEAR	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024
ARLEE CURRICULUM and ASSESSMENT REVIEW CYCLE		ENGLISH LANGUAGE ARTS AND LITERACY (Reading, Writing, Speaking, Language)		SCIENCE	THE ARTS (Dance, Media Literacy, Music, Theatre, Visual Art) CAREER & TECHNOLOGY EDUCATION (Agriculture Education, Business & Marketing, Family and Consumer Sciences, Health Sciences, Industrial Technology) TECHNOLOGY-embedded in all subject areas
-and-		INFORMATION LITERACY AND LIBRARY MEDIA	SOCIAL STUDIES	HEALTH ENHANCEMENT AND PHYSICAL EDUCATION (Traffic Education)	WORKPLACE COMPETENCIES-embedded in all subject areas
MATERIALS REVIEW	MATHEMATICS THE ARTS (Dance, Media Literacy, Music, Theatre, Visual Arts) CAREER & TECHNOLOGY EDUCATION Agriculture Education, Business & Marketing, Family and Consumer Sciences, Health Sciences, Industrial Technology		WORLD LANGUAGES		
PROFESSIONAL DEVELOPMENT	TECHNOLOGY WORKPLACE COMPETENCIES	MATHEMATICS	ENGLISH LANGUAGE ARTS AND LITERACY (Reading, Writing, Speaking, Language) INFORMATION LITERACY AND LIBRARY MEDIA	SOCIAL STUDIES WORLD LANGUAGES	SCIENCE HEALTH ENHANCEMENT AND PHYSICAL EDUCATION (Traffic Education)

# Title One District-School Parental Involvement Compact

## **Part I. District Expectations**

The Arlee School District agrees to implement the following statutory requirements:

- The District will put into operation programs, activities, and procedures for the involvement of parents in all of its schools with Title I programs. Those programs, activities, and procedures will be planned and operated with meaningful consultation with parents of participating children.
- The District will incorporate by reference this District-parental involvement compact into its District policy manual.
- In carrying out the Title I parental involvement requirements, to the extent practicable, the District will provide full opportunities for the participation of parents with children with limited English proficiency, parents with children with disabilities, and parents of migratory children, including providing information and school reports in an understandable and uniform format and, including alternative formats upon request, and, to the extent practicable, in a language parents understand.
- If the District plan for Title I is not satisfactory to the parents of participating children, the District will submit any parent comments with the plan when the District submits the plan to the Office of Public Instruction.
- The District will be governed by the following statutory definition of parental involvement, and expects that its schools will carry out programs, activities, and procedures in accordance with this definition:

*Parental involvement means the participation of parents in regular, two-way, and meaningful communication involving student academic learning and other school activities, including ensuring—*

- (A) *that parents play an integral role in assisting their child's learning;*
- (B) *that parents are encouraged to be actively involved in their child's education at school;*
- (C) *that parents are full partners in their child's education and are included, as appropriate, in decision-making and on advisory committees to assist in the education of their child; and*
- (D) *the carrying out of other activities, such as those described in section 1118 of the ESEA.*

## **Part II. District-Parental Involvement Compact Actions**

1. The District will take the following actions to involve parents in the joint development of its District-parental involvement plan:



- A. Notify parents of meeting to discuss changes
  - B. Publish any changes to parents.
2. The District will 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 the school's participation under this part and to explain the requirements of this part, and the right of the parents to be involved:
  3. The District will offer a flexible number of meetings, such as meetings in the morning or evening, and may provide, with funds provided under this part, transportation, child care, or home visits, as such services relate to parental involvement.
  4. The District will provide the following necessary coordination, technical assistance, and other support to assist its schools in planning and implementing effective parental involvement activities to improve student academic achievement and school performance:
    - A. *Coordinate the meeting with parents and school staff;*
    - B. *Notify parents of the meeting in District newsletter*
  5. The District will build the schools' and parents' capacity for strong parental involvement in order to ensure effective involvement of parents and to support a partnership among the school, parents, and the community. In order to improve student academic achievement, the District shall engage in the following activities specifically described below:
    - a. The District will provide assistance to parents of children served by the schools in understanding topics such as the state's academic achievement standards by undertaking the following actions
      - A. *Discuss academic achievement standards with parents at meeting*
      - B. *Include information in newsletters as necessary*
    - b. The District will provide materials and training to help parents work with their children to improve their children's academic achievement.
    - c. The District will educate its teachers and other staff in how to reach out to, communicate with, and work with parents as equal partners; in the value and utility of contributions of parents; and in how to implement and coordinate parent programs and build ties between parents and schools.
    - d. The District will, to the extent feasible and appropriate, coordinate and integrate parental involvement programs and activities with other public and private educational programs that encourage and support parents in more fully participating in the education of their children.
    - e. The District will take the following actions to ensure that Title I information related to the school and parent-programs, meetings, and other activities, is sent to the parents of participating children in an understandable and uniform format, including

alternative formats upon request, and, to the extent practicable, in a language the parents can understand:

*Include information in regular newsletters as necessary*

6. The District will annually evaluate the content and effectiveness of its Title I policy and this District-parental involvement compact. The evaluation will include identifying barriers to greater participation by parents in parental involvement activities (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background). The District will use the findings of the evaluation about its parental involvement policy and activities to design strategies for more effective parental involvement policies.
8. The District will encourage parents to participate in the process of school review and improvement.
9. If the District's Title I program is not satisfactory to the parents of participating children, the District shall submit any parent comments on the plan when the school makes the plan available to the state educational agency.
10. The District will include parents in any discussions required before the expenditure of any engagement funds or other funding sources as may be required by the Every Student Succeeds Act (ESSA).

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Signature of Title I Authorized Representative

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Date

## Limited English Proficient Students

Students who have been identified as limited English proficient (LEP) are entitled to:

- Be placed in a classroom appropriate to their age and grade level;
- Receive English language instruction regardless of the number of LEP students in the school and for as long as it is needed;
- Be given tests, free of cultural bias, and to be tested in their primary language, if possible, for assessment purposes or special education evaluation;
- Be placed in special education classrooms only if there is a disability and not because of limited English proficiency;
- Attend regular classes in art, music, and physical education as well as extracurricular activities vocational training and gifted and talented programs; and
- Full participation in mainstream classrooms when the student is proficient in English.

The District is required to do the following regarding students who are limited English proficient:

- Identify students who need assistance;
- Develop a program which, in the view of experts in the field, has a reasonable chance for success;
- Ensure that necessary staff, curricular materials, and facilities are in place and used properly; and
- Develop appropriate evaluation standards, including program exit criteria, for measuring the progress of students • assess the success of the program and modify it where needed.

The District must identify students who may be LEP as soon as possible but no later than 30 days after the start of the year (or if the student enrolls after the start, no later than 30 days after enrollment). LEP students who transfer from another district and have been identified as LEP by their former district retain that status; no new identification is required for such students.

The District must provide notices to parents of students identified as LEP within 30 days of the beginning of the school year (or enrollment if later than the start of the school year). To the extent practicable, this notice must be translated into a language the parent can understand. If written translation is not practicable, the parent is entitled to oral translation of the written notice.

The initial identification of students who need to be further assessed to determine whether they are LEP should be done through a Home Language Survey. The Home Language Survey assists in identifying students whose primary or home language is something other than English. Students identified for this process should be referred for additional assessment to determine if the student is LEP. The District must use valid assessments to identify students as LEP and must assess the proficiency of students in the four domains of English: speaking, listening, reading, and writing. The Office of Public Instruction (OPI) provides guidance on assessing students who may be LEP. [http://opi.mt.gov/pdf/Bilingual/13\\_MT\\_ELL\\_Guidance.pdf](http://opi.mt.gov/pdf/Bilingual/13_MT_ELL_Guidance.pdf).

The District must develop language acquisition programs that are based on sound educational theory, adequately supported through staff and resources so that the program has a realistic change of success, and is periodically evaluated and revised if necessary. Federal law does not require any specific program; however, the programs must be designed and reasonably calculated to enable LEP

students to attain English proficiency and parity of participation in the standard instructional program within a reasonable length of time.

The District must provide LEP students with alternative services until they are proficient enough in English to be able to meaningfully participate in the regular education program. The District must provide instruction in the core curriculum (i.e., reading/language arts, math, science, and social studies). In addition, the District must provide LEP students equal opportunities to meaningfully participate in all programs and activities of the District – whether curricular, co-curricular, or extracurricular – and equal access to school facilities (i.e., such as labs or other instructional settings). LEP students may be provided separate instruction for a limited period of time; however, services must be provided in the least segregative manner consistent with achieving the program's stated educational goals. Separate services may be appropriate where entry and exit into the segregated program is voluntary, whether the program is designed to provide LEP students with comparable access to the standard curriculum within a reasonable length of time, whether LEP students have the same range and level of extracurricular activities and additional services as other students, and results of the annual evaluations. The District may not categorically exclude LEP students from gifted and talented programs or other specialized programs such as Advanced Placement, honors, or International Baccalaureate courses if the LEP students otherwise meet the criteria for participation.

At a minimum, the District must annually measure LEP students' performance in academic content areas. The District must use valid, appropriate, and reliable evaluation and testing methods to measure LEP student's English language proficiency and knowledge of the core curriculum.

During the evaluation process of a student known or suspected to have a disability and may qualify for disability-related services under the Individuals with Disabilities Education Act (IDEA) or Section 504 and who is also LEP, the student's English language proficiency must be considered in determining the assessments and other evaluation materials to be used. A student may not be determined as a student with a disability under either IDEA or Section 504 because of his or her limited English proficiency. A LEP student with a disability eligible for services under either the IDEA or Section 504 is entitled to language assistance services, along with the educational and other services, in the same manner as other LEP students. The District must inform a parent of an LEP student with an Individualized Education Program (IEP) how the language instruction program meets the student's IEP goals. The District must include professionals with training in second language acquisition and differentiation between LEP status and the student's disability on an LEP student's IEP team.

Parents have the right to opt a student identified as LEP out of the District's language acquisition program. The District must provide parents, in a language they can understand, guidance to ensure that they understand their child's rights, range of services their child could receive, and benefits of such services before the parent can voluntarily waive their child's right to such services. If a parent voluntarily opts his or her child out of the District's language acquisition program, the District must ensure that the LEP student has an equal opportunity to have his or her English language and academic needs met. There are no specific requirements for this, but the District can meet its obligations in different ways such through training classroom teachers on language acquisition and monitoring the educational progress of the student. The District must annually, at a minimum, measure the progress of any LEP student who has opted out of the District's language acquisition program. If an LEP student is not demonstrating appropriate growth in English proficiency or is

struggling in core subjects due to the language barrier, the District must inform the student's parents about the lack of progress and provide another opportunity for participation in the District's language acquisition program.

An LEP student may be exited from the District's language acquisition program after he or she has demonstrated English proficiency in the four domains - speaking, listening, reading, and writing - through a valid and reliable assessment. Proficiency may be demonstrated through separate scores of proficiency in each domain or a composite score of proficient derived from the scores of the four domains. Before exiting a student, the District must also consider the student's ability to keep up with other students in the regular education program and the student's ability to participate successfully without the use of adapted or simplified English materials. After a student has been exited from the District's language acquisition program, the District must monitor the academic progress of the student for at least two years to ensure the student has not been prematurely exited, any academic deficits incurred as a result of participation in the language acquisition program have been remedied, and the student is meaningfully participating in the standard instructional program comparable to other students.

The District must ensure meaningful communication with LEP parents in a language they can understand and must adequately notify LEP parents of programs, services or activities in the same manner as all other parents. This includes, but is not limited to information regarding: language acquisition programs, special education and related services, IEP meetings, grievance procedures, notices of nondiscrimination, student discipline policies and procedures, registration and enrollment, report cards, requests for parent permission for student participation in district or school activities, parent-teacher conferences, handbooks, gifted and talented programs, and any other school and program choice options.

## Instructional Guidelines

### *Use of Supplemental Media*

All District employees must comply with District policy (2312) and federal copyright laws, as well as publisher licensing agreements. A rented or privately owned movie or video, may only be shown in the classroom provided the following "fair use" requirements are satisfied:

- The movie or video must be shown in the course of face-to-face teaching activities in a classroom or similar place devoted to instruction;
- The showing of the movie or video must be directly related and of material assistance to the curriculum and lesson objectives.<sup>1</sup>

The showing of movies and videos MUST be limited to specific educational purposes. A full-length movie video, or clip thereof, shall not be shown in school unless its content is relevant to the curriculum and specific educational objectives, is appropriate to the age and maturity of the students, is a productive use of class time and will not cause classroom disruption. Teachers and other school officials who violate this policy may face appropriate disciplinary action. Assuming compliance with the copyright requirements outlined in this policy, a movie or video may only be shown if it has received prior approval from the Building Principal.

### *Challenges to Educational and Library Materials*

#### **I. Procedure for Informal Resolution:**

The school receiving a complaint regarding educational resource shall try to resolve the issue informally.

- a. The complainant shall discuss their concerns with the person responsible for the challenged material (i.e., teacher, librarian) and the building principal/designee.
- b. If a resolution is not reached with the building principal/designee, the complainant will be given a packet consisting of the six items listed in the following documents:
  - Appropriate pages from District Curriculum Guides (complete guides available in building office)
  - Instructional Materials Policy (2311)
  - Request for Reconsideration of Educational Resources form (Exhibit A)
  - *Freedom to Read Statement, Freedom to View Statement, Library Bill of Rights*
- c. No questioned materials shall be removed or restricted from use. Pending the outcome of the request for reconsideration, however, access to questioned materials can be denied and /or alternative materials can be provided to the child (or children) of the parents making the complaint, if they so desire.
- d. If a resolution has not been reached between the complainant and the school, a formal complaint may be made using the Request for Reconsideration of Educational Resources.

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<sup>1</sup> 17 U.S.C. §110(2). Under both copyright law and the policy, teachers may only show movies in the classroom that are educationally relevant, i.e., directly related to the curriculum and specific educational objective.

## II. Procedure for a Formal Challenge:

When the formal request for reconsideration is received by the building principal, the Challenged Materials Committee will be convened and a decision rendered in accordance with procedure.

- a. Upon receipt of a completed reconsideration form, the principal in the building involved will request the Superintendent convene the Challenged Materials Committee. This committee shall consist of four people chosen by the Superintendent or designee and four people chosen by the Union representing the teachers. The committee shall meet to discuss the materials and prepare a report detailing their findings. The written report shall be submitted to the building principal with copies sent to the Superintendent.
- b. The principal shall notify the complainant of the decision. If the committee recommends keeping the material that caused the complaint, the complainant shall be given the explanation written by the Challenged Materials Committee.
- c. The written report shall be retained by the building principal.
- d. The decision of the Challenged Materials Committee, in concurrence with the Superintendent, will be delivered to the complainant.
- e. If the complainant is not satisfied, within 10 working days of receipt of the decision, he or she may appeal to the Superintendent. On receipt of a request for review, the Superintendent shall schedule a meeting between the Challenged Materials Committee Chair and the complainant. The parties will be afforded opportunity to address the matter to the Superintendent, who will decide the matter within ten (10) days of the meeting and will notify the parties in writing of the decision. If the Superintendent agrees with the Challenged Materials Committee Report, the recommendation will be implemented. If the Superintendent rejects the Challenged Materials Committee Report, the matter may either be referred to an outside investigator for further review or be resolved by the Superintendent.
- f. If the complainant is dissatisfied with the Superintendent's decision, the Board is the next avenue for appeal. A written appeal must be submitted to the Board within ten (10) working days of receiving the Superintendent's decision. Because the Board is the policy-making body of the District, any appeal to that level must be based solely on whether or not policy has been followed. Any individual appealing a decision of the Superintendent to the Board bears the burden of proving a failure to follow Board policy.

## III. Guiding Principles

- a. Any member of the community may raise objection to educational resources.
- b. The District supports the *Library Bill of Rights*, adopted by the American Library Association. When educational resources are challenged, the principles of the *Freedom to Read Statement*, and *Freedom to View Statement* must be considered.

## IV. Responsibilities of the Challenged Materials Committee

- a. Decisions should be based on the principles of the *Freedom to Read Statement*, *Freedom to View Statement* and/or the *Library Bill of Rights* rather than on defense of individual materials.
- b. All materials should be examined thoroughly. The general acceptance of the materials should be checked by consulting District Curriculum Guidelines, standard selection tools, reviews, and local holdings in other schools.

- c. Passages or parts should not be pulled out of context. The values and faults should be weighed against each other and the opinions based on the materials as a whole.
- d. A written report will present the majority and minority opinions, if applicable, of the Challenged Materials Committee.
- e. The chairperson may report all formal challenges to the appropriate local, state and national professional organizations.



## Copyright Guidelines for Teachers

### Teachers

#### PERMITTED

- single copy: chapter of book
- single copy: article from magazine or newspaper
- single copy: short story, short essay, short poem
- single copy: chart, graph, diagram, picture or non
- syndicated, non-copyrighted cartoon

#### NOT PERMITTED

- copying several chapters per book
- copying several articles per magazine
- copying consumables: workbooks, copyrighted
- exercise sheets, tests
- photocopying worn dittomasters

### Teachers: Multiple copies for classroom/instructional purposes

#### PERMITTED

- complete poem less than 250 words (not more than 2 pages)
- excerpt from long poem not to exceed 250 words
- article, story, or essay less than 2,500 words
- excerpt (from above) less than 1,000 words or 10% of total, whichever is less
- one chart, graph, diagram, picture, or non-syndicated, non-copyrighted cartoon per book or periodical
- works combining prose, poetry, etc., less than 10% of whole
- **IF.....**
  - copying is for one course only
  - insufficient time to request permission
  - one work from a single author
  - less than 3 authors from collective work
  - 9 or less instances of multiple copying per term
  - copying not used to create or replace anthologies
  - same copying not repeated next term
  - students not charged beyond photocopying fees
- classroom quantities of current news articles

#### NOT PERMITTED

- using/making multiple copies of same material semester after semester
- creating "anthologies"
- copying workbooks and other works meant to be used once by one student
- copying shall not be directed by higher authority
- copying more than one or two excerpts from a single author during one class term
- copying from workbooks, tests, or other consumables.
- copying a blacklined master.

- if individual articles not copyrighted
- All multiple copying must be at the inspiration of the individual teacher and the decision to use the material so close to the date needed for instruction as to preclude securing copyright permission from the copyright holder

## Big Books

### PERMITTED

- one illustration per book
- two pages per book as long as they don't comprise more than 10% of the book
- **Note:** Occasionally publishers of big books have given the District permission to copy that exceeds the normal fair use guidelines. Any letters granting additional permission will be kept on file by the library information specialist.

### NOT PERMITTED

- copying "just" the text from a big book or picture book
- making an audio-tape of someone narrating a big book or picture book

## Audiovisual Materials

### PERMITTED

- creating slide sets from books, magazines, etc., as long as only one per source used
- making one overhead transparency of one page of one workbook
- converting a damaged filmstrip to a slide set, keeping same order minus damaged frames
- enlarging a map with an opaque projector for tracing but not duplicating color scheme, symbols, etc.
- copying non-dramatic literary, audiovisual works for use by blind or deaf individuals

### NOT PERMITTED

- copying audio tapes or video tapes for archival or backup purposes
- reproducing musical works or converting from one form to another (record to cassette)
- copying any audiovisual work in its entirety (except off-air taping)
- converting from one medium format to another
- recording the text of a book or textbook onto an audiocassette

## Music

### PERMITTED

### NOT PERMITTED

- emergency copies for performance provided copies are later purchased
- for study or teaching, single or multiple copies of excerpts
- **IF.....**
  - excerpts do not constitute a performable unit such as a movement or aria
- editing purchased copies for simplification
- **IF.....**
  - character of work is not changed
  - lyrics are not changed
- single copy of performances by students made for evaluation or rehearsal purposes
- copy of recording for purposes of aural testing
- portion of commercial music played as background in student media production

- copying for performances
- copying to create anthologies
- copying to avoid purchasing
- copying but excluding copyright notice
- performing a work without a license or paying royalty fees

### Video (Educational/Instructional OFF-AIR Taping)

#### PERMITTED

- may record program OFF-AIR
- **IF.....**
  - program is used for instructional purposes, or face-to-face teaching, not for entertainment or filler
  - program is requested by a teacher
  - program is shown once and repeated once per class by individual teacher during first 10 consecutive school days after broadcast
  - program is not retained beyond 45 calendar days
  - program is recorded in its entirety (need not be used in its entirety)
  - after first 10 consecutive school days, program is used only for evaluation by teacher

#### NOT PERMITTED

- videotaping in anticipation of requests
- retaining a program longer than 45 days
- showing a program after ten days
- showing for motivation, filler, or entertainment purposes
- taping a program at home, using in the classroom, and subsequently retaining in personal collection

### Video (OFF-AIR Taping at Home)

<p><b>PERMITTED</b></p> <ul style="list-style-type: none"> <li>• may tape program at home and bring to school to use but all educational guidelines must be followed</li> <li>• may show "home" tape if above criteria are followed and if tape legally made</li> </ul>	<p><b>NOT PERMITTED</b></p> <ul style="list-style-type: none"> <li>• individual who taped program may not retain it</li> </ul>
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**Video (Cable)**

<p><b>PERMITTED</b></p> <ul style="list-style-type: none"> <li>• may tape programs being simultaneously broadcast (see OFF-AIR educational/instructional guidelines)</li> <li>• may show videos or motion pictures via cable within a building as long as programs are used in face-to-face teaching and are of an instructional nature</li> </ul>	<p><b>NOT PERMITTED</b></p> <ul style="list-style-type: none"> <li>• may not tape programs not being broadcast simultaneously (CNN, Discovery, Disney, HBO, etc.) unless <u>prior</u> approval or license obtained from cable network</li> <li>• may not show programs of a musical, dramatic, or entertainment nature</li> <li>• may not copy cable or satellite programs without permission. Note: Educators may use cable magazines, like Cable in the Classroom for varying copying/retention rights of individual programs.</li> </ul>
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**Video (purchased or rented)**

<p><b>PERMITTED</b></p> <ul style="list-style-type: none"> <li>• showing purchased or rented videotape for curriculum-supported, face-to-face teaching activities</li> </ul>	<p><b>NOT PERMITTED</b></p> <ul style="list-style-type: none"> <li>• showing purchased or rented videotape for entertainment, rewards, rainy days, filler, or non-instructional purposes.</li> <li>• <b>Note:</b> Performance rights may be acquired at time of purchase; then it's legal to show such videos for non-instructional events.</li> </ul>
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**Video (Satellite Transmissions)**

<p><b>PERMITTED</b></p> <ul style="list-style-type: none"> <li>• copying from a satellite transmission will depend on the contractual agreement with the satellite company.</li> </ul>	<p><b>NOT PERMITTED</b></p> <ul style="list-style-type: none"> <li>• copies of motion pictures, other AV works, choreographic works and pantomimes</li> <li>• copies of broadcasts that are of a "general cultural nature" or intended for transmission</li> </ul>
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	as part of an information storage and retrieval system
<b>Software</b>	
<p><b>PERMITTED</b></p> <ul style="list-style-type: none"> <li>• copying into RAM if copying is necessary to use the program</li> <li>• one copy for archival purposes</li> <li>• back up copies of hard drives as long as they are not used to run another drive</li> <li>• library lending of public domain software</li> </ul>	<p><b>NOT PERMITTED</b></p> <ul style="list-style-type: none"> <li>• circulation of archival copy</li> <li>• "networking" software without license or permission</li> <li>• loading a single copy of a software program onto several computers for simultaneous use</li> <li>• making copies of copyrighted software for student use</li> </ul>
<b>Databases</b>	
<p><b>PERMITTED</b></p> <ul style="list-style-type: none"> <li>• may download searches</li> </ul>	<p><b>NOT PERMITTED</b></p> <ul style="list-style-type: none"> <li>• downloaded searches should not be retained</li> <li>• downloaded material may not be used to create a derivative work</li> </ul>
<b>CD-ROM</b>	
<p><b>PERMITTED</b></p> <ul style="list-style-type: none"> <li>• printing out pages of reference or other works for study or teaching</li> </ul>	<p><b>NOT PERMITTED</b></p> <ul style="list-style-type: none"> <li>• printing out large section of work</li> </ul>
<b>Musicals, Dramatic, and Non-Dramatic Performances</b>	
<p><b>PERMITTED</b></p> <ul style="list-style-type: none"> <li>• school chorus performance open to the public</li> </ul>	<p><b>NOT PERMITTED</b></p> <ul style="list-style-type: none"> <li>• school drama club performing copyrighted play broadcast over cable to classes</li> <li>• recording of choral or instrumental concerts and then giving or selling recording to parents</li> </ul>
<b>Multimedia</b>	
<p><b>PERMITTED</b></p>	<p><b>NOT PERMITTED</b></p>

- teacher or student-developed multimedia program of copyrighted programs for use in classroom only
- **Note:** Students may keep their work indefinitely; teachers may keep their work for only two years.
- IF: the following limitations are observed:
  - Motion media
    - use of up to 10% or 3 min., whichever is less, of an individual program
  - Text
    - up to 10% or 1000 words, whichever is less; short poems less than 250 words may be used in their entirety;
  - Music
    - Up to 10% but no more than 30 sec. From a single work (or combined from separate extracts of a work);
  - Illustrations, cartoons, photographs
    - no more than 5 images from a single artist or photographer, no more than 10% or 15 images from a single collective work;
  - Numerical data sets
    - up to 10% or 2,550 fields or cells whichever is less

- teacher or student-developed multimedia program of copyrighted works for use in displays, festivals, parent meetings or other public events

## Internet

### PERMITTED

- downloading public domain software

### NOT PERMITTED

- uploading copyrighted software to Internet for downloading
- collecting materials off the Internet and compiling into a new work
- forwarding material off the Internet to friends, co-workers

## Digital

**PERMITTED**

**NOT PERMITTED**

- digitizing a copyrighted slide collection
- scanning copyrighted materials (magazine photograph, cartoon illustration, etc.) for school newspaper

**Graphics**

**PERMITTED**

- one graphic per book or periodical;
- multiple copies of a single graphic
- **IF...**
  - copying is at the instance/inspiration of teacher; copy is for only one course in the school;
  - there are not more than nine occurrences of multiple copying for that course; and not more than one graphic is copied per book or periodical.

