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

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**R = required**

**1000 SERIES**

**THE BOARD OF TRUSTEES**

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*Indicates new policy
Beaverhead County High School

THE BOARD OF TRUSTEES

Legal Status and Operation

The Board of Trustees of Beaverhead County High School District # CO is the governmental entity established by the state of Montana to plan and direct all aspects of the District’s operations, to the end that students shall have ample opportunity to achieve their individual and collective learning potentials.

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

The Board accepts the following duties prescribed by state law:

1. Those duties enumerated in Chapter 59, § 75-5932, School Laws of Montana, pertaining to the county.

2. Those duties as may be prescribed elsewhere, or which may hereafter be prescribed by state law.

The Board considers its functions to be primarily: (1) planning, (2) legislation, and (3) appraisal. To this end the Board has approved the following rules and regulations:

Planning

1. A continuous study shall be made of the school’s educational program in relation to community needs.

2. Future needs of the community shall be considered in all planning.

3. All action shall be tested by the question: “Will it be in the best interests of the community’s youth?”

Legislation

1. The Board shall adopt rules and regulations which give general direction for school administration.

2. The rules and regulations shall clearly define duties and fix responsibility.

3. The rules and regulations shall be written and included in the handbook or Board policies.
Appraisal

1. Appraisal is the Board’s tool for determining whether adopted policies are working satisfactorily.

2. The Board shall have knowledge of what schools are attempting to do. To this end the Board shall become acquainted with professional journals and keep up with educational developments.

3. If, through appraisal, the Board determines a policy is not functioning properly, the Board will act promptly to remedy the situation.

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

§ 20-3-324, MCA Powers and duties

Policy History:
Adopted on: 8/11/97
Revised on: 2/10/03; 6/11/07
Beaverhead County High School

THE BOARD OF TRUSTEES

Organization

The legal name of this District is Beaverhead County High School District No. CO, Beaverhead County, State of Montana. The District is classified as a class one (1) district and is operated according to the laws and regulations pertaining to a class one (1) district.

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

The District constitutes the taxable basis for purposes of construction, operation, and maintenance of Beaverhead County High School.

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

Policy History:
Adopted on: 4/13/98
Revised on: 6/11/07
**THE BOARD OF TRUSTEES**

**Membership**

The District is governed by a Board of Trustees consisting of seven (7) members. The powers and duties of the Board include the broad authority to adopt and enforce all policies necessary for the management, operations and governance of the District. Except as otherwise provided by law, trustees shall hold office for terms of three (3) years, or until their successors are elected and qualified. Terms of trustees shall be staggered as provided by law.

All trustees shall participate on an equal