**NOT PERMITTED**

- adaptation of a popular cartoon character for the school mascot;
- copying an image from a coloring book for a worksheet;
- making stuffed animals of popular picture book characters;
- scanning a cartoon into school newsletter;

## Appointment of Surrogate Parents

Assignment of a surrogate parent shall occur whenever the parents or legal guardian of a student with a disability identified for services under the Individuals with Disabilities Education Act (IDEA) cannot be identified or, after reasonable efforts, the location of the parents cannot be discovered or if the student is a ward of the state (and the parents' rights have been permanently terminated). A surrogate parent is not required where the student has a foster parent, the student's natural parent's authority to make educational decisions on behalf of the student has been extinguished under state law, and the foster parent is willing to make the decisions as a parent and has no interest that would conflict with the student's interests.

Within 10 days of determining that an IDEA-eligible student is in need of a surrogate parent, the Superintendent or designee shall nominate a surrogate parent by providing a nomination to the youth court. The Superintendent or designee shall be governed by the following in nominating an individual to serve as a surrogate parent:

1. The individual is an adult who:
  - a. Is not an employee of the District or any other local educational agency providing educational services to the student; or
  - b. Is not an employee of the Montana Office of Public Instruction, any other state educational agency providing educational services to the student, or any state agency responsible for the care of the student (An employee of DPHHS, a home responsible for the student, or social worker of the student cannot be nominated).
2. The individual does not have a vested interest that will conflict with that individual's representation and protection of the student.
3. Whenever practicable, the individual should be knowledgeable about the educational system, special education requirements, and the legal rights of the student in relation to the educational system.
4. Whenever practicable, individual should be familiar with the cultural or language background of the student.
5. The individual is willing to represent the student in all decision-making processes concerning the student's education by becoming thoroughly acquainted with the student's history and education files, complying with state and federal confidentiality laws, using discretion in the necessary sharing of the student's information to the appropriate people to further the interests of the student, becoming familiar with the student's evaluations and placement, approving or disapproving the evaluation and placement of the student, reviewing the student's special education program in relation to other available programs, initiating procedural safeguards, and seeking legal assistance when in the best interests of the student.

The Superintendent must submit the nomination for appointment, with necessary supporting documents, to the youth court for the appointment of the surrogate parent. The Superintendent shall take all reasonable action to ensure that the youth court makes a decision on the nomination within 20 days of filing the nomination and supporting documents. If the youth court denies the



appointment, the Superintendent shall nominate another individual to serve as a surrogate parent in accordance with these procedures.

If the youth court fails to act within 20 days of the filing of the nomination and supporting documents, the individual nominated is the surrogate parent.

The Superintendent shall ensure that the appointed surrogate parent is reimbursed by the District for all reasonable and necessary expenses incurred in the pursuit of the surrogate parent's duties.

The Superintendent must petition a court for the termination of the surrogate parent's appointment when the student's parents are identified, the whereabouts of the parents are discovered, the student is no longer a ward of the state, or the surrogate parent wishes to discontinue his or her appointment.

## Field Trip Procedures

A “field trip” occurs when students leave school grounds for an educational purpose. It is a student trip for the purpose of curriculum related study (part of the classroom educational experience), MHS interscholastic athletics, co-curricular activities, outdoor education, or part of a school-sponsored club.

Types of field trips include:

- Day field trips
- Recurring field trips (same activity over and over on regular basis, such as a choir or sports games)
- Field trips with special hazards:
  - near water or involving swimming or boating
  - in remote locations/hiking
  - involving animals (farms, zoos, riding animals, etc.)
  - involving outdoor education
- Extended field trips - overnight field trips or out of area (over 50 miles)
- Out of country field trips

Pursuant to Board Policy 2320, building principals have developed procedures for field trips. Prior to each field trip, the teacher or sponsor will fill out and submit the Field Trip Approval Form.<sup>2</sup> Students will take home, and must return signed, a Field Trip Consent Form which describes the field trip and provides general information about the trip.<sup>3</sup> Extracurricular coaches are not required to fill out a Field Trip Approval Form prior to each out of district event, and students participating in extracurricular activities with recurring trips must provide only the initial parental consent to participate in the activity.

In addition, each volunteer chaperone will be provided with the District’s Guidelines for Volunteer Field Trip Chaperones.<sup>4</sup> The supervising staff member will provide each volunteer with information regarding the activities planned for the trip, expectations for supervising students, and emergency procedures.

### Guidelines for Extended Field Trips

1. All school rules will be in effect from school through return to school and those rules that apply to the specific overnight field trip will be distributed to students prior to the trip and will be followed throughout the entire trip. Parents will be provided with a written permission slip that must be signed and returned to the appropriate person at the school pursuant to these procedures.

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<sup>2</sup> Attached as Exhibit D.

<sup>3</sup> Attached as Exhibit E.

<sup>4</sup> Attached as Exhibit F.

2. The building principal will designate chaperones with the responsibility to supervise students and carry out the necessary details to provide a safe trip from the time of departure to the time of return to school. The building principal will designate a trip supervisor who will be responsible for coordination of the trip.
3. In the interest of maintaining the integrity of the District, it is expected that all members of the organization conduct themselves appropriately at all times.
4. Prior to the trip, all students will be given an itinerary listing all events and times; students are expected to be prompt for all events listed.
5. All luggage is subject to a check by the chaperones and should be tagged with appropriate tags before departure.
6. Any student taking medication of any kind must follow school handbook guidelines. The medication must also be reported to the teacher/advisor before leaving by means of a written approval from a parent/guardian. The medication must be transmitted to the trip supervisor, along with the written approval, at the time the extended trip commences.
7. All participants will travel together and must remain together except upon specific instructions from the trip supervisor.
8. Before leaving busses and hotel rooms, students must check to see that the bus and/or room are left in good order and that no personal belongings have been left behind.
9. Students are to report any accidents or illness immediately to the chaperones.
10. Students are responsible for their own personal property and assume the risk of any losses or damage to their personal property.
11. In case of illness or family emergency which would require a student to be sent home by the best available means of transportation, it will be the responsibility of the parent or guardian to make the financial and physical arrangements for transportation home and notify the trip supervisor of these arrangements.
12. A student guilty of a serious violation of school policy will be dealt with according to the student handbook.
13. NO ALCOHOLIC BEVERAGES, TOBACCO, OR CONTROLLED SUBSTANCES OF ANY KIND WILL BE TOLERATED. POSSESSION, PURCHASE AND/OR DRINKING OF ALCOHOLIC BEVERAGES OF ANY KIND, PURCHASE OR POSSESSION OF TOBACCO IN ANY FORM, AS WELL AS POSSESSION AND/OR USE OF DRUGS OTHER THAN THOSE PREVIOUSLY REPORTED BEFORE LEAVING THE SCHOOL FOR MEDICAL PURPOSES, WILL REQUIRE DISCIPLINARY ACTION AS DESCRIBED IN THE STUDENT HANDBOOK. THIS PERTAINS TO ALL STUDENTS, REGARDLESS OF AGE, GOING ON THE TRIP.

CHAPERONES ARE NOT PERMITTED TO BE IN POSSESSION OF OR PURCHASE OR CONSUME ALCOHOLIC BEVERAGES OR DRUGS WHILE ON DUTY.

14. In the case of an accident, the parent/guardian will be notified as soon as practicable. Should it be necessary that a student require hospitalization, it will be the responsibility of the parent/guardian to go to the hospital and/or make arrangements for transportation home and notify the trip supervisor of these arrangements. Financial responsibility for any transportation (student and chaperone) required, will rest with the parent of the student involved.
15. Prior to leaving the hotel the last day, each room will be inspected by the chaperones. All students sharing a room will be held responsible for missing items or any damage to the room or furnishings. Cost will be shared equally by those who occupy the room unless the responsible person or persons assume the responsibility.
16. Curfew will be strictly enforced. Each student must be in his or her room at the time designated by the trip supervisor. No one will be permitted to leave his or her room after that time. Specifically, boys are not to be in the girls' rooms or girls in the boys' rooms at any time. Also, OUTSIDERS (those not directly involved with the field trip) ARE NOT PERMITTED IN ANY STUDENT'S ROOM AT ANY TIME.
17. The building principals reserve the right to deny the participation of any student on any overnight field trip. Denial will be based upon a record of inappropriate behavior, and/or poor attendance pattern, and/or any prior threats of risk or harm.
18. All overnight trip sites, when possible, will be inspected prior to final trip arrangements. Hotels should be chosen considering ease of supervision. A chaperone must be on the same floor as and in close proximity to student rooms. No accommodations should have doors directly from student rooms to the exterior. The trip supervisor shall be responsible for make the room assignments.
19. An itinerary will be provided to all parents and the school. All rooming lists will be prepared in advance of the trip and will include written hotel confirmation. Trip supervisors are responsible for assigning supervision during the night, unless a written security agreement is in place (such as an agreement with a reliable security agency that has personnel present on the floor). If a travel agent arranges the trip, it will be expected that a travel agent representative will be on the trip.
20. If traveling by bus, all students will be assigned to a specific bus. A bus list will be prepared with a copy remaining with the school.
21. All students must have submitted a medical release/history prior to departure.
22. Trip supervisors are not permitted to make on-site alterations to a trip itinerary, except where the health, safety or welfare of students is imperiled or where changes or substitutions beyond the control of the trip supervisor have frustrated the purpose of the trip. Parent requests cannot supersede trip itineraries.

It is the District's intent that the safety and well-being of students shall be protected at all times; that each field trip is properly planned, integrated with the curriculum, and followed up by appropriate activities that enhance its usefulness; that the effectiveness of field trip activities is monitored and continually evaluated; that teachers and trip supervisors are allowed a considerable degree of flexibility and innovation in planning field trips; and that no field trip will be approved unless it contributes to the achievement of specified instructional objectives.

## Use of Private Vehicles on School Business

In the interest of student safety and to the extent practicable, school buses will be used to transport students to and from school and school-sponsored activities. The Board recognizes that it may not always be possible or practicable to provide bus transportation. Privately owned vehicles may be used for student transportation when, in the opinion of the building administrator and with the written approval of the Superintendent, this is the most practical or only possible method of transportation. To safeguard the District employees, volunteer drivers, and students and to reduce the district's exposure to liability:

- A. Prior to use of a private vehicle for school purposes, the employee must have the written permission of the Superintendent.
  - i. This permission may be in the form of a standing permit for employees who use their own cars regularly for school purposes. The permit will state the particular purpose and whether it includes transportation of students.
  - ii. For all special trips involving students, including field trips, a special permit must be obtained in advance for the specific trip.
- B. No student may be sent on school errands with his/her vehicle, an employee's vehicle, or a school-owned vehicle.
- C. School activities and field trips will be made by bus whenever practicable.
- D. The Superintendent may approve the use of private vehicles in situations in which budget or schedule restrictions make it prohibitive or impractical.
- E. For student trips made in private vehicles, the driver must be age 21 or older, have a valid license, and carry a minimum liability insurance coverage.
- F. The vehicle must have current registration and have a seat belt for the driver and each passenger.
- G. The District may require the driver submit to a review of his/her driving record. In the event that the District requires review of the driving record, the driver shall consent to the release of these records and provide his/her driver's license number, full name, and date of birth. The driver will also be required to pay any fees associated with obtaining these records.
- H. No employee may transport students for school purposes without prior authorization by the Superintendent.
- I. Students participating in school-sponsored activities held outside of the District are expected to travel to and from the event in District-provided transportation. Parents may transport their own children from the event but may not transport other

students. Exceptions may be granted on a case-by-case basis by the administrator or his/her designee.

- J. No student will be allowed to drive or transport other students on field trips or to or from athletic events or other school activities.

## **Grading, Progress Reports and Retention**

Insert your District's procedures for grading and issuing progress reports.



## **Early Graduation**

Student needs to approach principal, who determines whether or not to go to Board.

## Wellness

*Insert all guidelines for bake sales, etc. as well as the employee wellness committee*

## **ADMISSION OF HOMELESS STUDENTS**

The District recognizes that homelessness alone should not be a sufficient reason to separate students from the mainstream school environment. The District will strive to ensure that homeless students are identified and provided access to the same free and appropriate public education provided to other students in the school system. In accordance with federal and state law and regulations, the District will provide homeless students with access to the instructional programming that supports achievement of the content standards and to other services for which they are eligible. Students shall not be segregated into a separate school or program based on their status as homeless, nor shall they be stigmatized in any way.

### **I. DEFINITIONS**

A. "Homeless" students are those who lack a fixed, regular, and adequate nighttime residence and include the following:

1. Children who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals;
2. Children who have a primary nighttime residence that is a public or private place not designated for or ordinarily used as regular sleeping accommodation for human beings.
3. Children who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.
4. Migratory children who meet one of the above-described circumstances.

B. "School of origin" means the school that the child attended when permanently housed or the school in which the child was last enrolled.

### **II. ENROLLMENT/PLACEMENT**

The District will determine, according to the best interest of the child whether the child will be enrolled in the school of origin or in the public school that non-homeless students who live in the attendance area in which the child is actually living are eligible to attend. In determining the best interest of the child, the District will, to the extent feasible, keep the child in the school of origin, unless doing so is contrary to the wishes of the parent.

If the child is unaccompanied by a parent or guardian, the homeless liaison will assist in placement and enrollment decisions, with the views of the child taken into consideration.

The school selected shall immediately enroll the homeless child, even if the child is unable to produce records normally required for enrollment, such as previous academic records, immunization records, evidence of residency, or other documentation.

The District may require a parent or guardian of a homeless child to provide contact information.

The District must provide a written explanation, including a statement regarding the right to appeal, to the parent or guardian of the homeless child if the District sends the child to a school other than the school of origin or other than a school requested by the parent or guardian.

In the case of an unaccompanied child, the homeless liaison will provide notice of the right to appeal.

The enrolling school shall contact the school last attended by the child to obtain relevant academic and other records. If the child needs to obtain immunizations or immunization or medical records, the parent or guardian of the homeless child will be referred to the homeless liaison for assistance.

### III. ENROLLMENT DISPUTES

If there is a dispute concerning enrollment, the child shall be immediately enrolled in the school in which enrollment is sought, pending resolution of the dispute. The parent or guardian will be provided, in writing, with a written explanation of the District's decision and the right to appeal the decision.

The homeless liaison shall ensure that an unaccompanied child is enrolled in school, pending resolution of a dispute.

### IV. SERVICES

Homeless students shall be provided services comparable to services available to other students in the school system including, but not limited to, transportation services; educational services for which the student meets the eligibility criteria, such as educational programs for disadvantaged students, students with disabilities, gifted and talented students, and students with limited English proficiency; vocational and technical programs; preschool programs; before and after school-care programs; and school meals/nutrition programs.

### V. TRANSPORTATION

Homeless students are entitled to transportation to their school of origin or the school where they are to be enrolled. If the school of origin is in another school district and the student is enrolled in this District or if a homeless student's school of origin is in this District but he or she is enrolled in a different school district, the school systems will coordinate the transportation services necessary for the student, or will share the responsibilities and costs equally.

### VI. RECORDS

Any records ordinarily kept by the school, including immunization records, medical records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, regarding each homeless student, shall be maintained so that records may be transferred

when a student enters a new school system. Access to records will be available to parents and students in accordance with the Family Educational Rights and Privacy Act (FERPA).

## VII. HOMELESS STUDENT LIAISON

A. The Superintendent shall designate an individual to act as the District's Homeless Student Liaison. The District shall inform school personnel, service providers and advocates working with homeless families of the duties of the District's Homeless Student Liaison.

B. The Homeless Student Liaison will be responsible for ensuring that:

1. Homeless children are identified by school personnel and through coordination activities with other entities and agencies;
2. Homeless children enroll in and have a full and equal opportunity to succeed in schools within the school district;
3. Homeless families and children receive educational services for which they are eligible, including Head Start, preschool programs administered by the District, and referrals to health care services, dental services, mental health services, and other appropriate services;
4. The parents or guardians of homeless children are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;
5. Public notice of the educational rights of homeless children is disseminated where such children receive services, such as schools, family shelters, and soup kitchens;
6. Enrollment disputes are mediated in accordance with law;
7. The parent or guardian of a homeless child is fully informed of all transportation services, including transportation to the school of origin, and is assisted in accessing transportation to the school the student will be attending; and
8. Children who need to obtain immunizations or immunization medical records receive assistance.

## Admission to School and Residency

Attendance in Montana is controlled by law. If the student resides inside of the District, the student is entitled to attend a school within the District unless the student is not of the ages for which the District otherwise enrolls students. If the student resides outside of the District, attendance is usually within the discretion of the Board of Trustees. Section 20-5-320, MCA, discusses the criteria for discretionary non-resident attendance, and Section 20-5-321, MCA, discusses the criteria for mandatory non-resident attendance.

Under Montana law, a person can have only one residence, and a minor's residence is generally the residence of his or her parents. There are some exceptions to when a minor's residence can be other than that of his or her parents.

In determining the place of residence, the following rules, based on Section 1-1-215, MCA, will be observed:

1. It is the place where one remains when not called elsewhere for labor or other special or temporary purpose, and to which he or she returns in seasons of repose.
2. There can only be one residence.
3. A residence cannot be lost until another is gained.
4. The residence of the parent with whom an unmarried minor child maintains his/her place of abode is the residence of such unmarried minor child.
5. If neither parent has legal custody, it is the residence of the legal guardian or custodian appointed by a court of competent jurisdiction.
6. If an adult qualifies as a caretaker relative, it is the residence of the caretaker relative.
7. Unless there is a caretaker relative or a guardian appointed by a court, the residence of an unmarried minor who has a parent living cannot be changed by the minor's own act or any other person who does not have a recognized legal relationship with the student.
8. The residence can be changed only by the union of act or intent.

Prior to admission of any student, the District will require proof of residency or qualification for admission under Section 20-5-321, MCA. A student shall be deemed to have complied with residency requirements if he/she meets any of the following criteria:

1. The student's parents/guardians reside within district boundaries.
2. The student is an emancipated minor residing within district boundaries.
3. The student is a homeless youth or unaccompanied youth pursuant to the McKinney-Vento Homeless Assistance Act.

### Proof of Residency

The Superintendent shall retain a copy of the initial document or written verification offered as proof of residency. In addition, the Superintendent shall annually verify the student's residency as needed. When presented with a substitute address designated by the Secretary of State for victims of domestic violence or stalking residing within district boundaries, the Superintendent or designee shall accept and use the substitute address for all future communication, correspondence, and in all public records. If any district employee reasonably believes that the parent/guardian of a student

has provided false or unreliable evidence of residency, the Superintendent shall make reasonable efforts to determine whether the student meets legal residency requirements. Reasonable evidence of residency may be established by documentation including, but not limited to, any of the following:

1. Property tax payment receipts, deeds or escrow papers
2. Rent payment receipts and rental agreements
3. Utility service payment receipts
4. Declaration of residency executed by the student's parent/guardian and property owner

If a student is seeking admission on the basis of the residency of his or her court-appointed guardian or custodian, the guardian or custodian shall be required to present to the Superintendent all court orders appointing that individual as the student's guardian.

### **Proof of Age**

The District is entitled to require proof of age before enrolling a student to ensure that the student is between the ages of 5 (on or before September 10<sup>th</sup> of a given year) or has not reached the age of 19 (on or before September 10<sup>th</sup> of a given year). Exceptions to these ages may be approved individually by the Board of Trustees. Proof of age may be established by documentation including, but not limited to, any of the following:

- Birth certificate
- Certified records from a public or private school of attendance
- Religious records certified by religious officials, including baptismal certificates
- Medical records
- Life insurance policy on child in force for at least two years
- Passport issued by any country or other documents issued by federal government showing entrance into United States
- Sworn affidavit by parent or legal guardian attesting to child's age
- Adoption record

No one particular document proving age is required.

### **Revocation of Enrollment**

If the Superintendent, upon investigation, determines that a student's enrollment is based on false evidence of residency, he shall revoke the student's enrollment. Before any such revocation, the parent/guardian shall be sent written notice of the facts leading to the decision. This notice shall state the parent/guardian's right, within five school days, to schedule an appeal with the School Board.

If the parent/guardian fails to schedule the above meeting, the student's enrollment shall be revoked ten school days after the date of the notice. A parent/guardian who appeals to the Board shall have the right to have a representative present. The student may continue to attend school during the period of the appeal. The Board's decision shall be final.

## **Proof of Identity**

Montana law requires proof of identity be provided within 40 days of enrollment. This requirement applies to all students, regardless of whether they are homeless. Proof of identity may be provided at the time of enrollment, but it is not required to process enrollment. If a student is homeless, the FIT Coordinator should work with the family to obtain proof of identity. The District may not withdraw a student (or dis-enroll) a student for failing to provide proof of identity.

Montana law identifies “proof of identity” as:

- A certified copy of a birth certificate
- A certified transcript or similar types of student records from a previous school
- Documentary evidence the district considers to be satisfactory proof of identity.

The District may accept any of the following as other documentary evidence of proof of identity:

- Passport from any country
- Driver’s license/state identification card
- Original social security card
- Documents issued by federal government showing entrance into United States
- Military identification card

Other documents to prove identity may be submitted (including with limitation to religious records, medical records) along with a sworn affidavit by the parent or legal guardian attesting to the unavailability of other documentation and reasons for the unavailability and the identity of the student. The District will consider the documents submitted to ascertain whether they are sufficient to prove the student’s identity in accordance with Montana law.





## CARETAKER RELATIVE'S EDUCATIONAL AUTHORIZATION AFFIDAVIT

1. INSTRUCTIONS: 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 18 years of age or older.

a. Name of child: \_\_\_\_\_

b. Child's date of birth: \_\_\_\_\_

c. My name (caretaker relative): \_\_\_\_\_

d. My home address: \_\_\_\_\_

e. 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): \_\_\_\_\_

2. 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, to circumvent a disciplinary action of a previous school, or for an otherwise unlawful purpose.
3. My date and year of birth: \_\_\_\_\_
4. Check the following if true (**all must be checked for this affidavit to apply**):

A parent of the child identified in paragraph 1a of this affidavit 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.

5. WARNING: DO NOT SIGN THIS FORM IF ANY OF THE STATEMENTS ABOVE ARE INCORRECT OR YOU WILL BE COMMITTING A CRIME PUNISHABLE BY A FINE, IMPRISONMENT, OR BOTH.
6. I declare under penalty of false swearing under the laws of Montana that the foregoing is true and correct.

Signed this \_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
(Signature of caretaker relative)

SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Printed Name:  
Notary Public for the State of Montana  
Residing at \_\_\_\_\_, Montana  
My commission expires: \_\_\_\_\_

( S E A L )

7. NOTICES:

- a. 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.
- b. A person who relies on this affidavit has no obligation to make any further inquiry or investigation.
- c. This affidavit is effective until the earlier of:
  - i. the end of the first school year after delivery of the affidavit to the school;
  - ii. revocation by the caretaker relative; or
  - iii. the child no longer resides with the caretaker relative.
- d. If the child stops living with you, you shall notify anyone to whom you have given this affidavit.

## **Student Attendance**

Excused and unexcused absences are defined in the Student Handbook. The District has appointed Junior High/High School Assistant Principal Don Holst as the District's Attendance Officer responsible for student truancy. The Attendance Officer shall have the powers and duties over truant students as defined by Montana law and Board Policy 3122.

Upon discovering a truant student, the Attendance Officer shall make a reasonable effort to notify the parent, guardian, or other person responsible for the care of the child that continued truancy may result in the prosecution of the parent, guardian, or other person responsible for the care of the child. If the truancy problem persists, the Attendance Officer may require the parent, guardian, or other person responsible for the care of the child to meet with a District official to formulate a truancy plan. The Attendance Officer may refer the parent, guardian, or other person responsible for the care of the child to the prosecuting attorney in a court of competent jurisdiction if that person fails to meet with the District official or fails to adhere to the terms of the truancy plan. The Attendance Officer may report a habitually truant student to Youth Court. If the Attendance Officer has reported a habitually truant student to Youth Court, the Attendance Officer shall report all subsequent truantries to the Youth Court.

## **Student Access to Electronic Networks**

Electronic information resources are available to qualifying students in the District. These resources include access to the Internet and other network files or accounts. Our goal in providing electronic services to students is to promote educational excellence by facilitating resource sharing, innovation, and communication.

Internet access is coordinated through a complex association of government agencies as well as regional and state networks. Through a filtering and monitoring system, the District has taken precautions to restrict access to inappropriate or illegal materials or those materials that have no educational value. Users who access, publish or attempt to access or publish inappropriate material or illegal Internet sites, will be subject to discipline up to and including suspension or expulsion.

*See attached Exhibit B for student and staff access forms*

## Student Discipline Notices

### *Sample Regular Suspension:*

Mr. and Mrs. Philip Maloney  
204 Simons Drive  
Missoula, MT 59801

Re: Suspension of Elizabeth

Dear Mr. and Mrs. Maloney,

During the lunch break today, your daughter, Elizabeth, exercised her privilege to leave campus with several other students. When those students returned to campus to resume classes, it was reported to a teacher that the students were in possession of drug contraband. The teacher reported this to me, and I interviewed the students. I determined during my interview with Elizabeth that she was, in fact, in possession of drug contraband. I called Mrs. Maloney and she came to the school to pick up Elizabeth. Law enforcement officers were notified as well.

Elizabeth's actions violate the Student Code of Conduct, as outlined in the Student Handbook, and Policy 3310, a copy of which is attached for your review. Based on my findings, Elizabeth will be suspended from school for three (3) calendar days. You have the right to meet with Superintendent Dr. Mike Perry and to ask him to review the suspension. If you wish to meet with Superintendent Perry, please contact him at 406.726.3216 for an appointment.

Please contact me at your earliest convenience if you have any questions or concerns.

Sincerely,

Cory Beckham, Principal  
Arlee High School

***Sample Emergency Suspension:***

Mr. and Mrs. Philip Maloney  
204 Simons Drive  
Missoula, MT 59801

Re: Emergency Suspension of Elizabeth

Dear Mr. and Mrs. Maloney,

During recess today, your daughter, Elizabeth, was involved in an altercation during which she pulled a knife from her jacket and attempted to stab another student. The altercation was quickly broken up and law enforcement was called to the school. Elizabeth was cited by the police officers, who contacted you with regard to the incident.

Because Elizabeth's conduct posed a danger to herself and others, I suspended her for five (5) calendar days, on an emergency basis, as provided in the District's Student Handbook and in Policy 3300. I have attached a copy of the information from the handbook and the policy for your review. Elizabeth is entitled to meet with me and present her version of what occurred today, and to present any evidence she may believe is relevant to her position. Please contact me at your earliest convenience to schedule a meeting.

Sincerely,

Cory Beckham, Principal  
Arlee High School

***Sample Extended Suspension***

Mr. and Mrs. Philip Maloney  
204 Simons Drive  
Missoula, MT 59801

Re: Extended Suspension of Elizabeth

Dear Mr. and Mrs. Maloney,

On March 25, 2019, I held an informal hearing in my office to consider whether to suspend your daughter Elizabeth for an additional ten (10) days. She was initially suspended on March 17, 2019, after pulling a knife on and attempting to stab another student during an altercation.

You attended the hearing with Elizabeth and presented information supporting your position that Elizabeth should be allowed to return to school after the initial 10-day period ends. After considering the information you provided along with information provided from staff members who witnessed the altercation, I find that Elizabeth's immediate return to school would be detrimental to the safety of others and would be disruptive to the educational process.

Accordingly, I am suspending Elizabeth for an additional 10-day period beginning on March 31, 2019.

Sincerely,

Cory Beckham, Principal  
Arlee High School



***Sample Expulsion:***

Mr. and Mrs. Philip Maloney  
204 Simons Drive  
Missoula, MT 59801

Re: Recommendation to Expel Elizabeth

Dear Mr. and Mrs. Maloney,

I have asked the Chair of the Board of Trustees, Kris Gardner, to schedule a hearing of the Board at which time I will recommend that the Board expel your daughter, Elizabeth, for the remainder of the 2019-2020 school year. This recommendation is made pursuant to District Policy 3300, a copy of which is attached for your review.

The recommendation is made for the following reasons:

Following an investigation, the administration determined that Elizabeth was in possession of a set of keys to the Arlee High School gymnasium and that she was using those keys to access the school for illegal purposes. Specifically, Elizabeth accessed classrooms and stole test keys which she later sold to other students, and she permitted other students to use the teacher's lounge for inappropriate purpose.

This conduct is a violation of the Student Code of Conduct and of Policy 3310, copies of which are attached for your review.

On December 28, 2018, a school custodian approached the Athletic Director, and informed her that he found a bag of beer cans in the girl's locker room of the gymnasium. In that bag of cans were Elizabeth's Missoula County library card and other items later determined to belong to Elizabeth. When school resumed on January 7, 2019, Mrs. Morin spoke with Elizabeth and she confessed to leaving the beer cans in the locker room, but she denied illegally accessing the premises. She then spoke with several other students who are known to interact with Elizabeth and they confessed to many outings in the school, facilitated by Elizabeth, that involved breaking into specific teachers' rooms to steal test keys and the use of the teacher's lounge for "privacy."

After she spoke with other students and several teachers, Mrs. Morin brought Elizabeth back in for additional questioning. She continued to deny illegally accessing the facility, but she stated that she was aware that other students had done so on previous occasions. When I questioned her about how those students might be accessing the facility, she admitted that she had a set of keys for the building that she stole from my office last spring.

Based on the information collected during the course of this investigation, Mrs. Morin and Principal Beckham believe that Elizabeth violated school rules and regulations by stealing school property and by breaking and entering into the school building.

I will make my recommendation at a meeting that has been scheduled for Friday, February 28, 2019, at noon in the Board Room, located at \_\_\_\_\_, Arlee, MT. If this time is not convenient for

you, you may request that the meeting be rescheduled if good cause exists to do so. You must notify me in writing at least three (3) calendar days prior to the meeting if you would like the meeting rescheduled.

The procedure for this meeting is as follows:

The Board Chair will convene the meeting in open session and determine immediately if the individual right of privacy outweighs the public's right to know. If the Chair believes the right of privacy outweighs the public's right to know, she will close the meeting to the public. You, Elizabeth and your legal representative, if you so choose to retain counsel, remain with the Board. If you waive Elizabeth's right of privacy, the meeting will return to the public. If you do not waive Elizabeth's right of privacy, the meeting will be conducted in closed session and the information about the hearing will not be public. If there are competing rights of privacy, the Board Chair will determine when and under what circumstances the meeting may be open to the public.

The administration will put forth its witnesses and evidence first, and you or your representative may cross examine those witnesses and review such evidence. After the administration has presented its case, you may present your witnesses and evidence, with the administration having the right to cross examine your witnesses and review your evidence. After both sides have presented their information, the Board will begin deliberating and will reach a decision.

As noted above, you have the right to have counsel present for Elizabeth, and the right to cross examine the administration's witnesses and review its evidence. Please contact me at your earliest convenience if you have any questions or concerns.

Sincerely,

Dr. Mike Perry, Superintendent  
Arlee School District

***Sample Notice of Board Action:***

Mr. and Mrs. Philip Maloney  
204 Simons Drive  
Missoula, MT 59801

Re: Expulsion of Elizabeth

Dear Mr. and Mrs. Maloney,

The Board of Trustees of the County School District voted unanimously to expel your daughter, Elizabeth, for the remainder of the 2018-2019 school year during a special meeting held on January 25, 2019.

Elizabeth is welcome to return to the District for the 2019-2020 school year, but will return with a behavior contract as determined by the Board. Please contact Principal Beckham prior to June 10, 2019, in order to schedule a meeting with you, Elizabeth and the Dean of Students to discuss this contract.

Please contact me at your earliest convenience if you have any questions or concerns.

Sincerely,

Dr. Mike Perry, Superintendent  
Arlee School District

## **Title IX Sexual Harassment Grievance Procedures**

The Arlee School District has adopted internal grievance procedures providing for the prompt and equitable resolution of complaints alleging sexual harassment prohibited by Title IX of the Education Amendments of 1972 Act (Title IX). Sexual harassment is a form of sex discrimination. The Arlee School District does not discriminate on the basis of sex in its education programs and activities. Individuals alleging discrimination on the basis of sex that is not sexual harassment are subject to the District's Uniform Grievance Procedure.

**Sexual harassment** is conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct (i.e., *quid pro quo* sexual harassment);
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 recipient's education program or activity; or
3. "Sexual assault" which is an offense classified as a forcible or nonforcible sex offense under the FBI's uniform crime reporting system (20 U.S.C. § 1092(f)(6)(A)(v)); "dating violence" which is violence committed by a person who is or has been in a romantic or intimate relationship with the victim (34 U.S.C. 12291(a)(10)); "domestic violence" which is felony or misdemeanor crimes of violence committed by a current or intimate partner of the victim, by a person with whom the victim shares a child, or by any other person against an adult or youth victim protected by state law on domestic or family violence (34 U.S.C. 12291(a)(8)); or "stalking" which is a course of conduct directed at a person that would cause a reasonable person to fear for his/her safety or the safety of others or suffer substantial emotional distress (34 U.S.C. 12291(a)(30)).

The District shall follow the procedures set forth herein prior to imposing any disciplinary consequences or sanctions on any individual. The District shall not assign or delegate any responsibility under these grievance procedures to any individual who has any general or specific conflicts of interest or bias.

### **Title IX Coordinator**

Inquiries concerning the application of Title IX, sex discrimination, or sexual harassment may be referred to the District's Title IX Coordinator:

Lonnie Morin  
District Clerk/Business Manager  
72220 Fyant Street  
Arlee, MT 59821

lmorin@arleeschools.org  
406-830-8180 (cell) or 406-726-3216 (work)

Inquiries may also be referred to the Assistant Secretary of the United States Department of Education, separately or in conjunction with an inquiry to the District's Title IX Coordinator.

### **Formal Complaint**

An individual believing that he or she has been the victim of sexual harassment ("complainant") may file a complaint with the Title IX Coordinator within 30 days of the incident(s) giving rise to the allegations. The complaint must be in writing, signed (either physically or digitally) and needs to specify the allegations which

the individual believes constitute sexual harassment. The complainant has the right to contact law enforcement to determine if criminal activity occurred.

A complainant will be provided with a copy of these procedures.

### **Notice of Allegations**

Upon receipt of a formal complaint, the District shall provide the parties (the complainant and the individual reported to be the perpetrator of conduct that could be sexual harassment – the “respondent”) written notice of its grievance process and the allegations of sexual harassment at issue. This shall include the identities of the individuals involved if known; the conduct alleged to be sexual harassment; and the date and location, if known, of the alleged incident(s). Notice shall also be provided to the parties in the event additional allegations arise after the formal complaint is filed that will be investigated.

### **Supportive Measures**

The District will offer supportive measures to both parties regardless of the filing of a formal complaint and during the course of the grievance process. Supportive measures are non-disciplinary and nonpunitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent. These 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, changes in work locations, restrictions on contact between the parties, leaves of absence, increased security and monitoring of certain areas of the school campus, and other similar measures. Supportive measures shall comply with Section 504 and the Individuals with Disabilities Education Act (“IDEA”).

Subject to Section 504 and the IDEA, the District may remove a student from its educational program or activities on an emergency basis if there is a determination that there is an immediate threat to the physical health or safety of any student or individual after conducting an individualized safety and risk analysis. The District shall provide the respondent of notice of such removal and an opportunity to challenge such removal. The District may place an employee on administrative leave with pay during the pendency of the grievance process.

### **Informal Resolution**

The District may utilize an informal resolution processes, but only after a formal complaint has been filed.

The decision to invoke the informal resolution process is voluntary and is not required as a condition of enrollment or employment. The District may determine that the matter is not appropriate for informal resolution, including where an employee is alleged to have sexually harassed a student. If determined to be appropriate, both the complainant and respondent must agree to informal resolution.

If appropriate and both parties are in agreement, a school representative will be available to assist. The District shall provide written notice of the request for informal resolution. Either party may also request mediation with a designated mediator present to assist them to reach a resolution if appropriate for informal resolution.

Either party has the right to end the informal resolution process at any time and may request the commencement of the formal complaint process at any time prior to a determination of responsibility.

### **Investigation**

Upon receipt of a formal complaint, the District will conduct an impartial investigation that will provide an equal opportunity for the parties to present witnesses and evidence, provide both parties with an equal opportunity to inspect and review any evidence obtained, and create an investigative report that fairly summarizes the evidence. The respondent is presumed to not be responsible for the alleged conduct until a determination of responsibility is made at the conclusion of the grievance process.

Parties will have an equal opportunity to present relevant fact and expert witnesses and other evidence. The investigation shall allow for both the complainant and respondent to provide information separately. The District shall provide written notice to the parties in advance of any investigative interviews.

Either party may have an advisor or lawyer present during the investigations; however, the advisor or lawyer is not allowed to speak or ask questions during any investigatory interviews. The advisor or lawyer may request clarification of any questions, but may not answer, advise his or her client how to answer, or ask any substantive questions.

Both parties and their advisors shall have the opportunity to inspect and review evidence obtained, subject to the disclosure of such information under the Family Educational Rights Privacy Act (“FERPA”) and Montana law, prior to the completion of the investigation report. The parties and/or their advisors shall have an opportunity to submit a written response within 10 days of receipt of the evidence.

### **Investigation Report and Opportunity for Questions**

Prior to the determination of responsibility, the investigative report will be provided to the parties and the decision-maker assigned by the District. The parties and/or their advisors shall have an opportunity to submit a written response within 10 days of receipt of the investigation report, subject to the disclosure of such information under the Family Educational Rights Privacy Act (“FERPA”) and Montana law. After the investigative report is submitted to the parties, the decision-maker shall:

- 1) give each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness;
- 2) provide each party with the answers; and
- 3) allow for limited follow-up questions from each party.

The decision-maker may refuse to submit a question to another party but shall provide an explanation of the basis for such refusal.

### ***Evaluation of Evidence***

All relevant evidence gathered and received in the course of the grievance process will be objectively evaluated. The District has the responsibility to gather evidence sufficient to reach a determination of responsibility but may request consent to access records of either party that is legally required. The District will not use, rely upon, or seek the disclosure of information protected under a legally-recognized privilege, unless the individual holding the privilege has waived such privilege. Evidence gathered and received during the grievance process must include both inculpatory and exculpatory evidence. No credibility determinations shall be made on the basis of an individual's status as a complainant, respondent, or witness. No prejudgment shall be made of the facts at issue prior to the determination of responsibility.

### **Determination regarding responsibility**

The decision-maker, who will not be the Title IX coordinator or the investigator, will issue a written determination with findings of facts and conclusions about the application of the District's code of conduct, describing each allegation and the decision reached on such allegation including any discipline, the rationale for the decision, procedural steps taken, and explains the procedures and permissible bases for appeals. The determination of responsibility shall be made on the basis of the preponderance of the evidence.

Subject to the disclosure of such information under the Family Educational Rights Privacy Act ("FERPA") and Montana law, the determination of responsibility shall be provided to the parties. The determination of responsibility shall become final on the date it is issued unless appealed as provided in these procedures.

### **Dismissal**

At any time during the grievance process, the District is required to dismiss a complaint if the conduct alleged in the formal complaint:

- Would not constitute sexual harassment even if proven;
- Did not occur in the District's education program or activities; or
- Did not occur against a person in the United States.

Additionally, the District may dismiss a complaint where:

- The complainant notifies the Title IX Coordinator in writing that the complainant wishes to withdraw the formal complaint or allegations;
- The respondent is no longer enrolled in or employed by the District; or
- Specific circumstances prevent the District from gathering evidence sufficient to reach a determination regarding responsibility.

The District will provide the parties with written notice of a dismissal, whether mandatory or discretionary, and the reason for the dismissal.

Dismissal of the formal complaint under Title IX does not preclude action under another policy or the Code of Conduct.

## **Appeal**

Either or both parties may appeal a determination of responsibility or the dismissal of a formal complaint, or any allegations therein, if:

- 1) a procedural irregularity affected the outcome;
- 2) a party has new evidence that could affect the outcome and was not reasonably available at the time of the determination; or
- 3) the Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents (generally or in that specific case) that affected the outcome.

An appeal of the determination of responsibility shall be made within 10 days of issuance of the determination to the Superintendent or Superintendent's designee. The Superintendent or designee shall provide written notice that an appeal is filed. Both parties shall have the opportunity to submit a written statement in support of or challenging the outcome within 10 days of issuance of the notice of appeal. The Superintendent or designee shall issue a written decision to both parties within 30 days of receipt of any appeal, regardless of whether any written statements have been provided, of the result of the appeal and the rationale for the result.

## **Time Frames**

The District shall complete the grievance process within 120 days within receipt of a formal complaint. The grievance process or other time frame specified herein may be delayed or extended for good cause. Good cause may include issues related to the absence of a party, a party's advisor or witness; concurrent law enforcement activity; or the need for assistance or accommodation of a person with a disability. The District shall provide written notice to the complainant and respondent of any delays or extensions of the time frames or grievance process with an explanation of the reasons for such delay or extension.

## **Remedies**

The District shall take all reasonable and necessary steps to prevent the recurrence of any harassment and to correct its discriminatory effects on the individual and others. Remedies shall be provided to a complainant where a determination of responsibility for sexual harassment has been made after the grievance procedure is complete. Remedies shall be designed to restore or preserve equal access to the District's education program or activity. Remedies may include discipline against the respondent, counseling, extensions of deadlines or other course-related adjustments, modifications of schedules, restrictions on contact, increased security/monitoring of the school campus, and training. Discipline for a student includes but is not limited to detention, in-school suspension, out-of-school suspension, expulsion, suspension or exclusion from participation in extracurricular activities. Discipline for an employee includes but is not limited to warning, reprimand, suspension with or without pay, or termination from employment.



Any individual participating in a sex discrimination investigation shall notify the Title IX Coordinator if he or she believes that he or she is being retaliating against for participating in the investigation. The District prohibits retaliation against individuals making complaints under these procedures and participating in any investigation that may ensue.

### **Recordkeeping**

The District will maintain records of reports of and all sexual harassment investigations and other required documents related to its obligations under Title IX for seven years.

### **Confidentiality**

The District will maintain the confidentiality of any individual making a report of sexual harassment, complainant, individual who has been reported to be the perpetrator of sex discrimination, respondent, and witness except as disclosure may be permitted to conduct an investigation or judicial proceeding or as permitted under FERPA.

(Revised 9/8/2020)

## Section 504 Procedural Safeguards

The Arlee School District has an internal resolution procedure to provide a prompt and impartial review of complaints pertaining to the identification, location, evaluation, and placement of students with known or suspected disabilities relating to educational services.

### Procedural Safeguards

If the parent 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.

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.

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.

#### *Impartial Due Process Procedures*

1. The parent 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.
2. 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 3 business days.
3. Within 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.
4. Once the District has selected an impartial hearing officer, the District shall provide the parent and all other interested parties with notice of the person selected.
5. Within 5 days of the District's selection of a hearing officer, a pre-hearing 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.
6. The hearing officer shall, in writing, notify all parties of the date, time, and location of the due process hearing.
7. 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.
8. At the hearing, the District and the parent may be represented by counsel.

9. 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 parents shall present their case first, followed by the District. Witnesses may be called to testify, and they will be subject to cross examination. Documentary evidence may be admitted and 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.
10. Within 20 days of the hearing, the hearing examiner should issue a written report of his/her decision to the parties. Appeals may be taken as provided by law.

## **Section 504 and ADA Grievance Procedures**

The Arlee School District has adopted internal grievance procedures providing for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 (Section 504) or the Americans with Disabilities Act (and its amendments) (ADA). Section 504 and the ADA prohibit the discrimination against individuals on the basis of disability or handicap.

Section 504 and the ADA prohibit a school district from excluding an “otherwise qualified individual with a disability” from participation in, or be denied the benefits of, or be subjected to discrimination on the basis of that disability. Under Section 504 and the ADA, an individual with a disability qualifies for protection under the act if that individual: (1) has a physical or mental impairment which substantially limits one or more major life activities; (2) has a record of such an impairment; or (3) is regarded as having such an impairment. All references to “disability” refer to disability or handicap and encompasses both Section 504 and the ADA.

**These procedures do not pertain to the identification, location, evaluation, and placement of students with known or suspected disabilities relating to educational services. Inquiries relating to the identification, location, evaluation, and placement of students with known or suspected disabilities relating to educational services should be directed to [identify Section 504 Coordinator for educational services component].**

### **Section 504 and ADA Coordinator**

Inquiries concerning discrimination under Section 504 or the ADA may be referred to the building administrator or:

Anne Tanner  
K-6 Principal

Inquiries may also be referred to the Office of Civil Rights, United States Department of Education.

### **Filing a Complaint**

An individual believing that he or she has been the victim of disability discrimination should file a complaint with the building administrator or the Section 504 and ADA Coordinator within 30 days of the incident(s) giving rise to the allegations. If the individual wishes to invoke the formal complaint procedures (see formal complaint procedures section), the complaint should be made in writing. An individual wishing to invoke the informal resolution process may make a complaint in writing or verbally.

An individual wishing to make a complaint will be provided with a copy of these procedures.\

### **Informal Resolution**

An individual alleging disability discrimination by an employee, student, or third party may access an informal mechanism to attempt to resolve the situation. The individual making the complaint is not required to invoke any informal mechanisms to resolve the situation. The decision to invoke the informal resolution process is voluntary.

If the individual wishes to attempt to work out the problem directly with the alleged perpetrator, a school representative will be available to assist. The individual may also request mediation with a designated mediator present to assist the individual and alleged perpetrator reach a resolution.

The individual has the right to end the informal resolution process at any time. If the individual wishes to end the informal process prior to reaching a resolution or is not satisfied with the resolution reached, the individual has the right to commence a formal complaint at any time.

### **Formal Complaints**

An individual may make a formal complaint of disability discrimination in accordance with the procedures described above. The complaint should be in writing and should specify the allegations which the individual believes constitute disability discrimination. The individual has the right to contact law enforcement to determine if criminal activity occurred.

#### *Investigation*

The District shall conduct an adequate, reliable, and impartial investigation into the allegations. Even if no formal complaint has been filed, the District may still conduct an investigation to determine whether disability discrimination has occurred when it has knowledge of allegations of disability discrimination. Any investigation by the District shall be in addition to any criminal investigation that may occur. Determinations resulting from the investigation shall be made on a preponderance of the evidence standard (i.e., it is more likely than not that disability discrimination occurred).

Parties (the alleged victim and alleged perpetrator(s)) will have an equal opportunity to present relevant witnesses and other evidence. The investigation shall allow for both the alleged victim and alleged perpetrator to provide information separately. If written statements are provided, each party shall have the opportunity to review such statements, subject to the disclosure of such information under the Family Educational Rights Privacy Act ("FERPA") and Montana law.

Either party may have a representative or lawyer present during the investigations; however, the representative or lawyer is not allowed to speak or ask questions during any investigatory interviews. The representative or lawyer may request clarification of any questions, but may not answer, advise his or her client how to answer, or ask any substantive questions.

#### *Notice of Outcome*

Both the alleged victim and alleged perpetrator shall be notified in writing regarding the outcome of the investigation. Subject to FERPA and Montana law, an alleged victim may be notified about sanctions imposed on another individual found to have engaged in discrimination or harassment when that sanction directly relates to the individual. This may include an order that the perpetrator stay away from the victim.

#### *Time Frames*

The District shall complete its investigation within 60 days of receipt of the complaint or knowledge of allegations of disability discrimination. With the consent of the parties and the Superintendent, the investigation may be extended for an additional 15 days in extenuating circumstances. The investigator shall

contact both parties once it appears that the investigation will require a longer period of time. The Notice of the Outcome of the investigation will be sent within that 60-day period, unless extended as described herein.

### *Appeals*

Any party who is not satisfied with the findings from the investigation may appeal to the Superintendent. The appeal should be made within ten (10) days of receipt of the Notice of Outcome. Within three (3) days of receipt of any appeal by either party, the Superintendent shall notify the nonappealing party regarding the appeal. Within five (5) days of receipt of notice of any appeal, the nonappealing party may present argument opposing the appeal in writing. Within twenty (20) days of receipt of the initial appeal, regardless of whether the nonappealing party has submitted any opposition to the appeal, the Superintendent shall issue a written decision to both parties affirming or rejecting the investigation findings.

If either party is not satisfied with the Superintendent's written decision, that party may submit a written appeal to the Board of Trustees within ten (10) days of receipt of the Superintendent's decision. The Board shall hold a hearing to determine whether the Superintendent's decision shall be affirmed or rejected. Depending on the unique circumstances of the complaint, the Board may arrange for alternative means of participation for one of the parties. The Board shall issue a written decision within thirty (30) days of the hearing affirming or rejecting the Superintendent's decision.

### **Remedies**

The District shall take all reasonable and necessary prevent the recurrence of any harassment and to correct its discriminatory effects on the individual and others. Any individual participating in a disability discrimination investigation shall notify the building administrator or Section 504 and ADA Coordinator if he or she believes that he or she is being retaliating against for participating in the investigation. The District prohibits retaliation against individuals making complaints under these procedures and participating in any investigation that may ensue.

## Foreign Exchange Students

The District is interested in furthering international understanding through international education and student exchange programs. Foreign exchange students are admitted to our schools through recognized, District approved exchange programs. The Superintendent or designee may assign the number of spaces available for foreign exchange students at the high school in the District.

Exchange organizations must be approved by the District to qualify students to enter high school in the District. Approval is granted on a yearly basis to exchange programs that provide evidence that the requirements listed in this document can be fulfilled.

### PROGRAM ELIGIBILITY

Applications for approval are submitted each year. Approval status shall be determined by a committee comprised of the Superintendent, high school principal and one high school counselor who will recommend approval or denial of admission to the Board.

Eligible programs must be listed each year with full status in the Advisory List of International Educational Travel and Exchange Programs published by the Council on Standards for International Educational Travel (CSIET). No exceptions will be made.

Exchange organizations must be able to show evidence of bonding and sufficient insurance to pay claims related to illness, accident, or death of an exchange student and possible liability to the host family. Exchange programs must provide orientation sessions in the home and/or receiving country before and after the exchange experience.

### STUDENT ELIGIBILITY / EXPECTATIONS

Students will be considered for placement if they meet the following guidelines:

- Students issued a **J-1 visa** by Immigration and Naturalization Services will be considered for enrollment.
- Student shall be at least 15 years of age and not older than 18 years and 6 months on or before September 10 of the year of enrollment.
- Student shall not have graduated from any secondary school program or the equivalent.

Students must be advised that a District diploma will be issued **only** if a student has contacted the school administrator at the time of enrollment **and** if the student meets all requirements to receive a diploma. Students attending as foreign exchange students are not eligible for valedictorian or salutatorian status. Students not earning a diploma will be able to participate in commencement activities if they qualify as senior students. These students will receive a certificate of completion.

Athletic eligibility requires record of a physical, which should be a part of the application packet. The student must meet all other District and MHSA requirements for participation.

## Service Animals

The District shall permit the use of a service animal required because that individual has a disability and the service animal is individually trained to do work or perform tasks for the benefit of that individual. The service animal is permitted to accompany the individual with a disability to all public areas of District's property.

Service animals are dogs or miniature horses that are individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this policy.

The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent 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, *i.e.*, therapy animals, do not constitute work or tasks for the purposes of this definition.

### INQUIRIES

If an administrator receives notice of the use of a service animal, the administrator may inquire if the service animal is required because of a disability and what work or task the animal has been trained to perform. The administrator may not inquire about the nature or extent of a person's disability or require documentation including proof that the animal has been certified, trained, or licensed as a service animal.

If 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), the administrator may not make an inquiry into whether the service animal is required or into the work/tasks the animal has been trained to perform.

### CONTROL OF SERVICE ANIMAL

The service animal must be under the control of its handler. Unless the handler is unable because of a disability or there would be interference with the service animal's safe, effective performance of



work or tasks, the service animal must have a harness, leash, or other tether. In the event a harness, leash, or other tether cannot be used, the service animal must otherwise be under the handler's control (e.g., voice control, signals, or other effective means).

The individual with a disability or an individual designated by that individual must act as the handler. If an individual other than the individual with a disability will act as the handler, the individual with a disability must provide prior written notice to the administrator of the individual designated as the handler. Any individual designated as a handler of a service must abide by all District policies and procedures and may be subject to a background check.

The District is not responsible for the care or supervision of the service animal. This includes feeding, exercising, and clean up. The individual with a disability is responsible for all damages to District property caused by the service animal.

#### REMOVAL OF A SERVICE ANIMAL

An administrator may remove or exclude a service animal from District property: (1) if the service animal is out of control and the animal's handler does not take effective action to control it, or (2) the animal has a demonstrated history of not being housebroken (must be regular and consistent, occasional or rare accidents will likely be insufficient to prove the animal is not housebroken).

An administrator may remove or exclude a service animal who poses a direct and immediate threat to the health or safety of others or the presence of the service animal would require a fundamental alteration to the service, program, or activity of the District. Prior to a decision to remove or exclude a service animal under these conditions, the administrator must consult the Superintendent and legal counsel.

If the service animal is removed or excluded from District property as a result of one of these reasons, the individual with a disability must be provided with the opportunity to participate in the service, program, or activity without the service animal.

#### MINIATURE HORSES

The District may allow a miniature horse to act as a service animal individually trained to do work or perform tasks for the benefit of the individual with a disability. In determining whether to allow the miniature horse to act as a service animal, the administrator should consider the following:

1. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
2. Whether the handler has sufficient control of the miniature horse;
3. Whether the miniature horse is housebroken; and
4. Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

## ACCOMMODATING OTHER STUDENTS AND STAFF MEMBERS

An administrator may not exclude a service animal for the benefit of an individual with a disability because of another student's or staff member's allergies or concerns. The administrator shall allow the accommodation of the service animal and accommodate the other individual's allergies or concerns in a manner that is minimally disruptive.

## **Guidelines for Student Pregnancies and Parenting Students**

The following guidelines have been developed to assist staff in handling matters pertaining to a student's pregnancy.

### **DISCRIMINATION**

No student shall be discriminated against on the basis of that student's pregnancy, childbirth, false pregnancy, voluntary or involuntary (i.e., miscarriage) termination of pregnancy, recovery relating to any of these events, or parenting responsibilities. The District shall not exclude pregnant and parenting students from participating in any part of the educational program, including extracurricular activities, because of that status.

### **ACCOMMODATIONS**

Pregnancy and pregnancy-related conditions shall be treated in the same manner as other medical conditions. Accommodations to facilitate participation in educational services and other activities may be necessary given a student's unique circumstances. Accommodations shall be considered on a case-by-case basis and may include, but are not limited to: re-scheduling classes to more accessible locations; elevator access; additional time to get to classes or for lunch; alternative physical education activities if necessary; independent study where prolonged absence is necessary for a pregnancy-related medical condition; and schedule flexibility to address pregnancy-related medical conditions.

Medical documentation relating to accommodations, continued participation, or return to unrestricted participation for pregnancy-related medical conditions, including childbirth, may be required if required for other medical conditions. The District will excuse a student's absences due to pregnancy for as long as the student's doctor deems the absences medically necessary. The district will also return that student to the same academic and extracurricular status she was in before her pregnancy-related medical leave began.

### **LEARNING OF A STUDENT'S PREGNANCY**

Situations exist in which a staff member learns or suspects a student is pregnant and believes further intervention is necessary. If a staff member believes intervention is necessary, he or she should report concerns after learning or suspecting a student is pregnant to a counselor, school psychologist, or administrator.

A staff member, other than a counselor, school psychologist, or administrator, shall not attempt to counsel or advise the student regarding pregnancy. The counselor, school psychologist, or administrator may meet with a student to address concerns relating to a student's confirmed or suspected pregnancy. A school nurse can assist with the confirmation of a pregnancy if the student consents. No staff member shall coerce or force a student to take a pregnancy test.

### **CONFIDENTIALITY**

A student's pregnancy or pregnancy-related condition shall be considered confidential student information. Staff members shall not discuss a student's confidential information or

communications regarding that information without that student's permission with any other individual, including that student's parents and/or legal guardians. There are four exceptions to the confidentiality requirement:

1. If a staff member has a reasonable suspicion that a student's pregnancy or pregnancy-related condition is related to child abuse, the staff member must report such reasonable suspicions as required by law;
2. If a staff member has a reasonable suspicion that a student's pregnancy or pregnancy-related condition is the result of a crime, including incest or rape, the staff member should report such reasonable suspicions to the appropriate law enforcement agency;
3. Staff members may disclose a student's pregnancy or pregnancy-related condition as necessary where there is a clear and present danger to the health or safety of the student; and
4. Staff members are permitted to share confidential student information and communications, including information relating to a student's pregnancy or pregnancy-related condition, with other school officials (i.e., counselors, school psychologists, or administrators) who have legitimate educational interests in that information.

A staff member shall notify an administrator prior to disclosing a student's pregnancy or pregnancy-related condition pursuant to a reasonable suspicion of child abuse or a crime or in the case of a clear and present danger to the student's health and safety.

Nothing herein shall prevent a counselor, school psychologist, or administrator from encouraging a student to inform her parents or legal guardians about her pregnancy or pregnancy-related condition. No staff member shall coerce or force a student to inform her parents or legal guardians about her pregnancy or pregnancy-related condition.

#### COUNSELING OR ADVISING STUDENTS

Only counselors, school psychologists, and administrators should be advising students regarding pregnancy and pregnancy-related conditions. All other staff members should encourage students to discuss pregnancy and pregnancy-related conditions with a counselor, school psychologist, or administrator. Staff members may disclose suspicions or knowledge of a student's pregnancy or pregnancy-related condition to a counselor, school psychologist, or administrator if they believe intervention with that student is appropriate.

No staff member shall encourage, influence, coerce, or force a student into making any decision regarding a pregnancy or pregnancy-related condition. No staff member shall share or attempt to influence a student with his or her own personal feelings or beliefs regarding a student's pregnancy or pregnancy-related condition.

If a student requests information regarding abortion, a counselor, school psychologist, or administrator is permitted to only inform a student regarding the parental notice/judicial bypass procedure required to obtain an abortion in Montana and to refer the student to the County Health Department for any other information regarding options available to the student regarding pregnancy or a pregnancy-related condition. A counselor, school psychologist, or administrator may also encourage a student to consult her own health provider for information regarding her options. With the exceptions of referrals to the County Health Department or the student's personal health provider, a counselor, school psychologist, or administrator may not refer or suggest that the student

consult Planned Parenthood or any other community clinics or organizations that advocate or may be perceived as advocating specific choices for females.

## Administration of Medication

**Prescribed medications** must arrive in a container with the original, unaltered prescription label attached. The label must display all legal information required for a pharmacist to dispense a prescription medication such as valid issue and expiration dates, the patient's name, the medication name and dosage instructions, and the doctor's name. The label information must match the physician's order.

**Over-the-counter medications** must arrive in the original, unopened store-issued container. The container must be labeled with the child's full name and birth date and the date the parent sends the medication to school.

The Medication/Treatment Authorization Form must be completed entirely and accompany any medication (either prescribed or over-the-counter) to be given to a student in school. **Both a parent/legal guardian and the prescribing doctor must sign the form for prescription medication.** Staff will not be able to assist in the provision or self-administration of medication to your child without this written consent.

The Medication/Treatment Authorization Form solely applies to consent for the assistance of the provision or self-administration of prescription or over-the-counter medications to students. Administration of certain medications by staff to students requires delegation by a licensed nurse pursuant to Montana law. Assistance with the provision or self-administration of medication is limited to the following acts:

- Verbal suggestions, prompting, reminding, gesturing, or providing a written guide for self-administering medications;
- Opening the lid of the above-referenced container for the student;
- Guiding the hand of the student to self-administer the medication;
- Holding and assisting the student in drinking fluid to assist in the swallowing of oral medications;
- Assisting with removal of a medication from a container for students with a physical disability which prevents independence in the act.

The Authorization for Possession or Self-Administration of Asthma, Severe Allergy, or Anaphylaxis Medication must be completed entirely by the parents and the physician for a student to be allowed to possess and/or self-administer asthma, severe allergy or anaphylaxis medication.

The parent, legal guardian, or an authorized adult must hand carry medications to the school. District personnel, upon receipt, will verify the quantity of each medication. Parents may not send medications to school with your child. The parent or legal guardian will need to pick up the medication at the end of the school year or if the medication is discontinued or changed during the school year. If the medication is not picked up, it will be discarded.

## Stock Supply of Auto-injectable Epinephrine

**\*\*NOTE\*\*** If your Board chooses to allow the administration to maintain stock epi-pens, your district is required to develop protocol related to the training of school employees, the maintenance and location of the epi-pens, and immediate and long-term followup to the administration of the epi-pen, including calling 9-1-1. Your district is required to provide training to those individuals authorized to administer the stock epi-pen and must include training in the causes of anaphylaxis, recognition of the signs and symptoms of anaphylaxis, indications for the administration of epinephrine, administration technique, and the need for immediate access to a certified emergency responder. The training must be provided by a school nurse, certified emergency responder, or other health care professional. The stock epi-pens must be kept in a secure and easily accessible location. If the Board has approved the policy to keep stock epi-pens, it must inform parents and guardians about the potential use of an epi-pen in the event of an anaphylactic emergency and make its protocol available upon request. **IT IS RECOMMENDED THIS PROTOCOL BE DEVELOPED WITH THE SCHOOL NURSE, EMERGENCY RESPONDERS, AND MEDICAL PERSONNEL**

**MEDICATION/TREATMENT AUTHORIZATION FORM**

Student's Name \_\_\_\_\_ Sex \_\_\_\_\_

Date of Birth \_\_\_\_\_ Grade \_\_\_\_\_ School Name \_\_\_\_\_

**The following section is to be completed by the parent or legal guardian:**

I hereby grant permission to the principal or his/her designee of Arlee Elementary School to assist in the self-administration of the prescribed or over-the-counter medication and/or treatment to my child while in school and away from school while participating in official school activities. **It is my responsibility to notify the school if and when these orders change.**

Parent/Guardian name: \_\_\_\_\_ Relationship: \_\_\_\_\_

Emergency Phone #: \_\_\_\_\_ Home Phone #: \_\_\_\_\_ Business Phone #: \_\_\_\_\_

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

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Over the Counter Medication Authorized: \_\_\_\_\_

Instructions to Assist with the Self-Administration by the Student of the Medication: \_\_\_\_\_

List child's allergies: \_\_\_\_\_

**The following section is to be completed by the prescribing physician for prescription medication:**

*(A separate form must be completed for each medication or treatment prescribed)*

The student named in this document is under my medical supervision for the diagnosis described below. I have prescribed the following medication/treatment, which is necessary to be given in school. I am aware that trained non-medical staff may administer this physician prescribed service.

**This order is to be effective for the school year: 201\_\_\_\_\_ - 201\_\_\_\_\_ or earlier stop date: \_\_\_\_\_**

**Diagnosis** *(for this medication/treatment):*

**Treatment:**

**Name of Medication:** Brand: \_\_\_\_\_ Generic: \_\_\_\_\_ **Strength***(i.e. mg/tab)*: \_\_\_\_\_



**Instructions to Assist in the Self-Administration of the Medication by the Student:**

**Amount** (*i.e.* # of tablets or teaspoons): \_\_\_\_\_ **Time(s)**: \_\_\_\_\_

**Frequency** (*i.e.* q 6 hrs prn): \_\_\_\_\_ **Duration** (*i.e.* 10 days): \_\_\_\_\_

**Route:** Oral \_\_\_ Topical \_\_\_ Subcutaneous \_\_\_ I.M. \_\_\_ Inhaled \_\_\_ Other (*describe*): \_\_\_\_\_

**Time medication is given at home** (*if applicable*): \_\_\_\_\_

**Possible side effects:** \_\_\_\_\_

**Is student authorized to carry and use asthma inhalation medication or EpiPen?** \_\_\_\_\_

(The Authorization for Possession or Self-Administration of Asthma, Severe Allergy, or Anaphylaxis Medication must be completed entirely by the parents and the physician for a student to be allowed to possess and/or self-administer asthma or severe allergy medication or an Epi-Pen.)

**Has student been instructed in the use of asthma inhaler or EpiPen? Yes No**

**Other Information:**

Physician Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Physician Name: \_\_\_\_\_

Office Address: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

**AUTHORIZATION FOR POSSESSION OR SELF-ADMINISTRATION OF ASTHMA, SEVERE ALLERGY OR ANAPHYLAXIS MEDICATION**

For this student to possess or self-administer asthma, severe allergy, or anaphylaxis medication while in school, while at a school sponsored activity, while under the supervision of school personnel, before or after normal school activities (such as while in before-school or after-school care on school-operated property), or while in transit to or from school or school-sponsored activities, this form must be fully completed by: **1) the prescribing physician/ physician assistant/advanced practice registered nurse, and 2) an authorizing parent, an individual who has executed a caretaker relative educational or medical authorization affidavit, or legal guardian.**

Student's Name: \_\_\_\_\_ School: \_\_\_\_\_

Sex: (Please circle) Female/Male City/Town: \_\_\_\_\_

Birth Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ School Year: \_\_\_\_\_  
*(Must be renewed annually)*

**PHYSICIAN'S AUTHORIZATION:**

The above named student has my authorization to carry and self administer the following medication:

Medication: (1) \_\_\_\_\_ Dosage: (1) \_\_\_\_\_  
(2) \_\_\_\_\_ (2) \_\_\_\_\_

Reason for prescription(s):  
\_\_\_\_\_

Medication(s) to be used under the following conditions (times or special circumstances):  
\_\_\_\_\_  
\_\_\_\_\_

I confirm that this student has been instructed in the proper use of this medication and is able to self-administer this medication without school personnel supervision. I have formulated and provided to the parent/guardian or caretaker relative a written treatment plan for managing asthma, severe allergies, or anaphylaxis episodes and for medication use by this student during school hours and school activities.

\_\_\_\_\_  
Signature of Physician/PA/APRN

\_\_\_\_\_  
Date

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

**AUTHORIZATION BY PARENT:**

**(may also be completed by an individual who has executed a caretaker relative educational or medical authorization affidavit, or Guardian)**

As the parent, individual who has executed a caretaker relative educational or medical authorization affidavit, or guardian of the above named student, I confirm that this student has been instructed by his/her health care provider on the proper use of this/these medication(s). He/she has demonstrated to me that he/she understands the proper use of this medication. He/she is physically, mentally, and behaviorally capable to assume this responsibility. He/she has my permission to self-medicate as listed above, if needed. If he/she has used epinephrine during school hours, he/she understands the need to alert the school nurse or other adult at the school who will provide follow-up care, including making a 9-1-1 emergency call.

I acknowledge that the school district or nonpublic school and its employees and agents are not liable as a result of any injury arising from the self-administration of medication by the student, and I indemnify and hold them harmless for such injury, unless the claim is based on an act or omission that is the result of gross negligence, willful and wanton conduct, or an intentional tort.

I agree to work with the school in establishing a plan for use and storage of backup medication. This will include a predetermined location to keep backup medication to which my child has access in the event of an asthma, severe allergy, or anaphylaxis emergency. I have provided the following backup medication:

\_\_\_\_\_

\_\_\_\_\_

I understand that in the event the medication dosage is altered, a new "self-administration form" must be completed, or the health care provider may rewrite the order on his/her prescription pad, and I, the parent/caretaker relative/guardian, will sign the new form and assure the new order is attached.

I understand it is my responsibility to pick up any unused medication at the end of the school year, and the medication that is not picked up will be disposed of.

I authorize the school administration to release this information to appropriate school personnel and classroom teachers.

Parent/Guardian name: \_\_\_\_\_ Relationship: \_\_\_\_\_

Emergency Phone #: \_\_\_\_\_ Home Phone #: \_\_\_\_\_ Business Phone #: \_\_\_\_\_

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

Parent/Guardian Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **Concussion Procedures**

A concussion is type of traumatic brain injury that interferes with normal function of the brain. It occurs when the brain is jostled or twisted inside the skull as a result of a blow, bump, or jolt to the head or body. Even minor blows to the head can cause a concussion, and the majority of concussions do not result in loss of consciousness. Indeed, less than 10% of individuals sustaining a concussion lose consciousness. Concussions are also not generally able to be detected through scans or other tests. It is important to remember that there is no such thing as a minor brain injury.

Research now shows that young athletes are particularly vulnerable to the effects of concussions. These effects can result in short or long-term changes in brain function, or in some cases, death. After a concussion, the brain is vulnerable to further injury and very sensitive to any increased stress until it fully recovers.

### **Symptoms of Concussions**

District personnel are not responsible for diagnosing a student or athlete with a concussion; only a qualified health care provider can diagnose a concussion. District personnel are responsible for recognizing the signs and symptoms of concussions and act immediately when these are present as provided herein.

If District personnel know that a student or athlete received a blow or bump to the head or body, they should watch the student/athlete closely to determine if they exhibit any of the following:

- **Headache**
- **Nausea**
- **Balance problems or dizziness**
- **Double or fuzzy vision**
- **Sensitivity to light or noise**
- **Feeling sluggish**
- **Feeling foggy or groggy**
- **Concentration or memory problems**
- **Confusion**
- **Appears dazed or stunned**
- **Is confused about what to do**
- **Forgets plays**
- **Is unsure of game, score, or opponent**
- **Moves clumsily**
- **Answers questions slowly**
- **Loses consciousness**
- **Shows behavior or personality changes**
- **Can't recall events prior to hit**
- **Can't recall events after hit**

Even if District personnel are unaware of a student/athlete sustaining a blow or bump to the head or body, they should act in accordance with these procedures if they observe or hear of a student/athlete exhibiting these symptoms. It is better to err on the side of caution when acting on suspicions of a concussion.

### **Actions when Concussion is Suspected**

District personnel must use their own judgment in determining when they must take action on a suspected concussion. This is will a matter of when the staff member actually suspects a concussion. There may be situations when the student/athlete suffers a significant blow, bump, or jolt to the head, and action should be immediately taken. However, the signs, symptoms, and behaviors of a concussion are not always apparent immediately after a bump, blow, or jolt to the head or body and may develop over a few hours. Therefore, A student/athlete should be observed following a suspected concussion and should never be left alone. Because extreme caution should be exercised in the event a concussion is suspected, District personnel should remove students/athletes from participation or play in physical activities until the student/athlete is cleared (“When in doubt, sit them out!”).

There may be rare emergency situations where it may be necessary to seek immediate medical care of a student/athlete suffering a blow, bump, or jolt to the head or body. District personnel must call 911 if the student/athlete loses consciousness, has a decreasing level of consciousness, looks very drowsy or cannot be awakened, if there is difficulty getting his or her attention, irregularity in breathing, severe or worsening headaches, persistent vomiting, or any seizures.

When a concussion is suspected, District personnel must take the following actions:

- 1. Remove the student/athlete from participation or play in all physical activities.**
- 2. Inform the athlete’s parents or guardians about the possible concussion and give them information on concussion.**
- 3. Ensure that the athlete is evaluated by an appropriate health-care professional.**
- 4. Keep the athlete out of play the day of the injury and until an appropriate health-care professional says he or she is symptom-free and gives the okay to return to activity.**

Steps two and three may occur in a different order and/or simultaneously depending on the circumstances. It is important that both steps are followed, regardless of whether they are completed second or third in the order.

Students/athletes are not allowed and must not be encouraged to “tough out” or “play through” a suspected concussion. District personnel is prohibiting from praising students/athletes for playing despite exhibiting symptoms of a concussion. Discipline may be taken against any District staff member that knowingly allows a student/athlete to continue to participate in a physical activity despite consciously recognizing the student/athlete exhibiting symptoms of a concussion or encouraging a student/athlete to continue participation despite complaining of or exhibiting symptoms of a concussion.

### **Recovery from Concussion**

If a student/athlete returns to activity before being fully healed from an initial concussion, the student/athlete is at risk for a repeat concussion. A repeat concussion that occurs before the brain has a chance to recover from the first can slow recovery or increase the chance for long-term problems. In rare cases, a repeat concussion can result in severe swelling and bleeding in the brain that can be fatal.

The first step in recovering from a concussion is rest. Rest is essential to help the brain heal. Students/athletes with a concussion need rest from physical and mental activities that require concentration and attention as these activities may worsen symptoms and delay recovery. Students/athletes with concussions often have difficulty in school with short- and long-term memory, concentration and organization.

District personnel shall accommodate students/athletes with a concussion. Such accommodation could include, without limitation, excusal from all physical activities until a medical release is provided, extension of deadlines on projects requiring concentration/attention, shortened or lightened schedule, or allow student/athlete to take breaks or a rest period.

### **Return to Participation**

After suffering a concussion, no student/athlete should return to play or practice or physical activity on that same day. Even if it appears a student's/athlete's symptoms have been alleviated within 15 minutes, the student/athlete may not return to participation unless he or she has been released by a qualified health care provider. In order to return to participation in an activity or sport, a student/athlete must be free from any symptoms and obtain a release from a qualified health care provider.

In most cases, the student/athlete should not be allowed to return to full participation in the activity or sport immediately upon release. Instead, District personnel must ensure that the student/athlete proceeds in a gradual step-by-step fashion to allow the student's/athlete's brain and body to re-adjust to exercise. Most students/athletes will be able to progress one step each day/practice. The following program should be implemented for a student's return to full participation; however, such program should be tailored to meet the student's unique injury, condition, and medical release:

- Step 1: Light aerobic exercise- 5 to 10 minutes on an exercise bike or light jog; no weight lifting, resistance training, or any other exercises.
- Step 2: Moderate aerobic exercise- 15 to 20 minutes of running at moderate intensity in the gym or on the field without a helmet or other equipment.
- Step 3: Non-contact training drills in full uniform. May begin weight lifting, resistance training, and other exercises.
- Step 4: Full contact practice or training.
- Step 5: Full game play.

If symptoms of a concussion re-occur, or if District personnel observe concussion signs and/or behaviors at any time during the return to activity program, the student/athlete must discontinue all activity and be re-evaluated by their health care provider.

## **Procedures for the Use of Automatic External Defibrillators (AED)**

### ***Implementation***

1. The District will identify and enter into an agreement with a Montana licensed physician or other qualified individual as determined by the Department to provide medical supervision (Medical Supervisor) to the AED program.

2. The District will identify an AED Program Coordinator, who will oversee implementation of the program and ensure the District's compliance with Department regulations.
3. The AED Program Coordinator will develop, update as changes are made, and adhere to a written plan that satisfies the requirements established by the Department. The District will submit the AED Program written plan to the Department.
4. The AED Program Coordinator will work with building administrators to ensure identified individuals – staff and/or faculty – will receive the necessary training as set out by the Department. These individuals must have current training in adult cardiopulmonary resuscitation that meets the standards of the American Heart Association and must renew this training at least every two years. They must also complete an AED training program that has been approved by the Department.
5. The AED Program Coordinator will notify area Emergency Medical Services providers and area Public Service Answering Points (9-1-1 dispatch point) in order to coordinate its AED program with these services.

### ***Use of the AED***

1. The AED must be a unit approved by the United States Food and Drug Administration.
2. If an authorized individual attaches the AED to a patient in need of resuscitation, he or she must report its use to the Medical Supervisor within 24 hours.
3. The Medical Supervisor must make a report to the Department each time the AED is attached to a patient within 48 hours of use.

### ***Responsibilities***

#### Medical Supervisor:

- Oversees all medical aspects of the AED Program
- Ensures compliance with appropriate regulatory requirements
- Ensures proper training and maintenance for AED responders
- Establishes and reviews procedures for AED use
- Establishes a quality review and improvement program, including post-drill and post debriefing
- Establishes and maintains relationships with local EMS
- Ensures AED use reports are sent to the Department within 48 hours of the occurrence of the event

#### AED Program Coordinator:

- Oversees all non-medical aspects of the AED Program
- Develops AED Program written plan as required by the Department and makes changes as needed to the plan in conjunction with building administrator.
- Coordinates with Medical Supervisor and EMS, as needed, for training and use of AED
- Identifies individuals to be AED responders and maintains list of AED responders in conjunction with building administrator.
- Coordinates and documents initial AED training and all subsequent training of AED responders
- Conducts quarterly proficiency evaluations for AED responders
- Coordinates and maintains documentation of all AED usage
- Conducts immediate post incident debriefing
- Ensures AED use is reported to Medical Supervisor within 24 hours of the occurrence of the event
- Coordinates and oversees documentation of AED maintenance and service procedures

#### Identified AED Responder:

- Maintain current certification in adult cardiopulmonary resuscitation that meets the standards of the American Heart Association
- Complete an AED training program and complete quarterly AED proficiency that has been approved by the Department.
- Provide prompt cardiopulmonary resuscitation including AED and first aid according to training and experience.
- Report to Medical Supervisor within 24 hours any AED placement on a patient.
- Accept accountability and responsibility for the retrieval, use and return of the AED when it is used.



## AED PROGRAM WRITTEN PLAN

The Arlee School District has established an AED program.

**Person in charge of the Program and Contact Information:**

Sue Carney

**The AED is located the new Gym and the High School hallway.**

**The AED will be used within** the physical school buildings or on any school property if available.

**A list of individuals currently trained and authorized to use the AED:**

Anytime the AED is removed from its location, 911 will be called and an ambulance will be requested to respond to the District. The 911 dispatcher will be advised of all information available related to the ambulance request.

**Medical supervision of the AED Program will be conducted by** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**He/She will supervise the AED Program** off-line in retrospective quality assurance and quality improvement and continuing education and practice sessions.

**His/Her designee (if applicable) is** \_\_\_\_\_  
\_\_\_\_\_

**The AED will be maintained, tested, and operated in conformance with the** \_\_\_\_\_  
**manufacturer's recommendations of best practice (see attached manufacturer's** \_\_\_\_\_  
**specifications-Attachment C).**

**Written records will be kept** of all maintenance and testing performed on the AED. These records will be kept on file at the High School Office.

**In addition to records for maintenance and testing of the AED, written records** of initial training, continuing training, and quarterly proficiency evaluations will be kept for each employee.

**Required reports of AED use will be made in person with the Medical Supervisor,** within 24 hours of the occurrence of the event. Required components of the written reports that must be sent to the DPHHS will be mailed within 48 hours of the occurrence of the event.

## **INSTRUCTIONS FOR COMPLETING WRITTEN PLAN**

1. Identify the entity establishing the AED Program as well as the AED Program Coordinator.
2. Specify the physical location of the AED.
3. Specify the location or geographic location in which the AED will be utilized.
4. Specify by what means the AED will be transported to the scene of a cardiac arrest.
5. List, by name, individuals trained and authorized to use the AED.
6. Explain how AED-related activities will be coordinated between your organization and your local EMS.
7. Specify how EMS will be contacted when the AED is utilized.
8. Provide the name, address, and phone number of the Medical Supervisor for the AED Program.
9. Explain, in detail, how the Medical Supervisor will be involved in the AED Program oversight.
10. Provide the name, address, and phone number of the Medical Supervisor's designee (if there is one).
11. Describe the maintenance procedures that will be used for your AED Program.
12. Describe the plan for keeping required written records, and where records will be located.
13. Specify all records that will be maintained related to your AED Program.
14. Explain how required reports will be made to the Medical Supervisor and to the Department of Public Health and Human Services.

## EMS AND PUBLIC SAFETY ANSWERING POINT NOTIFICATION FORM

In accordance with A.R.M. Section 37.104.604, the Arlee School District wishes to use or allow the use of an AED and hereby provides the following information to each licensed emergency medical service and Public Safety Answering Point (PSAP, 911, emergency dispatch center) in the area where the AED is intended to be used.

### Name of Entity Establishing AED Program

Arlee School District

### Business Address, Physical Address, and Telephone Number of the Entity

### Name, Address, and Phone Number of the Individual Responsible for On-Site Management of AED Program

### Starting date of AED Program

### Physical Location of the AED

### Notice is provided to the following EMS and PSAPs:

# AED USE REPORT

To be Filled Out Each Time an AED is Attached to a Patient

\_\_\_\_\_  
Entity Responsible for AED

\_\_\_\_\_  
Date of Incident

## MEDICAL SUPERVISOR:

Name: \_\_\_\_\_

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

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

Patient Age: \_\_\_\_\_ Patient Sex:  Male  Female

Location of Cardiac Arrest: \_\_\_\_\_  
\_\_\_\_\_

Estimated Time of Cardiac Arrest: \_\_\_\_\_ (use 24 hour time)

CPR Initiated Prior to Application of AED:  YES  NO

Cardiac Arrest Witnessed?  YES  NO

Time First Shock Delivered: \_\_\_\_\_ (use 24 hour time)

Total Number of Shocks and Joules Delivered: \_\_\_\_\_/\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_/\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_/\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_/\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_/\_\_\_\_\_  
\_\_\_\_\_

Pulse After Shocking:  YES  NO If yes, was pulse sustained?  YES

NO

Patient Transported:  YES  NO

If transported, to where and by who? \_\_\_\_\_

## INSTRUCTIONS:

1. Make one copy of this report; provide to Medical Supervisor
2. Send one copy to EMS & Trauma Systems, PO Box 202951, Helena, MT 59620
3. Retain one copy for other record-keeping requirements.

## **Use of School Facilities**

See attached Exhibit F.

## FUNDRAISING

“Fundraising” means sales made by a school or made by a student that are for the purpose of raising funds for the school to purchase equipment, materials, or provide transportation, and that are part of an officially sanctioned school activity.

### School-Based Fundraisers

Fundraisers may be grouped into the following categories:

*School-based fundraisers* – School-based fundraisers are initiated, planned, and implemented by individuals employed by a given school. Such fundraisers may take a variety of forms including book fairs, school t-shirt sales, box tops for Education, or school festivals. Individuals operating on behalf of the PTA are not involved in such fundraisers in any capacity. Fundraisers through school-based fundraisers are deposited into District accounts and start-up funds for such fundraisers should not be provided by the PTA.

*School Club Fundraisers* – School Club fundraisers are initiated, planned and implemented by school sanctioned organizations and their advisors. Funds raised through school clubs are deposited into District clubs and designated for the use of the school club which raised the money.

### Guidelines:

1. All fundraising efforts must be approved by the Activities Director and Superintendent. An approval form must be submitted. Before giving approval, the AD will review the purposes of the fundraising effort, how much money will be spent, and the guidelines and directions that will be given to the students regardless of their participation. The AD may request to meet with the individual(s) submitting the application to gather additional information before the request is submitted for final approval/denial by the Superintendent.
2. The request must be filed with the AD and approved by the Superintendent, before any fundraising activity is initiated and prior to making any commitment to vendors. Once approved, one (1) copy of the form should be maintained on file with the Activities Director and corresponding school secretary. The teacher/advisor/coach shall use his/her best efforts to contract with vendors that will allow the return of any unsold merchandise/items offered in the fundraiser. Before signing any contracts with any vendors for merchandise/items to be sold in a fundraiser, the teacher/advisor/coach shall seek approval of the AD and Superintendent. All contracts with vendors for fundraising merchandise/items must conform to Montana law regarding bidding of public contracts.
3. If the fundraising project includes the use of student time, it must take place at such times and place as to not unreasonably interfere with the operation of the school or interfere in the student’s learning.
4. No rewards or prizes may be offered to groups, classes, or students unless specifically approved by the building administrator.

5. Student participation is voluntary. Student grades or citizenship standing shall not be affected by a student's ability or willingness to participate in fundraising efforts.
6. Sales quotas for students may not be a part of any fundraising effort and students may not be required to pay for any unsold items which are returned to the school. The student or student's parent(s) is responsible to pay for any merchandise/items that are not sold and not returned. Students who do not return unsold merchandise/items will be billed for the cost of the merchandise/item.
7. An individual student or group of students may not use the facilities or resources of the school to conduct a personal fundraising effort not sponsored by the school except on the same basis as all other public uses of school facilities.
8. The parents/guardians of students under the age of 18 must give permission for their students to participate in a fundraising effort before any products or materials are sent home with the student.
9. Projects where school organizations buy or have donated raw materials, turn them into a finished product under the supervision of school personnel, and sell them to the public may be allowed. When food is prepared, a food handler's permit will be required. The selling of baked goods or other food items intended for human consumption, which have been prepared at home by students or parents/guardians is not allowed unless previously approved.
10. Fundraising projects must be appropriate for the public school environment and age of the students involved.
11. Fundraising projects may include the following:
  - a. Product sales (popcorn, fruit, cookbooks, clothing, cards, etc.)
  - b. Bazaar, carnival (no rides), or fair
  - c. Craft, art, hobby, science fair
  - d. Dance
  - e. Supper, luncheon, or dinner
  - f. Ice cream social
  - g. Athletic competition between students and faculty
  - h. Concert, play, stage production
  - i. Bake sale or food sales
  - j. Sponsored movie night at a theatre or at the school
  - k. Donations
  - l. School pictures
  - m. Bike/bowl/jump/read/skate/walk-a-thons
  - n. Gift-wrapping
  - o. Fun runs
  - p. Car wash
  - q. Recycling
  - r. Auctions
  - s. Raffles

This list is not exhaustive. All fundraising projects, regardless of type, must be approved by building administrators prior to commencement of the activity. No project is guaranteed approval, even if it falls within the categories described above.

12. Raffles may be permitted and must comply with Montana gambling rules, and related Tribal regulations. The raffle must be specified as a raffle for "charitable purposes." The proceeds from the raffle may only be used for charitable purposes and to pay for prizes; the proceeds may not be used for the administrative costs of the raffle. The raffle must have a random selection process, meaning that the winning ticket stub (or another "indicator" of the purchaser's identity) is drawn from a drum or other "receptacle" after being "thoroughly mixed." The entity conducting the raffle must maintain the follow records for a minimum of 12 months and provide these upon request to the Gambling Control Division:
  - a. a record of the total proceeds collected;
  - b. a detailed description of the prize(s) awarded;
  - c. a description of the selection process used to determine the winner(s);
  - d. a record reflecting the source of the prize(s), including any money paid to purchase prizes;
  - e. a record of any administrative costs paid with raffle proceeds;
  - f. a description of how the raffle was publically identified as a charitable raffle, where applicable;
  - g. the name and address of the person(s) awarded raffle prize(s); and
  - h. a detailed record of the distribution of the charitable raffle proceeds, where applicable.

The raffle terms (including the date of the drawing) must be available to the public prior to the sale of any raffle tickets.

13. Fundraisers based upon live gaming events, including bingo, keno, or poker, and/or Calcutta pools must be held in accordance with Montana gambling rules. Absent a special permit or approval granted by the Montana Gambling Division to hold such an event, live bingo, keno, or poker fundraisers and/or Calcutta pool fundraisers are not allowed. The permit or approval granted by the Montana Gambling Division and Tribal Gaming Commission must be provided to the District at least five (5) business days in advance of the fundraiser. Sports pools or sports tabs are not permitted under any circumstances.
14. The teacher/advisor/coach shall maintain documentation regarding each fundraiser, which shall include, at a minimum, the approval by the appropriate administrator, the total number of any merchandise/items given to students to sell, the amount of merchandise/items sold by the student, and money collected by the student as evidenced through a receipt to each student turning in money each day. The teacher/advisor/coach must reconcile the merchandise/items given to each student to sell with the amount of money collected by the student and/or any unsold merchandise/items.
15. Members of the school staff are personally responsible for all products and any money handled during fundraising activities.
  - a. Security arrangements for all products are to be made with an administrator. With permission of the administrator, fundraising products may be kept in classrooms overnight if they are locked in a secure place.



- b. Students should take orders prior to the actual delivery of products whenever possible. Students are limited to handling goods valued at no more than \$30.00 before additional products are released for distribution, unless accompanied by a parent or responsible adult.
  - c. Students must turn over all monies collected to the teacher/advisor/coach in charge each day.
  - d. All invoices related to the payment of fundraising merchandise or any other expenses related to the fundraiser must be submitted to the **Business Management Office** for payment. The teacher/advisor/coach is not permitted to make any expenditures relating to the fundraiser, including expenditures of any proceeds of the fundraisers. All money spent in support of the fundraiser and raised through the fundraiser must be from the appropriate District fund as determined by the **Business Management Office** and approved by the Superintendent. The teacher/advisor/coach shall follow District policy and procedures regarding purchasing.
16. All money collected in support of the fundraiser must be counted and turned into the **Business Management Office** each day. The teacher/advisor/coach must have another school employee present when the money is counted. The **Business Management Office** shall count the money turned in and issue a receipt to the teacher/advisor/coach regarding that amount of money. The teacher/advisor/coach must reconcile the amounts of money collected in support of the fundraiser with the amounts turned into the **Business Management Office** each day. The **Business Management Office** shall deposit the money into the appropriate District fund. No fundraising expenses or payment of merchandise can be made from these receipts.
17. The teacher/advisor/coach (whether an employee or volunteer) shall not keep money in a classroom, at home, or in a personal vehicle. The teacher/advisor/coach shall not co-mingle money relating to a fundraiser with personal money. The teacher/advisor/coach shall not use personal bank or credit card accounts to make purchases in support of the fundraiser or with the intention of being reimbursed from the proceeds of the fundraiser.
18. Staff members or students are prohibited from opening private bank accounts for money generated from school activities or using the school's name for private activities or private fundraising.
19. Teachers/advisors/coaches assume personal responsibility for all monies collected up until those monies are deposited with the **Business Management Office**.

## School Support Organizations

A school support organization is any outside booster club or special interest organization formed to support and strengthen individual schools or specific activities, such as athletic teams, school clubs or other activities, conducted within the District. This includes Parent-Teacher organizations (PTA). School support organizations may be formed to support one school/team/club/activity or may be formed to support a variety of schools/teams/ clubs/activities. Any outside organization formed to support one or more District-affiliated schools, athletic teams, school clubs, or other activities shall be considered a school support organization. The Superintendent or designee shall not approve a school support organization which aids, benefits, or services students/athletes of only one sex in the District in a sex discriminatory manner, unless there is a comparable school support organization which supports the students/athletes of the other sex to which the District gives comparable assistance.

### Approval:

Existing school support organizations, including any parent-teacher associations, must notify the Superintendent by June 1 of each school year regarding their intent to continue to support District-affiliated athletic teams or school clubs for the next school year. The Superintendent or designee shall approve existing school support organizations providing notice of their intent to continue their support at the next regularly scheduled board meeting. The request for annual approval shall be accompanied by a list of current officers of the school support organization and those members authorized to make deposits and expenditures from the school support organization's bank account.

New school support organizations may seek approval at any time by the Superintendent or designee. To be recognized by the Superintendent or designee, a newly-formed school support organization must submit a request to the Superintendent. The school support organization must state the following in its request for approval:

1. Its name;
2. The purpose, including a list of all District-affiliated athletic teams, school clubs, or other activities it intends to support;
3. A listing of officers;
4. Contact information for the organization, including a phone number, address, email, and identification of a primary contact person; and
5. The name of the bank where the school support organization will deposit funds and the names of members authorized to make deposits and expenditures from the account.

### Operational Guidelines:

District employees may be members of school support organizations but may not hold office in that organization. All assistance provided by a district employee for a school support organization must be done on personal time and outside of the workday. District employees shall not have any check-signing authority in a school support organization. No cash or checks shall be given to a District employee by a school support organization to use at his or her discretion. For those school support organizations formed and approved to support a specific athletic team or school club, the teacher or coach or advisor may act in an advisory role to the school support organization. This advisory role, includes, but is not limited to, offering information regarding the need for financial support, fundraising ideas, and suggestions for expenditures in support of the team or club. In no event shall

the teacher or coach or advisor have final authority regarding the expenditure of funds by a school support organization in support of an athletic team or school club.

School support organizations shall:

- Avoid any representations, direct or indirect, that the District or school is responsible for their actions.
- Not use the District's name or one of the District's school's names or mascots without prior approval of an administrator or designee.
- Not use District or school letterhead or tax identification number to carry out its business without prior approval of an administrator or designee.
- Not take any actions to direct or influence District employees in the administration of their duties.
- Not be involved in the decision- or policy-making activities for any athletic teams or school clubs.

The Superintendent or designee has the discretion to reject donations of money or goods by a school support organization. In no event shall a teacher or coach or advisor accept a donation of money or goods to support a school, team, club, or activity. All donations of money or goods must be made directly to the Superintendent or designee. The Superintendent or designee shall work with the Business Management Office to ensure that money donated is properly deposited into an appropriate District fund and that any goods donated are recorded into the District's inventory. All equipment and supplies donated by a school support organization become the property of the District.

The District encourages school support organizations to either consult with an administrator or his/her designee and teacher/coach/advisor before purchasing any goods in support of a school, team, or club to donate to ensure compatibility or donate money to the District for a specific purpose. When a school support organization donates money to be used for a specific purpose, the District has the discretion to reject the donation if accepting it would violate gender equity requirements or state or federal law. The District has the discretion to delay the purchase of gear, equipment, or supplies from money donated by a school support organization if such delay enables the District to satisfy gender equity requirements or state or federal law. The District will use its best efforts to honor the specific purpose designated by a school support organization for a donation; however, the District reserves the right to utilize the money for a different lawful purpose.

#### Fundraising Guidelines:

1. All fundraising efforts to support school, team, club, or activity must be approved by the Activities Director and Superintendent. An approval form must be submitted. Before giving approval, the AD will review the purposes of the fundraising effort, how much money will be spent, and the guidelines and directions that will be given to the students regardless of their participation. The AD may request to meet with the individual(s) submitting the application to gather additional information before the request is submitted for final approval/denial by the Superintendent.
2. If the fundraising project includes the use of student time, it must take place at such times and place as to not unreasonably interfere with the operation of the school or interfere in the student's learning.

3. No rewards or prizes may be offered to groups, classes, or students unless specifically approved by the Superintendent.
4. Student participation is voluntary. A student's ability to participate on an athletic team or in a club is not contingent on the student participating in fundraising activities.
5. Sales quotas for students may not be a part of any fundraising effort and students may not be required to pay for any unsold items which are returned to the organization.
6. The school support organization may only use the facilities or resources of the school to conduct a fundraiser on the same basis as all other public uses of school facilities.
7. The parents/guardians of students under the age of 18 must give permission for their students to participate in a fundraising effort before any products or materials are sent home with the student.
8. Projects where school support organizations buy or have donated raw materials, turn them into a finished product under the supervision of a representative of the school support organization, and sell then to the public may be allowed. When food is prepared, a food handler's permit will be required if food is to be sold/distributed on District property. The selling of baked goods or other food items intended for human consumption, which have been prepared at home by students or parents/guardians, is not allowed unless previously approved.
9. Fundraising projects must be appropriate for the public school environment and age of the students involved.
10. Fundraising projects may include the following:
  - a. Product sales (popcorn, fruit, cookbooks, clothing, cards, etc.)
  - b. Bazaar, carnival (no rides), or fair
  - c. Craft, art, hobby, science fair
  - d. Dance
  - e. Supper, luncheon, or dinner
  - f. Ice cream social
  - g. Athletic competition between students and faculty
  - h. Concert, play, stage production
  - i. Bake sale or food sales
  - j. Sponsored movie night at a theatre
  - k. Donations
  - l. Photos
  - m. Bike/bowl/jump/read/skate/walk-a-thons
  - n. Gift-wrapping
  - o. Fun runs
  - p. Car wash
  - q. Recycling
  - r. Auctions
  - s. Raffles

This list is not exhaustive. All fundraising projects, regardless of type, must be approved by building administrators prior to commencement of the activity. No project is guaranteed

approval, even if it falls within the categories described above.

11. Raffles may be permitted and must comply with Montana gambling rules, and related tribal regulations. The raffle must be specified as a raffle for "charitable purposes." The proceeds from the raffle may only be used for charitable purposes and to pay for prizes; the proceeds may not be used for the administrative costs of the raffle. The raffle must have a random selection process, meaning that the winning ticket stub (or another "indicator" of the purchaser's identity) is drawn from a drum or other "receptacle" after being "thoroughly mixed." The entity conducting the raffle must maintain the follow records for a minimum of 12 months and provide these upon request to the Gambling Control Division:
  - a. a record of the total proceeds collected;
  - b. a detailed description of the prize(s) awarded;
  - c. a description of the selection process used to determine the winner(s);
  - d. a record reflecting the source of the prize(s), including any money paid to purchase prizes;
  - e. a record of any administrative costs paid with raffle proceeds;
  - f. a description of how the raffle was publically identified as a charitable raffle, where applicable;
  - g. the name and address of the person(s) awarded raffle prize(s); and
  - h. a detailed record of the distribution of the charitable raffle proceeds, where applicable.

The raffle terms (including the date of the drawing) must be available to the public prior to the sale of any raffle tickets.

12. Fundraisers based upon live gaming events, including bingo, keno, or poker, and/or Calcutta pools must be held in accordance with Montana gambling rules. Absent a special permit or approval granted by the Montana Gambling Division to hold such an event, live bingo, keno, or poker fundraisers and/or Calcutta pool fundraisers are not allowed. The permit or approval granted by the Montana Gambling Division must be provided to the District at least five (5) business days in advance of the fundraiser. Sports pools or sports tabs are not permitted under any circumstances.

#### Support of Athletic Teams:

All expenditures by a school support organization in support of athletic teams must be done in conformance with gender equity requirements of Title IX and the *Ridgeway Settlement Agreement*. MHSA permits the following expenditures, with approval of the District:

- The purchase of merchandise (travel shirts, jackets, shooting shirts, etc.) for an athletic team where the District maintains ownership of the merchandise. Merchandise may be checked-out to students during the athletic season, but must be returned to the District at the end of the season. A student who does not return merchandise purchased with money donated by a school support organization at the end of the athletic season will be billed for that item. MHSA does not permit a school support organization to purchase merchandise for students to keep.
- The purchase of meals for students while traveling during regular season and/or the post-season. In no event, however, shall any cash be distributed directly to students for the purchase of such meals or for any other reason.

The school support organization may, with prior approval of the administrator or designee, conduct fundraisers that allow students to voluntarily earn money to use to purchase personal merchandise.

Only students who actually work may be compensated and the compensation must be commensurate with the work completed (i.e., number of cars washed, number of discount cards sold) or with the number of hours worked. No school support organization shall donate money to sponsor or finance any student's participation in a specialized camp or invitational tournament. School support organizations shall not directly compensate any District employees or volunteers (whether as advisors or coaches) with the payment of money or goods for their service to an athletic team or school club. Money donated by a school support organization shall not be used for the purchase of alcoholic beverages or tobacco products.

#### Accounting:

An approved school support organization must maintain a separate bank account. The District is not liable or responsible for any contracts or expenditures made by a school support organization.

School support organizations must maintain files for each fundraising activity. The file must include:

- Copies of all purchase orders, invoices, receipts, etc. relating to any expenditures of the organization in support of the fundraiser (i.e., merchandise, supplies, food);
- A record of all money expended and all money collected during the fundraiser, including inventories of merchandise;
- Copies of any materials distributed in relation to the fundraiser;
- Copies of monthly bank statements;
- A record of the expenditure of any money from the proceeds of the fundraiser, including a record of any donation made to the District.

All purchase orders/receipts/invoices must be reconciled with the records maintained regarding expenses and income.

School support organizations must submit an annual financial statement to the administrator or designee by June 30 of each year. The financial statement shall record all income, expenditures, assets, and liabilities of the school support organization for the previous year. School support organizations must also provide a reconciliation of its bank statements with its financial statement. All purchases by the school support organization should have proper supporting documentation, including itemized receipts. All income, including donations/membership fees, should have proper supporting documentation. All money collected by the school support organization – whether through a fundraiser, donation, membership fee/dues – must be deposited upon receipt. The school support organization's financial statements are subject to an audit by a representative of the District.

School support organizations must submit an annual budget to the administrator or designee, adopted by its membership, which includes fundraising estimates and planned expenditures (including donations to the District) by August 1 year. A newly-formed school support organization must submit an annual budget to the administrator or designee within 30 days of its approval by the Board. Any amendments to the budget after it has been submitted should be approved by the membership and submitted to the administrator or designee within five (5) days of its adoption.

## Fundraising Request Form

Groups wishing to organize fundraising activities shall complete this *Fundraising Request Form* for approval by the building administrator prior to fundraising plans being initiated.

School or Group requesting or representing: \_\_\_\_\_

Date submitted: \_\_\_\_\_

Sponsor & Coordinator: \_\_\_\_\_

Sponsor email: \_\_\_\_\_

Sponsor phone number: \_\_\_\_\_

Group raising funds: \_\_\_\_\_

Date fundraiser is to take place: \_\_\_\_\_

Amount to be raised: \_\_\_\_\_

Purpose of the fundraiser: \_\_\_\_\_

Summarize how the activity will benefit the students of the school, including an estimate of the number of students that will benefit, and the students participating \_\_\_\_\_

Description of the fundraiser in detail: \_\_\_\_\_

Does the fundraiser require student time? \_\_\_Yes \_\_\_No

If so, how much student time is estimated for the fundraiser? \_\_\_\_\_

Have efforts been made to obtain funds from other sources? If yes, please specify such efforts and the amounts of any other funds that have been secured \_\_\_\_\_

*Note: Use additional sheets if necessary to explain the fundraising project request.*

I, the building administrator or designee, of \_\_\_\_\_ School

Approve the request

Approve the request subject to following conditions: \_\_\_\_\_

Do not approve the request

\_\_\_\_\_  
Building Administrator or Designee

\_\_\_\_\_  
Date

## **Procedures to Maintain and Access Personnel Records**

The District maintains employment records for each employee which will include all material required by state and Federal law, and other documents as determined by the Administration. Personnel records will be maintained for 10 years after an employee leaves the District, regardless of the reason. The custodian for personnel records is the Superintendent.

### *Access by the Employee to His/Her Own File*

The custodian will permit an employee to inspect his/her personnel records, including records which have been used to determine qualification for employment (except letters of reference), promotion, additional compensation, release from employment or other disciplinary action. In order to gain access, the employee must:

- request an appointment with the custodian during normal business hours;
- inspect the records in the presence of the custodian.

Former employees also have the right to inspect their records.

### *Access by Third Parties*

There is a potential statutory or civil liability for improper release of personnel information to third parties. Any member of the District community who receives an inquiry about an employee or former employee of the District should promptly forward the request to the appropriate custodian of records.

### *Access by Board of Trustees*

The Board may access the employment records of any employee when a majority of the Board votes to access said records. Employees will be noticed in advance if possible of the Board's intent to review personnel records.



# Hiring Procedure

## 1. PURPOSE AND PHILOSOPHY

Personnel employed by Arlee School District constitute the most important resource for effectively conducting a quality learning program. The Board of Trustees recognizes that every employee can make important contributions to student learning. The Board therefore strives to employ the best available candidate to fill each position. The procedures adopted herein are designed to ensure that the recruitment and selection of employees meet that end and are orderly and consistent across the District. **The procedures outlined herein apply only to the hiring of new employees and not to transfers within the District.**

## 2. BOARD DELEGATION

**2.1.** The Board assigns to the Superintendent and his staff the process of employee recruitment. This includes the development and implementation of strategies and procedures for recruiting, screening, and selecting personnel. The Superintendent and his staff are charged with recommending the best available candidates (i.e., those with the highest capabilities, the strongest commitment to qualify education, and the greatest probability of effectively implementing the District's programs).

**2.2** The Board retains the legal responsibility to approve the employment of all employees. All personnel selected for employment must be recommended by the Superintendent and approved by the Board. In recommending candidates for employment, the Superintendent shall communicate any item(s) of concern to the Board so that the Board may make an informed decision. Should the Board not approve the employment of a candidate being recommended by the Superintendent, the Superintendent shall submit other recommendations.

## 3. ANTIDISCRIMINATION STATEMENT

In the recruitment and selection of employees, the District does not discriminate on the basis of race, color, sex, pregnancy (including childbirth or any pregnancy-related condition), age, religion, national origin, disability, or any other legally protected class(es) as defined by applicable state and federal law.

## 4. HIRING PROCEDURES

**4.1. Identification of Vacancy.** When a certified, classified or coaching staff vacancy is identified in the District, the Superintendent, the appropriate building level administrator/supervisor, or the Athletic Director takes the following steps:

**4.1.1.** Submit notice of the termination of the former employee if the vacancy is created by retirement, resignation, transfer, or dismissal; and

**4.1.2.** Submit a request to the appropriate central office staff person(s) to open the position.

**4.1.3.** Approval to fill vacancies must be obtained from the Superintendent, except in the cases of a newly created position or the position of “Superintendent,” for which approval to hire the position is reserved to the Board.

**4.1.4.** Special Appointment – On rare occasions the Superintendent may make direct appointments from within or outside the Management Team, upon Board approval, of qualified candidates to any administrative vacancy when such action will best serve District needs.

## **4.2. Recruitment and Application**

**4.2.1.** Following authorization to fill an open position, central office personnel advertises the opening and invites qualified individuals to submit applications.

**4.2.1.1.** The advertising of authorized position will follow the procedure(s) outlined in the District’s Policy Manual, the applicable Collective Bargaining Agreement, and Employee Handbooks.

**4.2.1.2.** If not otherwise established in an applicable Collective Bargaining Agreement, in-house advertising of vacancies will be posted as outlined in the above named document for a period not less than five (5) working days.

**4.2.1.3.** At the end of the five (5) day in-house advertising time period, the Superintendent, after consulting with building administration and central office personnel, will determine whether to open the advertising of the said vacancy to the public, unless an applicable Collective Bargaining Agreement establishes otherwise.

**4.2.2.** Vacancies will be advertised for a reasonable period of time, at least five (5) days. Exceptions may be made by the Superintendent. In the event an exception to the five (5) day posting time may need to be made, (e.g. late-notice resignation, employee death), the “until filled” position posting notice shall include the language “review of application and interviewing may begin immediately.”

**4.2.3.** Applicants shall apply according to the guidelines outlined in the vacancy notice. For in-house applications, a letter of interest in the advertised vacancy may suffice, but the interested party is advised to contact appropriate central office personnel to inquire whether additional information and materials may be required to fulfill the obligations of the application process. All applications and supporting documentation for employment shall be received and maintained by appropriate central office personnel.

**4.2.4.** Appropriate central office personnel will maintain a roster of qualified applicants. All properly submitted and updated applications will automatically be eligible for consideration for any openings in the specific field applied for. Applicants must update their applications at least annually. Applicant files are placed on inactive

status one (1) year after the most recent submission/activation. Applicant files are deleted two (2) years after the most recent submission/activation.

#### **4.3. Selection of Candidate**

**4.3.1.** Once the application deadline has passed, central office personnel shall pre-screen the applications to ensure completeness of the application file, and ensure the individual applicant meets the basic requirements listed for the particular position being filled. Central office personnel will then provide a list of candidates, along with the application and supporting documentation of each, to the designated administrator for their review and consideration. In the case of certified staff, the appropriate building level administrator oversees the hiring process. In the case of non-certified staff, the Superintendent oversees the hiring process. In the case of coaches, the Athletic Director oversees the hiring process. In the case of the Superintendent position, the Board shall select a Trustee to oversee the hiring process. At the Board of Trustees' discretion, the current Superintendent may, or may not be part of the candidate selection process for successor to the Superintendent's position.

**4.3.2.** The administrator, as designated in Section 4.3.1., shall oversee reviewing of the application materials and selection of candidates to be interviewed. The administrator shall assemble a committee that will include other appropriate District administration and at least one other District staff member to assist in reviewing applications and selection of interview candidates. The designated administrator is also encouraged to invited a member of the IEC to participate in the review and candidate selection process. The committee shall develop and revise if needed, the intended interview question prior to conducting the candidate interviews.

**4.3.3.** Interviews for certified or classified positions are to be conducted by the administrator, as designated pursuant to Section 4.3.1., and that administrator will be part of all certified, classified, or coaching staff interviewing and selection. The designated administrator will assume the leadership role throughout the process and will deliver the recommendation of the hiring team to the Superintendent for final approval before presenting a recommendation for hire to the Board. The designated administrator is not required to seek Superintendent approval for the hiring of the Superintendent position before presenting the recommendation for hire to the Board of Trustees.

**4.3.4.** No employment offer will be made until: (a) the vacancy has been advertised for a reasonable period of time, at least five (5) days; (b) the job has been closed; and (c) files of qualified applicants have been considered. Exceptions to these conditions may only be made by the Superintendent.

**4.3.5.** Until a hiring decision has been made and approved by the Superintendent and all other applicable District Personnel, the designated administrator must not indicate to prospective employees whether they will be recommended for employment. Prior to the hiring decision, the designated administrator shall indicate no more than that the prospective employee will be informed when the decision has been made.

**4.3.6.** Following the interviews, the designated administrator, with input from the members of the committee, shall select the best available candidate and submit to the Superintendent the recommendation for his or her consideration to present to the Board for final approval to hire. Upon the Superintendent's approval, the designated administrator will then contact the prospective employee and offer him/her the position, indicating that the offer is contingent on approval by the Board of Trustees. This Section does not apply to hiring a new Superintendent.

**4.3.7.** The recommendation will be presented to the Board at the next authorized meeting of the Board. Once approval is given, the designated administrator will be notified by the Superintendent or central office personnel that the prospective employee has been approved for hire pending completion of the hiring process. If the prospective employee accepts the offer, the designated administrator will notify the other interviewed applicants in a timely manner.

**4.3.8.** Central office personnel will, upon approval to hire by the Board, coordinate completion of the hiring process, including criminal background checks, preparation of contracts and other forms, and any other requirements.

**4.3.9.** The designated administrator may not allow new employees to begin work until they have completed all appropriate pre-work requirements and received notice from central office personnel that all such requirements have been appropriately completed.

**4.3.10.** Final approval of all hiring decisions always rests with the Board.

## **Background Checks**

### **Who Needs to Be Fingerprinted**

Prior to the submission of fingerprints to the Montana Department of Justice, Criminal Records Identification Services Section (DOJ / CRISS), all applicants for a paid or volunteer position with the Arlee School District (District) shall be given a Privacy Act Statement and the Applicant Rights and Consent to Fingerprint form to review and sign. The Superintendent or designee shall also provide information on the procedures for challenging criminal history record information to the applicant. Signed forms are kept in the applicant's personnel file for 5 years or the length of employment, whichever is longer. Applicants are also provided with a copy of the Privacy Act Statement.

Any finalist recommended to be employed in a paid or volunteer position with the District, involving regular unsupervised access to students in schools, as determined by the Superintendent or designee, or an employee of a firm holding a contract with the District who works in or at the school shall submit to a name-based and fingerprint criminal background investigation conducted by the appropriate law enforcement agency.

The District shall obtain a signed waiver from all applicants and provide written communication of applicant rights. Applicant Waiver Agreements shall be kept on file for 5 years or until the employee's employment ends.

Ink fingerprints are captured by law enforcement personnel that have completed and passed the certification course provided by CRISS. All applicants must provide a current government issued photo identification at the time of fingerprinting for identification verification. Two ink fingerprint cards are captured for each applicant and all data fields are completed and checked for accuracy. Complete fingerprint cards are then mailed to DOJ/CRISS along with payment.

### **Security Officer**

Kilee Henry, the District's SRO, has been appointed as the Local Agency Security Officer and acts as the primary point of contact between the District and CRISS.

Megan Morris of Kaleva Law Office is responsible for ensuring compliance with these procedures and state and federal law by all authorized recipients on behalf of the District. Any change in appointment of the LASO or other authorized personnel shall be reported to CRISS immediately.

### **Access of Criminal History Record Information (CHRI)**

All background results are received by authorized employees of the District through the File Transfer Service operated through the State of Montana. Results are printed and stored in a locked filing cabinet in the District's administration office until a determination regarding recommendation for employment is made by the Superintendent. Only authorized personnel that have undergone Privacy and Security Information training through the DOJ shall have access to printed criminal history record information. Authorized recipients of criminal history information include: [identify positions/individuals who have gone through training].

## **Dissemination**

Dissemination shall be permitted only to and from authorized representatives of the District consistent with the original request of the CHRI. Individuals requesting a copy must show identification.

- All disseminated copies shall be marked with "Copy"
- The dissemination shall be recorded on a Dissemination log.
- The log must be maintained for 3 years from date of entry
- The information on the dissemination log is to include:
  - Date record was shared
  - Who sent the request (name and agency representing)
  - How the request was fulfilled.

Dissemination requests are mailed or faxed or given in person.

## **Storage**

All CHRI is stored in a locked filing cabinet within the District's administration office. Only authorized personnel shall have access to this information. Only authorized personnel may be present when the criminal record is being reviewed.

## **Destruction**

When there is no longer a need to have a physical copy of CHRI on file it must be destroyed in accordance with Schedule 7 of the Montana Local Government Retention and Disposition Schedule. The District utilizes shredding to destroy information in accordance with Schedule 7.

- Dissemination logs may be destroyed 3 years from date of entry.
- Criminal Records and History may be destroyed 5 years from the date of the end of the employee's employment or the last audit.

## **Applicant Challenge or Request for Correction of Their Record**

All applicants will be provided the opportunity to challenge or complete their record before a final determination is made. Applicants wishing to challenge their record will be provided a copy of the background report. The applicant is then provided time to contact the state or agency in which the record was created to make corrections. Within two weeks of submitting the challenge to the District, the applicant must provide the District with a copy of the corrected background report provided by and notarized by the DOJ's State Identification Bureau. The fee associated for a copy of the state record provided by the DOJ's State Identification Bureau will be the responsibility of the applicant.

### **Misuse of CHRI**

The District does not allow dissemination of CHRI to persons or agencies that are not directly involved in the hiring process. If CHRI is disseminated outside of the authorized receiving department, the District 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 the plan to ensure no repeated incidents.

## Applicant Rights and Consent to Fingerprint

As an applicant who is the subject of a national fingerprint-based criminal history record check for a noncriminal justice purpose (such as an application for employment or a license, an immigration or naturalization matter, security clearance, or adoption), you have certain rights which are discussed below.

- You must be provided written notification<sup>1</sup> by Arlee School District 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.<sup>2</sup>

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.<sup>3</sup>

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 [DOJCRISS@MT.GOV](mailto:DOJCRISS@MT.GOV) 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.*

---

Printed Name of Applicant

---

Signature of Applicant

---

Date



**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 Arlee School District 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

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 Arlee School District.

\_\_\_\_\_  
Signature of Applicant

## FMLA Procedures

The following is a guide that will assist employees as well as department supervisors to be consistent with procedures to follow when an employee is requesting FMLA.

### *Eligibility*

**Any District employee who (1) has been employed for at least 12 months and (2) has worked at least 1,250 hours in the 12-month period immediately preceding the request.**

### *Type of Leaves Available*

The following events may qualify an eligible employee for leave under the District's FMLA policy:

- A. For birth of a son or daughter and to care for the newborn child;
- B. For placement with the employee of a son or daughter for adoption or foster care;
- C. For the care of the employee's spouse, son, daughter or parent with a serious health condition;
- D. For the employee's own serious health condition that makes the employee unable to perform the functions of the job;
- E. For any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is on covered active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty status) as a member of the regular Armed Forces as a Member of the National Guard or Reserves. Covered active duty means deployment to a foreign country;
- F. For the care of a covered servicemember who is a current member (or a member on the temporary disability retired list) of the Regular Armed Forces, National Guard, Reserves, who has incurred an injury or illness in the line of duty while on active duty or had an injury or illness that existed prior to active duty that was aggravated by service in the line of duty on active duty and may render the servicemember medically unfit to perform the duties of his/her office, grade, rank, or rating;
- G. For the care of a covered veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves), who was discharged or released for reasons other than dishonorable during the five year period prior to the first date of FMLA leave taken by the employee, who incurred an injury or illness in the line of duty of active duty or had an injury or illness that existed prior to active duty that was aggravated by service in the line of duty on active duty that manifested itself before or after the veteran became a veteran. The injury or illness for which the employee is taking FMLA leave must be:
  - (i) a continuation of the same injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Services and rendered that person unable to perform the duties of the servicemember's office, grade, rank, or rating;
  - (ii) a physical or mental condition for which the covered veteran has been given a disability rating by the U.S. Department of Veterans Affairs (VARSD) of 50 percent or greater and be the basis, in whole or in part, of the reason the employee needs FMLA military caregiver leave;
  - (iii) a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation because of the disabilities relating to military treatment and would continue absent treatment; or

(iv) an injury, including a psychological injury, which qualifies the covered veteran for enrollment in the U.S. Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

### ***Qualifying Exigencies***

Leaves under E. above may be taken for “qualifying exigencies,” which are designated as:

- (i) Short-notice deployment (notification of impending call or order to covered active duty less than seven days prior to deployment; leave for this qualifying exigency is limited to seven calendar days from the notification);
- (ii) Attendance at military events (ceremonies, programs, or events sponsored by the military) or family support or assistance programs and informational briefings sponsored by the military or other military service organizations related to the covered active duty;
- (iii) Childcare and school activities, including arranging for alternative childcare for military member called to covered active duty; providing childcare to child of military member called to covered active duty because of an urgent and immediate need for such care (does not include regular or everyday care); enrolling or transferring child to a new school because of a call to active duty; or attendance at meetings with school officials because of military member’s call to active duty;
- (iv) Financial and legal arrangements necessitated by military member’s call to covered active duty or acting as the military member’s representative before governmental agencies for the purpose of obtaining or appealing military service benefits while the military member is on covered active duty or for a period of 90 days following the termination of the military member’s covered active duty status;
- (v) Attendance at counseling sessions provided by someone other than a healthcare provider for the employee’s own self, military member, or child/legal ward of military member provided that such counseling relates to the military member’s covered active duty;
- (vi) Rest and recuperation. This includes time spent with the military member who is on short-term, temporary, Rest and Recuperation during the deployment, but is limited to a period of 15 days beginning on the date the military member commences such leave;
- (vii) Post-deployment activities, which include attendance at arrival ceremonies and events for a period of 90 days following termination of the military member’s covered active duty status, and addressing issues arising from the death of the military member while on covered active duty;
- (viii) Provision of parental care to parent of military member who is incapable of self-care and requires assistance or supervision or to arrange for the provision of such parental care, including attending meetings at care facilities for parent of military member on covered active duty; or
- (ix) Any other activities arising out of a military member’s covered active duty status that the District and employee agree qualifies as an exigency and the timing and duration of leave for that exigency.

### ***How Leave May be Taken***

Leaves under the FMLA may be taken as described below:

A. Leave may be taken in solid blocks of time, intermittently, or in the form of a reduced leave schedule.

B. Leave to care for a newborn or newly placed child (a.k.a. bonding leave) will only be granted in solid blocks of time.

The District will charge an employee's FMLA usage by the shortest period of time that it uses to account for other types of leave for payroll purposes provided that it is not greater than one hour and that an employee's FMLA leave entitlement is not reduced by more than the amount of leave actually taken. If the employee requires continuing intermittent leave for foreseeable planned medical treatments and the taking of that leave would substantially impair the operations of the District, the employee may be transferred, temporarily, during the period of intermittent leave, to an available alternate position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. The alternate position must have equivalent pay and benefits. The transfer to an alternate position may require compliance with any applicable collective bargaining agreement, federal law (such as the Americans with Disabilities Act) and state law.

### ***Employee Rights***

Employees have the right to continuation of health care coverage while on leave, restoration to the same or equivalent position upon expiration of leave, freedom from discrimination or retaliation for exercising FMLA rights.

### ***Amount of Leave Available***

- A. Up to 12 weeks of unpaid leave per twelve month period for leave types described in Types of Leave A., B., C., D. and/or E. above; or
- B. Up to 26 weeks of unpaid leave during a single twelve month period for the leave type described in Types of Leave F. and/or G. above (military caregiver leave).

The District may utilize a 12-month period measured forward from the date the employee's first FMLA leave begins or fiscal year (July 1 – June 30) or calendar year (January 1 – December 31) or a "rolling" 12-month period measured backward from the date the employee uses any FMLA leave. Your policy will specify how the leave within a year is calculated. If a husband and wife or partners are employed with the District and using the leave for birth, adoption, foster care or to care for the employee's parent with a serious health condition the amount of leave is limited to a combined total of 12 weeks of leave.

### ***Employee Pay Status and Use of Accrued Leave***

FMLA leave is unpaid. Where an eligible employee has accrued paid vacation and/or sick leave the employee must use accrued vacation and/or sick leave concurrently with FMLA leave to remain in paid status.

### ***Roles and Responsibilities***

District employees play important roles to ensure compliance with the administration of leaves under the FMLA and in accordance with federal law and District FMLA policy 5328. District employees must perform the responsibilities as outlined below and in accordance with the procedures developed for this policy.

Role	Responsibility
Employees	<ol style="list-style-type: none"> <li>1. Comply with District Leaves of Absence policies.</li> <li>2. Notify immediate Principal/Supervisor <i>and</i> Human Resources of their need for a leave of absence.</li> <li>3. Participate and cooperate fully in the initial certification process, requests by Human Resources for any clarifications, any recertification, a second or third opinion, or a fitness for duty certificate, including:               <ol style="list-style-type: none"> <li>a. Providing complete, sufficient and authentic certification to support the employee's FMLA request.</li> <li>b. Furnishing the health care provider with any necessary authorization from the employee or the employee's family member so the health care provider can release a complete and sufficient certification to the District.</li> </ol> </li> <li>4. Follow District policy and practice with regard to absence notification, use of accrued sick leave, vacation leave and compensatory time.</li> <li>5. Make a reasonable effort to schedule any planned treatment so as not to unduly disrupt operations.</li> </ol>
Superintendent	<ol style="list-style-type: none"> <li>1. Ensure that Principals, Supervisors and Human Resources comply with the FMLA policy and procedures.</li> <li>2. Approve qualifying leaves of absence under the FMLA for employees under his/her supervision.</li> </ol>
Principals & Supervisors	<ol style="list-style-type: none"> <li>1. Respond to employee requests for leaves of absence including leaves governed by the FMLA.</li> <li>2. Recognize the need for potentially FMLA qualifying leave based on actions or statements of employees.</li> <li>3. Within five business days of a request for FMLA, notify Human Resources of employee request.</li> </ol>
Human Resources	<ol style="list-style-type: none"> <li>1. Notify employee that they must meet with HR to prepare and finalize FMLA paper work.           <ol style="list-style-type: none"> <li>a. Prepare and complete the Notification of Eligibility and Roles &amp; Responsibilities Form.</li> <li>b. Prepare and Complete the Leave of Absence Form.</li> <li>c. Provide Certification of Health Care Provider Form to employee requesting the leave.</li> <li>d. Prepare and complete the FMLA Designation Notice</li> </ol> </li> <li>2. Provide required FMLA related paperwork to Superintendent for approval.</li> <li>3. Upon consultation with Superintendent, determine if requests for leaves of absence are FMLA qualifying and if not deny the request, withdraw designation and explore other leave options available (if any).</li> <li>4. Enter FMLA paperwork and information into payroll system.</li> <li>5. Monitor FMLA usage. And when FMLA should be ended in payroll.</li> <li>6. Prepare letter of notification to employee that FMLA is ending.</li> <li>7. At all times during FMLA, return to work status should be conveyed by employee to Principal/Supervisor <i>and</i> Human Resources.</li> </ol>

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## ***Notice of FMLA***

There are three ways that the District may receive notice that an employee's absences should be designated as FMLA.

A. Employee Requests Leave - The employee requests the leave for the reasons described above.

**1. Foreseeable Leave Request** - With regard to an employee requesting the leave, the Act mandates that if the necessity for the leave is foreseeable, the employee is required to give at least 30 days advance notice to the District. Examples of foreseeable leave include planned surgeries and planned medical appointments. Failure to provide such notice without reasonable excuse allows the District to delay the taking of the FMLA leave until at least 30 days after the date the employee provides notice of his or her need for leave.

**2. Unforeseeable Leave Request** - If the necessity for the leave is unforeseeable, the employee should give notice to the District "as soon as practicable under the facts and circumstances of the particular case." Examples of unforeseeable leave include premature birth, a child suddenly becoming available for adoption, short-notice military deployment or a medical emergency requiring immediate treatment.

**3. Employee Responsibilities** - Employees, absent unusual circumstances, must comply with District policy, labor agreements and state law concerning the use of sick leave, vacation days, compensation time and other types of leave and comply with the notice requirements within the time prescribed by the policy, agreement or rule applicable to such leave. In addition, the employee must make reasonable efforts to schedule doctor appointments, treatment or therapy so as not to unduly disrupt the operations of the District.

B. Actions or Statements of Employee Suggests Entitlement to Leave - The employee's actions or statements are such that the Principal/Supervisor should inquire whether the leave is potentially FMLA qualifying for the reasons described above and if so, designate accordingly.

**1. Serious Health Condition for Self or Family Member's Condition** - With regard to an employee's actions or statements that mandate the Principal/Supervisor to inquire further, the Act states the employee does not have to expressly assert rights under FMLA or even mention the Act. All that is needed is enough information to determine that the employee has a serious health condition as described above. Examples of employee actions or statements where the supervisor must inquire further include but are not limited to:

- a) Hearing an employee state that their upcoming surgery will require hospitalization;
- b) Learning from an employee that their son or daughter had been wounded while serving in the military and that they need to take time off to visit and care for them;
- c) Mentioning that they will need to take time off to care for a spouse, son, daughter or parent with a serious health condition as defined above; or
- d) Hearing from an employee's spokesperson (child, parent, spouse, doctor) that the employee was seriously injured or is seriously ill.

**2. Qualifying Exigency for Military Family Leave** – The statements or actions of employees who are eligible for FMLA also require the supervisor to make further inquiries. Examples of employee actions or statements where the supervisor must inquire further include but are not limited to:

- a) Notification that the employee needs to participate in military related activities;
  - b) Statements or actions related to those items that constitute a Qualifying Exigency.
- C. Work Related Injury - The employee sustains a work related injury that results in a serious health condition.

***Notice of Eligibility and Rights & Responsibilities (Pre-Certification Receipt)***

Before a qualifying leave is designated as FMLA, the District must determine if the employee is eligible to take FMLA leave. Once this determination is made the District must notify the employee of their rights and responsibilities under the FMLA. This is done by giving the employee a Notice of Eligibility and Rights & Responsibilities. The District must notify employees in writing of eligibility or non-eligibility within five (5) business days (absent extenuating circumstances) and thereafter during the same FMLA leave year, only if the employee's eligibility status changes.

If the employee has exhausted their 12-week FMLA entitlement in the preceding 12 months, the request should be denied.

***Certification***

The U.S. Department of Labor issued five (5) separate Certification of Health Care Provider forms, which have been adapted for District use. Listed below are short descriptions of each form and when the form should be used. Certification forms must be returned within 15 days.

- A. Employee's Own Serious Health Condition – Use Form WH-380E when the employee is requesting FMLA leave to care for their own serious health condition. This form should be given to the employee for completion by the employee and the employee's health care provider. Any job description or job analysis existing for the employee's position should be provided with this form.
- B. Family Member's Serious Health Condition – Use Form WH-380F when the employee is requesting FMLA leave to care for employee's spouse, son, daughter or a parent with a serious health condition. This form should be given to the employee for completion by the employee and the employee's health care provider.
- C. Military Family Leave (a.k.a. "Qualifying Exigency Leave") – Use Form WH-384 when the employee needs to take leave for a qualifying exigency arising from the fact that the employee's spouse, son, daughter or parent on covered active duty or is under a call or order to covered active duty as a member of the regular Armed Forces or the National Guard or Reserves. This form should be given to the employee for completion who in turn will gather the necessary military orders or other documentation needed to approve the leave.
- D. Certification for Serious Injury or Illness of Covered Service Member for Military Family Leave – Use Form WH-385 when the employee needs to care for a covered

service member with a serious injury or illness, and the employee is the spouse, registered domestic partner, son, daughter, parent or next of kin of the servicemember. This form should be given to the employee for completion who in turn will give it to a United States Department of Defense health care provider or other authorized health care provider for completion.

E. Certification for Serious Injury or Illness of Covered Veteran for Military Family Leave – Use Form WH-385V when the employee needs to care for a covered veteran with a serious injury or illness, and the employee is the spouse, registered domestic partner, son, daughter, parent or next of kin of the servicemember. This form should be given to the employee for completion who in turn will give it to a United States Department of Defense health care provider or other authorized health care provider for completion.

In all instances in which certification is requested, it is the employee's responsibility to provide the District with a complete and sufficient certification. If the health care provider's information is incomplete, the District may require the employee to cure the deficiencies by providing written notice to the employee of what specific information is still needed and give the employee seven days to cure the deficiencies. If the employee fails to cure the deficiencies, the District can deny the leave or the District can also designate an individual (HR representative, health care provider – someone other than the employee's direct supervisor) to contact the employee's health care provider to seek clarification regarding handwriting or the meaning of a response.

### ***Designating the Leave (Post-Certification Receipt)***

Designation of FMLA leave must normally be made within five business days of the time the employee gives notice of the need for leave. Because the District requires medical certification for all serious health condition leaves, ultimate designation in this instance will occur after receiving the properly completed certification form.

Human Resources must provide the employee with the Notice of Eligibility and Rights & Responsibility Form. Human Resources is also responsible for attaching the appropriate Certification of Health Care Provider Form with the Notice of Eligibility. The employee has 15 days to return the completed certification form, at which time the supervisor completes the Designation Notice. The Designation Notice is completed after the certification forms are submitted, or 15 days have elapsed. Even if the medical certification ultimately fails to confirm that the leave is FMLA qualifying, Human Resources must provide the employee with a Designation Notice. If the information provided by the employee is incomplete or insufficient, Human Resources will provide the employee with seven days to cure the deficiencies. The information that is incomplete or insufficient must be noted on the Designation Notice. (**Note:** The Superintendent will have the responsibility of designating the leave.)

The FMLA Designation Notice, the completed Certification of Health Care Provider Form and any other correspondence regarding the issue must be placed in the employee's confidential department medical file. The Leave of Absence form also needs to be completed and signed off on by Human Resources. Copies of the Leave of Absence form should be given to the employee and the payroll clerk. A copy should also be placed in the employee's personnel file.



## ***Recertification***

Under appropriate circumstances, the District may request recertification. The following are examples of when the District may request a recertification:

- A. Solid Blocks of Time** - For those employees who use FMLA leave in solid blocks of time, the District may request recertification if the employee requests an extension of the originally approved leave, circumstances described in previous certification change significantly (e.g., the duration of the illness, the nature of the illness) or the District receives information that casts doubt upon the stated reason for the absence or the continuing validity of the certification. Note, however, that leave for a different medical matter is not covered by the original certification and will require its own certification.
- B. Intermittent Leave** - For those employees who use FMLA leave intermittently, the District may request recertification if the employee requests an extension of the originally approved leave, circumstances described in previous certification have changed significantly (e.g., the duration of the illness, the nature of the illness) or the District receives information that casts doubt upon the stated reason for the absence or the continuing validity of the certification. The District may not request recertification in less than the minimum duration of the leave, as noted by the health care provider.
- C. Medical Recertifications – Frequency**
1. **Less Than 30 Days** - If the duration of the leave is less than 30 days, (i.e. period that the employee is unable to work continuously or intermittently) a request for recertification is not permitted unless:
    - a) An extension to the original leave is requested by the employee;
    - b) If there are significant changes since the original certification was received (i.e. complications, duration/frequency of absences, nature severity of illness); or
    - c) If the District receives information that casts doubt upon the stated reason for the absence or the continuing validity of the existing certification.
  
  2. **More Than 30 Days** - If the duration of the leave is more than 30 days (i.e. period that the employee is unable to work continuously or intermittently) a recertification can be requested:
    - a) Upon expiration of a period of incapacity specified on the certification;
    - b) Every six months in connection with an absence; and
    - c) For the reasons listed below:
      1. An extension to the original leave is needed;
      2. If there are significant changes since the original certification was received (i.e. complications, duration/frequency of absences, nature severity of illness) “Significant change” includes pattern of absences before/after scheduled days off or longer duration of days of absences than specified on certification for most recent two or more episodes of incapacity ; or
      3. If the District receives information that casts doubt about the employee’s stated reason for absence or the continuing validity of the certification.

“Doubt” could include reliable information that the employee’s off-duty activities are inconsistent with the need for FMLA.

The District may also provide an employee's health care provider with a record of employee's absence pattern and ask if the condition and need for leave are consistent with such a pattern. In all instances in which recertification is requested, it is the employee's responsibility to provide the District with a complete and sufficient recertification. If the health care provider's information is incomplete and insufficient, the District may require the employee to cure the deficiencies by providing written notice to the employee of what specific information is still needed and give the employee seven days to cure the deficiencies. If the employee fails to cure the deficiencies, the District can withdraw the previously approved and designated leave.

In cases of recertifications, requests for second and third on a medical recertification are not permitted. Recertifications are done at the District's expense unless otherwise stated in the policy.

### ***Returning to Work after FMLA***

As a condition of restoring an employee whose FMLA leave was occasioned by the employee's own serious health condition, the District may require the employee to submit a medical certification (i.e., a fitness for duty certification that the employee is able (or unable) to return to work provided that the District requires all similarly-situated employees (i.e., same occupation, same serious health condition) who take leave for such conditions to obtain a fitness for duty certification.) The District may seek a fitness-for-duty certification only with regard to the particular health condition that caused the employee's need for FMLA leave. The certification from the employee's health care provider must certify that the employee is able to resume work. Additionally, the District may require that the certification specifically address the employee's ability to perform the essential functions of the employee's job. In order to require such a certification, the District must provide an employee with a list of the essential functions of the employee's job no later than with the designation notice and must indicate in the designation notice that the fitness-for-duty certification must address the employee's ability to perform those essential functions. If the District satisfies these requirements, the employee's health care provider must certify that the employee can perform the identified essential functions of his or her job. The cost of the fitness-for-duty certification shall be borne by the employee, and the employee is not entitled to be paid for the time or travel costs spent in acquiring the certification. No second or third opinions on a fitness-for-duty certification may be required.

### ***Special Rules for Instructional Employees***

Certain special rules apply to employees of public school boards, elementary, and secondary schools. As a public entity, all educational institutions are covered by the FMLA. This does not mean, however, that all employees are eligible. Employees at schools with less than 50 employees in a 75-mile radius are not eligible for the protections afforded by FMLA. Practically, this means that a school with less than 50 employees must post the required notices and comply with other notice provisions, but their employees are not entitled to leave under the FMLA.<sup>5</sup>

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<sup>5</sup> The District may provide for family or medical leave similar to that afforded by FMLA by virtue of its policies or collective bargaining agreements.

These special rules apply only to “instructional employees.” "Instructional employees" are those whose principal function is to instruct students in a class or an individual setting. Covered employees include teachers, athletic coaches, driving instructors, and special education assistants. The special rules do not apply to teacher assistants or aides, counselors, cafeteria workers, bus drivers, etc., because their primary function is not to instruct students.

- A. Leave During Summer or other School Breaks – Leave taken for a period that ends with the school year and begins the next semester is leave taken consecutively rather than intermittently. The period during the summer vacation when the employee would not have been required to work is not counted against the employee's FMLA leave entitlement. An instructional employee who is on FMLA leave at the end of the school year must be provided benefits over the summer vacation that employees would normally receive if they had been working at the end of the school year.
- B. Intermittent Leave of more than 20% of Working Days – If an instructional employee needs intermittent leave or leave on a reduced leave schedule, which is foreseeable based on planned medical treatment, and the employee would be on leave for more than 20 percent of the total number of working days ( i.e. 2 days out of a 5 day work week) over the period of leave, the employer may require the employee to choose either to:
  - 1) Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment (i.e., if a treatment is required 3 times a week for 4 weeks, the employee could be required to take 4 weeks of leave); or
  - 2) Transfer temporarily to an available alternative position for which the employee is qualified for and which has equivalent pay and benefits and which better accommodates recurring periods of leave than does the employee's regular position.

Employees taking leave 20 percent or less of the working days during the leave period would not be subject to transfer to an alternative position.

- C. Failure to give Required Notice of Foreseeable Need for Leave – If an instructional employee does not give required notice of foreseeable FMLA leave to be taken intermittently or on a reduced leave schedule, the employer may require the employee to take leave of a particular duration, transfer temporarily to an alternative position, or delay the taking of leave until the notice provision is met.
- D. Leave at the End of a School Term – The regular rules regarding return from leave apply except when an instructional employee’s leave is to expire near the end of a school term. The following rules apply where an instructional employee’s leave expires near the end of the school term:
  - 1) The District may require the employee to continue taking leave until the end of the term where an instructional employee begins leave more than five weeks before the end of a term, the leave will last at least three weeks, and the employee would return to work during the three-week period before the end of the term.
  - 2) The District may require the employee to continue taking leave until the end of the term where the employee begins leave during the five-week period before the end of a term because of the birth of a son or daughter, the placement of a son or daughter for adoption or foster care, to care for a spouse, son, daughter, or parent with a serious health condition, or to care for a covered servicemember;

the leave will last more than two weeks; and the employee would return to work during the two-week period before the end of the term. This rule does not apply where the employee is on leave during the five-week period before the end of a term because of his or her own serious health condition.

- 3) The District may require the employee to continue taking leave until the end of the term where the employee begins leave during the three-week period before the end of a term because of the birth of a son or daughter; the placement of a son or daughter for adoption or foster care; to care for a spouse, son, daughter, or parent with a serious health condition; or to care for a covered servicemember the leave will last more than five working days. This rule does not apply where the employee is on leave during the three-week period before the end of a term because of his or her own serious health condition.

For purposes of this rule, the end of a school term means the end of a semester. The District can only impose this rule for two semesters per school year.

- E. Duration of FMLA Leave – In the case of an employee who is required to take leave until the end of an academic term, only the period of leave until the employee is ready and able to return to work shall be charged against the employee's FMLA leave entitlement. The employer has the option not to require the employee to stay on leave until the end of the school term despite the rules stated above. The employer is required to maintain the employee's group health insurance and restore the employee to the same or equivalent job including other benefits at the conclusion of the leave.
- F. Restoration to an Equivalent Position – The determination of how an employee is to be restored to an equivalent position upon return from leave will be made on the basis of established school board policies, practices and collective bargaining agreements. An employee may not be restored to a position requiring additional licensure or certification.

## **HIPAA Notice of Privacy Practices**

### **Administrative Security Safeguards**

Security safeguards will be implemented to ensure the confidentiality, integrity, and availability of protected health information created, received, maintained, or transmitted by the Plan. The Plan shall implement and maintain these procedures to manage the selection, development, implementation, and maintenance of security measures to protect health information and manage the conduct of the District employees in relation to the protection of the protected health information as follows:

- (1) Authorization: Only District employees designated by the Privacy Official as requiring access to protected health information will be given such access. Access protected health information will be provided to those who perform duties related to the payment, treatment, or health care operations of the Plan. These employees may view protected health information necessary to perform their duties for the plan without express authorization from the Plan member. Protected health

information shall not be disclosed to other employees nor to other components within the organization.

(2) Training: District employees, including management, authorized to obtain access to protected health information will receive training at a minimum by providing them with a copy of the privacy policy and notice and documenting that they have reviewed the policies.

(3) Response and Reporting: Suspected or known security incidences will be identified, responded to, and documented in writing. The harmful effects of such security incidences will be mitigated to the extent practicable and known to the Plan. Issues of non-compliance with this policy will be resolved by reporting such non-compliance to the District Administrator for appropriate action.

(4) Physical Safeguards. Plan members' protected health information shall be secured in a locked file cabinet used solely for the purpose of storing this information. Paper documents containing protected health information shall be shredded before being discarded. Electronic files containing protected health information, if any, shall be password protected. A facsimile machine used to transmit and receive protected health information shall be in a secure location.

(5) Technical Safeguards. To the extent protected health information is maintained electronically, access to electronic information systems or software programs will be provided to only those persons who have been granted access rights.

#### Authorizing Use and Disclosure of Protected Health Information

Written authorization will be required to use a Plan member's protected health information or to disclose it to anyone for any purpose except as noted in "Uses and Disclosure of Protected Health Information." If the Plan member provides written authorization, the Plan member may revoke it at any time. The Plan member may appoint a representative to act on his/her behalf. Information will only be disclosed to the formally appointed representative designated by the Plan member. A written designation of such must be provided to the Privacy Official.

#### Uses and Disclosure of Protected Health Information

The Plan is permitted or required to use or disclose protected health information without the Plan member's written authorization, or permission, under the following specific circumstances:

(1) For Treatment. Treatment includes providing, coordinating, or managing health care by one (1) or more health care providers or doctors.

(2) For Payment. Payment includes activities by this Plan, other plans, or providers to obtain premiums, make coverage determinations and provide reimbursement for health care.

(3) For Health Care Operations. Health care operations include activities by this Plan (and in limited circumstances other plans or providers) such as wellness and risk assessment programs, quality assessment and improvement activities, customer service, and internal grievance resolution.

(4) As Required by Law. The Plan may use or disclose the Plan member's protected health information when required to do so by law, including disclosures to worker's compensation and specialized government or military functions and investigations.

(5) Disclosure to Plan Sponsor. The Plan may disclose protected health information to the Plan Sponsor. The Plan Sponsor may only use the information to perform plan administration functions as they apply to the Plan member's Reimbursement Plan(s) and may not use the information for employment-related purposes.

(6) Disclosure to Family and Friends. If the Plan member is unable to communicate in an emergency or disaster relief, the Plan may disclose your protected health information to a family member or friend to the extent necessary to facilitate the reimbursement of the Plan member's health care.

(7) For Public Health and Safety. The Plan may disclose a Plan member's protected health information to the extent necessary to prevent a serious threat to the Plan member's health or the health and safety of others.

### Plan Member's Rights and Obligations

The Plan member has the following rights regarding protected health information:

1. The right to request restrictions on certain uses and disclosures of protected health information. The Plan is not required to agree to a requested restriction, however.
2. The right to receive confidential communications of protected health information.
3. The right to inspect and copy protected health information. Such a request must be done in writing. Within thirty (30) business days of a written request by a Plan member for access to his or her protected health information, the Plan will make such information available to the Plan member or his or her representative for so long as such information is maintained by the Plan. The Plan shall inform the Plan member of the acceptance of the request and provide access to the Plan member for inspection or copying of the protected health information at an agreeable time and location, or mail the copy of the information at the Plan member's request. The Plan may impose a reasonable, cost-based fee on the Plan member.
4. The right to amend protected health information that is inaccurate or incomplete. The Plan shall act on a Plan member's request for an amendment no later than 60 days after receipt of such a request. If the Plan accepts the requested amendment, it shall make such amendment, inform the Plan member that the amendment is accepted, and obtain information and agreement from the Plan member to notify the relevant persons with whom the amendment needs to be shared. If the Plan denies the request to amend protected health information, in whole or in part, it shall provide the Plan member with a timely, written denial. The denial shall include the basis for the denial, a statement of the Plan member's right to submit a written statement disagreeing with the denial and how to file such a statement; a statement that if the Plan member does not submit a statement of disagreement, the Plan member may
5. request that the Plan provide the Plan member's request for amendment and the denial with any future disclosures of the protected health information that is the subject of the amendment; and a description of how the Plan member may complain to the Plan or the Secretary of the U.S. Department of Health and Human Services.
6. The right to receive an accounting of disclosures of protected health information for up to six (6) years prior to the date on which the accounting is requested. No later than sixty (60) days after receipt of a written request, the Plan shall provide the Plan member with an

accounting of the disclosures of protected health information as required by law. The Plan will provide the following information: (a) the date of the disclosure; (b) the name of the entity or person who received the protected health information, and if known, the address of such entity or person; (c) a brief description of the protected health information disclosed; and (d) a brief statement of the purpose of such disclosure that includes an explanation of the basis for such disclosure. Disclosures made to the Plan member, or for the purpose of carrying out treatment, payment, or health care operations, or pursuant to an authorization, or incident to a use or disclosure otherwise permitted, will not be included in such accounting.

7. The right to obtain a paper copy of the “Notice of HIPAA Privacy Practices” upon request.

### **Complaints**

The Plan member may complain to the Plan and to the Secretary of the U.S. Department of Health and Human Services (HHS), without fear of retaliation by the organization, if the Plan member believes his (her) rights have been violated. The Plan member may file a written complaint with the Privacy Official, the Board of Trustees, or submit a written complaint to HHS.

# **Drug and Alcohol Testing Protocol for School Bus and Commercial Vehicle Drivers**

Pursuant to Policy 5228, school bus drivers, commercial vehicle drivers, any other individuals (including drivers) who drive vehicles to transport 16 or more passengers are subject to the District's drug and alcohol testing program.

Policy 5228 sets forward those individuals subject to the drug testing program and defines those safety-sensitive functions under the program.

## **Program Contact**

Any individual with questions regarding the District's drug and alcohol testing program for school bus and commercial vehicle drivers may contact:

Clint Rice  
Transportation Supervisor

This individual will also receive communications and test results from the company retained by the District to conduct the testing and ensure that individuals found in violation of Policy 5080 and this protocol are removed from safety-sensitive duties.

## **Definitions**

The following definitions are applicable to this protocol and Policy 5228.

*Alcohol* means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

*Alcohol concentration* (or content) means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this part.

*Alcohol use* means the drinking or swallowing of any beverage, liquid mixture or preparation (including any medication), containing alcohol.

*Controlled substances* mean marijuana metabolites, cocaine metabolites, amphetamines, opiate metabolites, phencyclidine (PCP).

## **Prohibited Conduct**

Individuals subject to Policy 5228 and this protocol shall not engage in the following conduct:

- Reporting for duty or remaining on duty while performing safety-sensitive functions while under the influence of alcohol or a Schedule I controlled substance;
- Use alcohol or a Schedule I controlled substance while performing a safety-sensitive function;
- Perform safety-sensitive functions within four hours after using alcohol;
- Use alcohol within 8 hours following an accident or before post-accident testing, whichever occurs first; or
- Refuse to submit to any testing under the program.



The District shall remove any individual subject to the testing program who is determined or known to have consumed alcohol or used a prohibited controlled substance from duty or performance of a safety-sensitive function. Any individual subject to the testing program determined or known to have a blood alcohol content greater than .04 shall be provided 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. Any individual subject to the testing program determined or known to have consumed alcohol or used a prohibited controlled substance while on duty or performing a safety-sensitive function in violation of this protocol and Policy 5080 is subject to discipline, up to and including termination.

### *Use of Controlled Substances*

No individual subject to the testing program shall report for duty or remain on duty and performing safety-sensitive functions while using any Schedule I controlled substance.

Schedule I controlled substances have a high potential for abuse, have no currently accepted medical use in treatment in the United States, and there is a lack of accepted safety for use of the drug or other substance under medical supervision. Some examples of substances listed in schedule I are: heroin, lysergic acid diethylamide (LSD), marijuana (cannabis), peyote, methaqualone, and 3,4-methylenedioxymethamphetamine (“ecstasy”). 21 C.F.R. 1308.11 provides a full list of all Schedule I controlled substances.

No individual subject to the testing program shall report for duty or remain on duty and performing safety-sensitive functions while using any other controlled substance except when use is permitted by a licensed medical practitioner. The licensed medical practitioner is someone familiar with the individual’s medical history and who has advised the individual that the substance will not adversely affect the individual’s ability to safely operate a school bus, commercial vehicle, or vehicle that is able to transport 16 or more passengers. The licensed medical practitioner must be licensed, certified, and/or registered in accordance with federal, state or local laws to prescribe controlled substances and other drugs.

Non-Schedule I controlled substances fall into the following categories:

### *Schedule II Controlled Substances*

Substances in this schedule have a high potential for abuse which may lead to severe psychological or physical dependence. Examples of single entity schedule II narcotics include morphine and opium. Other schedule II narcotic substances and their common name brand products include: hydromorphone (Dilaudid®), methadone (Dolophine®), meperidine (Demerol®), oxycodone (OxyContin®), and fentanyl (Sublimaze® or Duragesic®). Examples of schedule II stimulants include: amphetamine (Dexedrine®, Adderall®), methamphetamine (Desoxyn®), and methylphenidate (Ritalin®). Other schedule II substances include: cocaine, amobarbital, glutethimide, and pentobarbital.

### *Schedule III Controlled Substances*

Substances in this schedule have a potential for abuse less than substances in schedules I or II and abuse may lead to moderate or low physical dependence or high psychological dependence. Examples of schedule III narcotics include combination products containing less than 15 milligrams of hydrocodone per dosage unit (Vicodin®) and products containing not more than 90 milligrams of codeine per dosage unit (Tylenol with codeine®). Also included are buprenorphine products

(Suboxone® and Subutex®) used to treat opioid addiction. Examples of schedule III non-narcotics include benzphetamine (Didrex®), phendimetrazine, ketamine, and anabolic steroids such as oxandrolone (Oxandrin®).

#### *Schedule IV Controlled Substances*

Substances in this schedule have a low potential for abuse relative to substances in schedule III. An example of a schedule IV narcotic is propoxyphene (Darvon® and Darvocet-N 100®). Other schedule IV substances include: alprazolam (Xanax®), clonazepam (Klonopin®), clorazepate (Tranxene®), diazepam (Valium®), lorazepam (Ativan®), midazolam (Versed®), temazepam (Restoril®), and triazolam (Halcion®).

#### *Schedule V Controlled Substances*

Substances in this schedule have a low potential for abuse relative to substances listed in schedule IV and consist primarily of preparations containing limited quantities of certain narcotics. These are generally used for antitussive, antidiarrheal, and analgesic purposes. Examples include cough preparations containing not more than 200 milligrams of codeine per 100 milliliters or per 100 grams (Robitussin AC® and Phenergan with Codeine®).

Individuals subject to the testing program who have been prescribed any controlled substance by a licensed medical professional must notify the District upon hire or upon receiving the prescription.

### **Refusal to Submit to Testing**

An individual subject to the program refuses to submit to testing by engaging in the following conduct:

- Failing to appear for any test (except a pre-employment test) within a reasonable time, as determined by the District, consistent with applicable regulations, after being directed to do so by the District. This includes the failure of an employee to appear for a test when called by the entity retained by the District to conduct the testing;
- Failing to remain at the testing site until the testing process is complete. Provided, that an employee who leaves the testing site before the testing process commences a pre-employment test is not deemed to have refused to test;
- Failing to provide a urine specimen for any drug test required by federal regulations. Provided, that an employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;
- In the case of a directly observed or monitored collection in a drug test, failing to permit the observation or monitoring of the individual's provision of a specimen;
- Failing to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
- Failing or declining to take a second test the District or collector has directed the individual to take;
- Fail to undergo a medical examination or evaluation, as directed. In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment;
- Failing to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process); or

- Is reported by the medical review officer as having a verified adulterated or substituted test result

## **Succession Plan**

When the Superintendent is unavailable, Anne Tanner will act in his capacity. If Anne is also unavailable, Cory Beckham will in the Superintendent's place.

## Leadership Evaluation Plan

The primary purpose of supervision and evaluation of administrators is to systematically improve performance of student achievement. The essential features of the supervision and evaluation plan include an assessment of the administrator's performance in the following areas: performance statements which address leadership; administration and management; school finances; professional development, professional interaction with students, staff, community, District building programs; and staff supervision evaluation. Each administrator is expected to annually assess, evaluate and set professional and building or department goals and objectives and develop action plans which define the means to accomplish the goals. The goal statements are to be in relation to the District mission statement and goals.

Assessment of progress toward meeting defined goals, District and building priorities and the leadership and management responsibilities is to include the following steps:

- Annual review of established goals and priorities with supervision.
- A spring meeting with supervisor to assess progress on goals and priorities.
- The Supervisor is to prepare a written evaluative report summarizing the progress the administrator has made toward meeting goals, priorities, and issues of leadership and management and the Supervisor's assessment of the administrator's performance toward meeting position responsibilities and expectations. This report is to be a part of the permanent file and is to be signed by both parties. The administrator shall have the right to submit and attach a written statement to clarify or disagree with elements of the progress report. This statement will also become a part of the permanent file.

In the rare instances where an administrator's overall performance is determined to be of less than satisfactory quality, the Superintendent may recommend to the Board probation and/or remediation, a salary freeze, or dismissal for consideration by the Board.

The supervision and evaluation process and any evaluation forms are to be:

- Completed by the immediate supervisor.
- Used to ensure attainment of individual professional building/departmental goals and priorities and District goals and priorities.
- Positive and constructive in nature but also address necessary remediation. Based on individual performance within the organizational structure and on specific performance responsibilities as related to District goals adopted by the Board.
- Designed to contain clearly stated expectations upon which the individual will be measured.
- Designed to include a process for review and redress as needed.
- Designed to include timelines.
- Simple but comprehensive enough to detail progress.

- Designed to seek improvement of identified deficiencies and/or individual needs through structured assistance programs.

The managerial skills to be considered in the evaluation of administrators are as follows:

- work attitude
- effectiveness in meeting position responsibility
- professional judgment
- planning ability
- leadership
- professional development
- organizational skills
- communication skills
- ability to delegate responsibility
- ability to work with others
- use of time
- ability to cope with professional stress
- use of resources
- ability to adapt to change
- ability to resolve conflicts
- ability to manage and meet multiple job responsibilities
- task completion
- contribution to District as a whole

The annual timetable for the administrator evaluation process shall be as follows:

**Fall:** Annual review of established goals and priorities with supervision.

**Spring:** A spring meeting with supervisor to assess progress on goals and priorities.

**NOTE:** Copies of all written materials related to the administrator's performance will be provided to the administrator.

**NOTE:** Administrative Rules require the Board to have written policies and procedures for periodic evaluation of all regularly employed, certified, administrative, supervisory, and teaching personnel. The individual shall have a written copy of the evaluation and an opportunity to respond in writing to the evaluation and access to his/her files. 10.55.701(6), ARM.

## **LEADERSHIP TEAMS**

The leadership team provides a means whereby educational policies and administrative procedures that define the District's programs and operations are implemented through shared responsibility and authority. The leadership team concept places emphasis upon shared responsibility and authority. Nothing in this manual is intended to limit the responsibility and authority of the Board ultimately to make decisions.

The leadership teams are composed of the Superintendent, administrative, and supervisory personnel who have significant responsibilities for administering District programs and for directing and supervising staff as appointed by the Superintendent.

The district's leadership teams shall provide input into procedures which directly affect the administration of the school district. Specifically, that includes input into the development of the District educational goals and objectives, improvement of district services, budgets, employee relations policies and practices, staff proposals affecting the organization, and other challenges facing the district.

The Superintendent shall formalize a process for the operation of the leadership teams. The leadership teams shall address appropriate concerns identified by the Superintendent and members of the team.

## **Bidding and Contract Award Procedures**

The District follows state law for bidding and contract award pursuant to Montana law. If the project is over \$10,000 it must be Board approved.



## **Health and Safety Procedures**

The District maintains health and safety procedures

## Accounting Standards

The following procedures been adopted in order to address the implications of Governmental Accounting Standards Board (“GASB”) Statement No. 54, Fund Balance Reporting and Governmental Fund Definitions. These procedures are created in consideration of unanticipated events that could adversely affect the financial condition of the District and jeopardize the continuation of necessary public services. These procedures, along with the Policy, will ensure that the District maintains adequate fund balances and reserves in order to:

- a. Provide sufficient cash flow for daily financial needs,
- b. Secure and maintain investment grade bond ratings,
- c. Offset significant economic downturns or revenue shortfalls, and
- d. Provide funds for unforeseen expenditures related to emergencies.

The Board must review and annually approve its policy regarding accounting standards.

### FUND TYPE DEFINITIONS

The following definitions will be used in reporting activity in governmental funds across the District. The District may or may not report all fund types in any given reporting period, based on actual circumstances and activity.

The general fund is used to account for all financial resources not accounted for and reported in another fund.

Special revenue funds are used to account and report the proceeds of specific revenue sources that are restricted or committed to expenditure for specific purposes other than debt service or capital projects.

Debt service funds are used to account for all financial resources restricted, committed or assigned to expenditure for principal and interest.

Capital projects funds are used to account for all financial resources restricted, committed or assigned to expenditure for the acquisition or construction of capital assets.

Permanent funds are used to account for resources restricted to the extent that only earnings, and not principal, may be used for purposes that support the District’s purposes.

### FUND BALANCE REPORTING IN GOVERNMENTAL FUNDS

Fund balance will be reported in governmental funds under the following categories using the definitions provided by GASB Statement No. 54:

*Nonspendable Fund Balance* – includes amounts that cannot be spent because they are either (a) not in spendable form or (b) legally or contractually required to be maintained in---tact.

Nonspendable amounts will be determined before all other classifications and consist of the following items (as applicable in any given fiscal year):

- The District will maintain a fund balance equal to the balance of any long-term outstanding balances due from others (including other funds of the District)

- The District will maintain a fund balance equal to the value of inventory balances and prepaid items (to the extent that such balances are not offset with liabilities and actually result in fund balance)
- The District will maintain a fund balance equal to the corpus (principal) of any permanent funds that are legally or contractually required to be maintained in-tact
- The District will maintain a fund balance equal to the balance of any land or other nonfinancial assets held for sale

*Restricted fund balance* – includes amounts that can be spent only for the specific purposes stipulated by the constitution, external resource providers, or through enabling legislation.

*Committed fund balance* – includes amounts that can be used only for the specific purposes determined by a formal action of the Board of Trustees.

Authority to Commit – Commitments will only be used for specific purposes pursuant to a formal action of the Board.

*Assigned fund balance* – includes amounts intended to be used by the District for specific purposes but do not meet the criteria to be classified as restricted or committed. In governmental funds other than the general fund, assigned fund balance represents the remaining amount that is not restricted or committed.

Authority to Assign – Pursuant to Board Policy, the Board may delegate the authority to assign amounts to be used for specific purposes. Such assignments cannot exceed the available (spendable, unrestricted, uncommitted) fund balance in any particular fund.

*Unassigned fund balance* – includes the residual classification for the District’s general fund and includes all spendable amounts not contained in the other classifications. In other funds, the unassigned classification should be used only to report a deficit balance from overspending for specific purposes for which amounts had been restricted, committed, or assigned.

## OPERATIONAL GUIDELINES

The following guidelines address the classification and use of fund balance in governmental funds:

Classifying fund balance amounts – Fund balance classifications depict the nature of the net resources that are reported in a governmental fund. An individual governmental fund may include nonspendable resources and amounts that are restricted, committed, or assigned, or any combination of those classifications. The general fund may also include an unassigned amount.

Encumbrance reporting – Encumbering amounts for specific purposes for which resources have already been restricted, committed or assigned should not result in separate display of encumbered amounts. Encumbered amounts for specific purposes for which amounts have not been previously restricted, committed or assigned, will be classified as committed or assigned, as appropriate, based on the definitions and criteria set forth in GASB Statement No. 54.

Prioritization of fund balance use – Board policy dictates prioritization of reducing fund balances.

Minimum unassigned fund balance – The District will strive to maintain a minimum unassigned fund balance in its General Fund of 10 percent of the District’s general fund operating expenditures...This minimum fund balance is to protect against cash flow shortfalls related to timing of projected revenue receipts and to maintain a budget stabilization commitment.

## Exhibit A

### Request Form for Reconsideration of Educational Resources

The Board of Trustees has delegated the responsibility for selection and evaluation of library and all other educational resources to the school Library Media Specialist and curriculum committees. The District has established procedures for the reconsideration of educational materials to address concerns about those resources. Completion of this form initiates the formal reconsideration process.

If you wish to request reconsideration of school resources, please return this completed form to the principal of your school.

Name \_\_\_\_\_ School \_\_\_\_\_

Your Address \_\_\_\_\_ City \_\_\_\_\_

Zip Code \_\_\_\_\_ Phone \_\_\_\_\_

Email \_\_\_\_\_

Do you represent yourself? \_\_\_\_ An organization or group? \_\_\_\_ If so, which one?

\_\_\_\_\_

Resource title on which you are commenting: \_\_\_\_\_

Author/producer: \_\_\_\_\_

Location of resource: \_\_\_\_\_

Please check the format of the resource:

\_\_\_\_ Book \_\_\_\_ Textbook \_\_\_\_ Video \_\_\_\_ Display \_\_\_\_ Magazine

\_\_\_\_ Audio Recording \_\_\_\_ Newspaper \_\_\_\_ Electronic Resource

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

\_\_\_\_\_

1. Did you attempt to resolve your complaint through the informal process? \_\_\_\_\_
2. Have you been able to discuss this resource with the staff member who ordered it or who used it? \_\_\_\_ Yes \_\_\_\_ No
3. What brought this resource to your attention? \_\_\_\_\_

\_\_\_\_\_

4. Have you read/viewed/examined the entire resource? \_\_\_\_\_
5. What is your objection to this resource? Be specific. \_\_\_\_\_  
\_\_\_\_\_
6. Are there resource(s) you can suggest to provide additional information and/or other viewpoints on this topic? If so, please list them with detailed information. \_\_\_\_\_  
\_\_\_\_\_
7. In your opinion what is the general purpose of the resource in question? \_\_\_\_\_  
\_\_\_\_\_
8. Have you read professional reviews of this resource? \_\_\_\_\_ Yes \_\_\_\_\_ No  
If yes, please cite: \_\_\_\_\_
9. What would you like your library/school to do about this work?  
\_\_\_\_\_ Do not assign/lend it to my child  
\_\_\_\_\_ Return it to the staff selection committee/department for reevaluation  
\_\_\_\_\_ Other – Please explain \_\_\_\_\_  
\_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

***Please use the back or additional sheets if necessary.***

\_\_\_\_\_  
*For Official Use Only:*

*Reconsideration Decision:* \_\_\_\_\_

\_\_\_\_\_  
*Date:* \_\_\_\_\_

## **Exhibit B**

### **Authorization for Electronic Access**

The use of the Arlee Network is a privilege, not a right, and inappropriate use will result in immediate cancellation of all network privileges.

### **Network Use**

1. All use of the system must be in support of education and research and consistent with the mission of the District. The District reserves the right to prioritize use and access to the system.
2. Any use of the system must be in conformity to state and federal law, Arlee School Network policies, and District policy. Use of the system for commercial solicitation is prohibited.
3. The system constitutes public facilities and may not be used to support or oppose political candidates or ballot measures.
4. No use of the system shall serve to disrupt the operation of the system by others; system components including hardware or software shall not be destroyed, modified, or abused in any way.
5. Malicious use of the system to develop programs or institute practices that harass other users or gain unauthorized access to any entity on the system and/or damage the components of any entity on the network is prohibited.
6. Users are responsible for the appropriateness of the material they transmit over the system. Hate mail, harassment, discriminatory remarks, or other antisocial behaviors are expressly prohibited.
7. Use of the system to access, store, or distribute obscene or pornographic material is prohibited.

### **Security**

1. System logins or accounts are to be used only by the authorized owner of the account for the authorized purpose. Users may not share their account number or password with another person or leave an open file or session unattended or unsupervised. Account owners are ultimately responsible for all activity under their account.
2. Users shall not seek information on, obtain copies of, or modify files, other data, or passwords belonging to other users; misrepresent other users on the system; or attempt to gain unauthorized access to any entity on the Arlee School Network.
3. Communications may not be encrypted so as to avoid security review.
4. When appropriate, users should change passwords regularly and avoid easily guessed passwords.

### **Personal Security**

1. Personal information such as complete names, addresses, telephone numbers and identifiable photos should remain confidential when communicating on the system. Students should never reveal such information without permission from their teacher and parent or guardian. No user may disclose, use, or disseminate personal identification information regarding minors without authorization.
2. Students shall never make appointments to meet people in person whom they have contacted on the system without District and parent permission.
3. Students should notify their teacher or other adult whenever they come across information or messages they deem dangerous or inappropriate on the web.
4. The unauthorized installation, use, storage, or distribution of copyrighted software or materials on District computers is prohibited. All users of the Arlee Schools Network shall comply with current copyright laws.

### **Filtering and Monitoring**

1. iPrism, a technology protection measure that blocks and filters Internet access, which protects against access by adults and minors to certain visual depictions that are obscene, pornographic or harmful to minors, is in use on all computers with Internet access. Portions of the filter may be disabled for adults engaged in bona fide research or other lawful purposes.
2. Educational staff will, to the best of their ability, monitor minors' use of the Internet in school, and will take reasonable measures to prevent access by minors to inappropriate material on the Internet and World Wide Web, to restrict their access to materials harmful to minors, and to maintain the safety and security of minors when using direct electronic communications.
3. In addition to the technology protection measure, the technology staff monitors online activities to determine if there is any

- inappropriate use.
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.

## General Use

1. Diligent effort must be made to conserve system resources.
2. No person shall have access to the Arlee School Network without having received appropriate training, and a signed Individual User Release Form must be on file with the District. In addition, students must have the approval of a parent or guardian.
3. Nothing in these regulations is intended to preclude the supervised use of the network while under the direction of a teacher or other approved user acting in conformity with District policy and procedures. Annually, the District will make a determination of whether specific uses of the Arlee School Network are consistent with the regulations stated above. Under prescribed circumstances non-student or staff use may be permitted, provided such individuals demonstrate that their use furthers the purpose and goals of the District. For security and administrative purposes the District reserves the right for authorized personnel to review network use and content. The District reserves the right to remove an individual's network access privileges to prevent further unauthorized activity. Violation of any of the conditions of use may be cause for disciplinary action.

I have read, understand and will abide by the above agreement.

Student/Staff Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Parent/Guardian Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Exhibit C**

**PARENT/GUARDIAN OFF CAMPUS TRIP  
PERMISSION/EMERGENCY INFORMATION/INFORMED CONSENT FORM**

***Off-campus trip information***

I hereby give my permission for \_\_\_\_\_  
(Name of student)

to participate in a field trip to \_\_\_\_\_  
(Destination)

on \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_  
(Date) (Time departs) (Time returns)

for the purpose of \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Class/Club/Team: \_\_\_\_\_

Staff contact: \_\_\_\_\_ Phone #: \_\_\_\_\_

Transportation for this activity will be provided by:

\_\_\_\_ District bus/vehicle

\_\_\_\_ Other (specify) \_\_\_\_\_  
\_\_\_\_\_

Accommodations will be as follows: \_\_\_\_\_  
\_\_\_\_\_

Food will be provided at/by: \_\_\_\_\_

***Medical/emergency information***

Student home phone #: \_\_\_\_\_ Date of birth: \_\_\_\_\_

Student's Address \_\_\_\_\_

Family Physician: \_\_\_\_\_ Phone #: \_\_\_\_\_

Describe any medical or physical condition, medication information, or allergies which could interfere with the student's safety in these activities:  
\_\_\_\_\_  
\_\_\_\_\_

In the event of an emergency (injury, illness, unforeseen incident), I wish the following person to be notified in case I cannot be contacted:

Name: \_\_\_\_\_

Relationship: \_\_\_\_\_

Phone #: \_\_\_\_\_

Alternate phone #: \_\_\_\_\_

***Informed consent***

As the parent/guardian of the above named student, I have read the field trip information and I understand that there are risks of physical injury associated with participation in these activities.



I authorize qualified emergency medical professionals to examine and in the event of injury or serious illness, administer emergency care to the above named student. I understand every effort will be made to contact me to explain the nature of the problem prior to any involved treatment. In the event it becomes necessary for the school district staff-in-charge to obtain emergency care for my student, neither he/she nor the school district assumes financial liability for expenses incurred because of the accident, injury, illness and/or unforeseen circumstances. These activities are an extension of the school education program and student conduct is to be in accordance with the school's published rules and regulations.

---

*Signature of parent/guardian*

*Date*

---

*Printed name of parent/guardian*

---

*Parent/guardian work phone*

*Home phone #*

*Cell phone #*

I pledge that my conduct will, at all times, reflect credit upon myself, my parents, and my school. I understand that the school rules of conduct apply while on the trip.

---

*Signature of student*

*Date*

Exhibit D

SCHOOL SPONSORED FIELD TRIP  
PRELIMINARY APPROVAL FORM

Trip destination(s): \_\_\_\_\_

Date(s) of trip(s): \_\_\_\_\_

Departure time: \_\_\_\_\_ am/pm Return time: \_\_\_\_\_ am/pm

Club/Sponsor(s): \_\_\_\_\_

\_\_\_\_\_

Educational benefit of the trip:

\_\_\_\_\_  
\_\_\_\_\_

Activities planned during the trip:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Does field trip involve any of the following: Yes \_\_\_\_\_ No \_\_\_\_\_

\* Swimming, boats, or in/around water

\* Animals

\* Remote locations/hiking

\* Air travel

\* Outdoor education, including skiing

\* Motorized activities

Estimated # of students: \_\_\_\_\_ Age level of students: \_\_\_\_\_

Student/chaperone ratio: \_\_\_\_\_ # of chaperones needed: \_\_\_\_\_

Any special qualifications of chaperones needed? Yes \_\_\_\_\_ No \_\_\_\_\_

List those special qualifications: \_\_\_\_\_

\_\_\_\_\_

Means of travel: School bus (preferred), # needed? \_\_\_\_\_

Other (list): \_\_\_\_\_

Food provided how? \_\_\_\_\_

Housing needed? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, what type and where? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Details of proposed budget and how trip will be financed:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Will fundraising be needed? Yes \_\_\_\_\_ No \_\_\_\_\_

*(If yes, attach a fundraising plan)*

\*\*\*\*\*

\*\*\*

Date Submitted: \_\_\_\_\_ Sponsor's Signature: \_\_\_\_\_

Reviewed field trip plan with principal on: \_\_\_\_\_

The following is needed:

\_\_\_\_\_

*Preliminary administrative approval received:*

Date Approved:

Principal's Signature:

Submit to Superintendent or School Board for approval? Yes \_\_\_\_\_ No \_\_\_\_\_

Superintendent or School Board approval received on: \_\_\_\_\_

## **Exhibit E**

### **Guidelines for Volunteer Field Trip Chaperones**

#### **Thank You for Your Support!**

The Arlee School District believes that field trips provide a valuable educational experience for students. Without the help of volunteer chaperones like you, many field trips would not be possible. We thank you very much for giving your time and support to these important activities. In order to help ensure that District-sponsored field trips result in safe and rewarding experiences for all participants, we have prepared these guidelines to provide information about volunteering as a field trip chaperone.

#### **Becoming a Volunteer Field Trip Chaperone**

Because student safety is paramount concern, our Board Policy 5122 requires the District to conduct a criminal record background check of school volunteers with unsupervised access to children. To accomplish this, all volunteers must complete the School Volunteer Disclosure Form. The District also requires that volunteer chaperones be at least 21 years old.

#### **Guidelines for Volunteer Chaperones**

Prior to your field trip, the supervising staff member will provide you with information regarding the activities planned for the trip, expectations for supervising students, and emergency procedures. In addition, we have developed the following general guidelines to help you perform your duties as a chaperone. If you have any questions regarding these guidelines, please contact the supervising staff member or the building principal.

1. All school rules apply on District-sponsored events. Chaperones are expected to comply with District policies, follow the directions given by the District's supervising staff member, work cooperatively with other staff and volunteers, and model appropriate behaviors for students.
2. In order to comply with District policy, during District sponsored events, chaperones:
  - may not use, sell, provide, possess, or be under the influence of drugs (including medical marijuana) or alcohol
  - may not use tobacco in the presence of, or within the sight of, students
  - may not possess any weapon
  - may not administer any medications, prescription or nonprescription, to students.
3. Students must be supervised at all times while at District-sponsored events. As a chaperone, you will supervise a small group of students, helping them learn and making sure they behave appropriately. Students must stay with you, their chaperone, at all times. Account for all participants regularly and before changing activities. Be sure you know when and where to meet the rest of your group at the end of the visit. Chaperones must be readily available, be mindful of safety concerns, and respond to students' needs.
4. Student behavior is your responsibility. School rules related to student behavior apply. Go over rules and standards of behavior, safety rules, and any site specific rules with

students. Ensure that students do not get involved in no extra activities not preapproved by administrators and parents.

5. For the protection of both the student and the chaperone, chaperones should not place themselves in situations in which they are alone with a student.
6. Family members or friends of a chaperone may not participate in a District-sponsored field trip or event unless prior approval has been obtained from the building principal.
7. Chaperones who transport students in their personal vehicle must complete the District Private Transportation for School Activities form. You are expected to comply with all District and State student transportation rules and regulations. Be aware that your personal vehicle insurance provides primary coverage in the event of an accident or injury.
8. Be sure to know what to do in an emergency (medical emergency, natural emergency, lost child, serious breach of rule, etc.). Know who is first aid trained, where the first aid kit is, where the cell phone is kept, and who has the copies of parental permission slips with emergency phone numbers and medical information.

\*\*\*\*\*

In the event that I have a personal emergency, please contact:

\_\_\_\_\_

<i>Printed Name</i>	<i>Relationship</i>	<i>Daytime Phone</i>
---------------------	---------------------	----------------------

I acknowledge that I have received the copy of the "Guidelines for Volunteer Field Trip" Chaperones," have read these guidelines, and agree to comply with the guidelines as a school volunteer.

Name \_\_\_\_\_ Date \_\_\_\_\_

*Printed Name*

Name \_\_\_\_\_

*Signature*

Arlee School District  
**VOLUNTEER DISCLOSURE STATEMENT**  
**YOU MUST ANSWER ALL EIGHT (8) ITEMS ON THIS FORM.**

\_\_\_\_\_

Applicant/Volunteer Name (Please Print)

1. Check any of the following for which you have been convicted, including any of these crimes as they may have been renamed: (*the term "convicted" includes all instances in which a finding of guilt, a plea of guilty or nolo contendere, or stipulation to facts or deferred prosecution, or suspended sentence occurred*).

- |   |   |
|---|---|
| <input type="checkbox"/> Deliberate homicide  | <input type="checkbox"/> Robbery  |
| <input type="checkbox"/> Mitigated deliberate homicide  | <input type="checkbox"/> Sexual assault   |
| <input type="checkbox"/> Negligent homicide   | <input type="checkbox"/> Sexual intercourse without consent                                   |
| <input type="checkbox"/> Aiding or soliciting suicide   | <input type="checkbox"/> Indecent exposure  |
| <input type="checkbox"/> Vehicular homicide while under influence                               | <input type="checkbox"/> Deviate sexual conduct   |
| <input type="checkbox"/> Assault  | <input type="checkbox"/> Incest   |
| <input type="checkbox"/> Aggravated assault   | <input type="checkbox"/> Prostitution   |
| <input type="checkbox"/> Intimidation   | <input type="checkbox"/> Promoting prostitution   |
| <input type="checkbox"/> Negligent vehicular assault  | <input type="checkbox"/> Aggravated promotion of prostitution                                 |
| <input type="checkbox"/> Partner or family member assault                                       | <input type="checkbox"/> Endangering welfare of children                                      |
| <input type="checkbox"/> Criminal endangerment  | <input type="checkbox"/> Unlawful transactions with children                                  |
| <input type="checkbox"/> Negligent endangerment   | <input type="checkbox"/> Unlawful attempt to purchase or possession of intoxicating substance |
| <input type="checkbox"/> Partner or family member assault                                       | <input type="checkbox"/> Sexual abuse of children   |
| <input type="checkbox"/> Assault on peace officer or judicial officer                           | <input type="checkbox"/> Violation of order of protection                                     |
| <input type="checkbox"/> Assault upon sports official   | <input type="checkbox"/> Ritual abuse of minor  |
| <input type="checkbox"/> Assault on minor   | <input type="checkbox"/> Interference with parent-child contact                               |
| <input type="checkbox"/> Assault with weapon  | <input type="checkbox"/> Aggravated interference with parent-child contact                    |
| <input type="checkbox"/> Assault with bodily fluid  | <input type="checkbox"/> Parenting interference   |
| <input type="checkbox"/> Stalking   | <input type="checkbox"/> Criminal mischief  |
| <input type="checkbox"/> Malicious intimidation or harassment relating to civil or human rights | <input type="checkbox"/> Negligent arson  |
| <input type="checkbox"/> Unlawful restraint   | <input type="checkbox"/> Arson  |
| <input type="checkbox"/> Kidnapping   | <input type="checkbox"/> Burglary   |
| <input type="checkbox"/> Aggravated kidnapping  | <input type="checkbox"/> Public display or dissemination of obscene material to minors        |
| <input type="checkbox"/> Custodial interference   | <input type="checkbox"/> Obscenity  |
| <input type="checkbox"/> Subjecting another to involuntary servitude                            |   |
| <input type="checkbox"/> Trafficking of persons for involuntary servitude                       |   |

**CHECK HERE IF YOU HAVE NOT BEEN CONVICTED OF ANY OF THE ABOVE, INCLUDING ANY OF THESE CRIMES AS THEY MAY HAVE BEEN RENAMED.**

2. Check any of the following if you have ever been convicted of these crimes relating to financial exploitation where the victim was a vulnerable adult (*defined as adults of any age who lack the functional, mental, or physical ability to care for themselves*).

- |                                  |  |
|----------------------------------|--|
| <input type="checkbox"/> Theft   | <input type="checkbox"/> Forgery   |
| <input type="checkbox"/> Robbery | <input type="checkbox"/> Any of the foregoing crimes as they may have been renamed |

**CHECK HERE IF YOU HAVE NOT BEEN CONVICTED OF ANY OF THE ABOVE,**

**INCLUDING ANY OF THESE CRIMES AS THEY MAY HAVE BEEN RENAMED.**

IF YOU CHECKED ANY OF THE BOXES IN QUESTIONS 1 AND 2, INDICATING THAT YOU HAVE BEEN CONVICTED OF A CRIME (AS LISTED OR RENAMED), PLEASE ATTACH AN EXPLANATION.

3. Have you ever been convicted of any crime involving the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance?  
 YES  NO
4. Have you ever been found in any dependency action to have sexually assaulted or exploited any minor or to have physically abused any minor?  
 YES  NO
5. Have you ever been found by a court in a domestic relations proceeding to have sexually abused or exploited any minor, or to have physically abused any minor?  
 YES  NO
6. Have you ever been to have sexually or physically abused any minor or developmentally disabled person, or to have abused or financially exploited any vulnerable adult?  
 YES  NO
7. Have you ever been found by a court in a protection proceeding to have abused or financially exploited a vulnerable adult?  
 YES  NO
8. Are you presently charged with, but not convicted of, any of the crimes or offenses described in Questions 1 through 7 above?  
 YES  NO

IF YOU ANSWERED YES TO ANY QUESTIONS 3 THROUGH 8, PLEASE ATTACH AN EXPLANATION.

I certify under penalty of perjury under the laws of the State of Montana that the foregoing is true and correct.

\_\_\_\_\_  
Signature of Applicant/Volunteer

\_\_\_\_\_  
Date

**FACILITIES USE AGREEMENT  
Arlee Public Schools**

Organization or Individual Requesting Facility Use: \_\_\_\_\_

Facility Requested: \_\_\_\_\_

Dates Requested: \_\_\_\_\_ Hours Requested: \_\_\_\_\_

Purpose of Use: \_\_\_\_\_

**Premises and Conditions**

6. Conditions of Facilities Use - Use of District facilities is conditioned upon the following covenants:
1. That no alcoholic beverages, tobacco, nicotine products or other drugs are sold or consumed on the premises by the requesting organization or individual or any of its employees, patrons, agents, or members.
  2. That no illegal games of chance or lotteries will be permitted.
  3. That no functional alteration of the premises or functional changes in the use of such premises shall be made without specific written consent of the District.
  4. That adequate supervision is provided by the requesting organization or individual to ensure proper care and use of District facilities. Supervisors must help clean facilities immediately following the event.
  5. Requesting organization responsible to furnish their own equipment. No A.S.D equipment or supplies are to be used without prior approval.
  6. Hours of request need to not interfere with any ASD events. ASD programs have first priority on facility use.

**Rent and Deposit**

Rental Fees are as follows:

Half Day (1 to 4 hours): \$250

Full Day (exceeding 4 hours to 8 hours): \$500

Hourly rate exceeding 8 hours: \$20/hour

The requesting organization or individual agrees to pay the District, as rent for the premises and as payment for special services (if any) provided by the District, the sum of \$ \_\_\_\_\_, and this shall be due ten (10) days in advance. The requesting organization or individual shall be responsible for the actual cost of repair or replacement, including costs, disbursements, and expenses, resulting while it has use of the premises. (*Non-profit organizations providing activities for students of the district may have fees waived by school administration.*)

**Insurance and Indemnification**

The requesting organization or individual, by signature below, hereby guarantees that the organization shall indemnify, defend, and hold harmless the District and any of its employees or agents, from any liability, expenses, costs (including attorney's fees), damages, and/or losses arising out of injury or death to any person or persons or damage to any property of any kind in connection with the organization or individual's use of the District facility, which are not the



result of fraud, willful injury to a person or property, or willful or negligent violation of a law.

The requesting organization or individual shall provide the District with a certificate of insurance at least ten (10) days prior to the use of the facility. The certificate shall show coverage for comprehensive general liability insurance in an amount not less than **\$1,000,000** for injuries to or death of any person or damage to or loss of property arising out of or in any way resulting from the described use of the facility.

**Nondiscrimination**

The requesting organization or individual agrees to abide by nondiscrimination clauses as contained in the Montana Human Rights Act and the Governmental Code of Fair Practices.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Arlee Joint School District #8:**

**Requesting Organization or Individual:**

By \_\_\_\_\_  
Address \_\_\_\_\_  
City/State/Zip \_\_\_\_\_  
Phone \_\_\_\_\_  
Alternate Contact \_\_\_\_\_  
Phone \_\_\_\_\_

**I have read this agreement and understand that I have liability insurance in the amount of \$1,000,000 or am assuming individual responsibility and liability for accidents that are not the liability of the Arlee School District.**

This request will be granted on a first come, first served basis.

Approved: \_\_\_\_\_

Date: \_\_\_\_\_

Disapproved: \_\_\_\_\_

\_\_\_\_\_  
Signature/Title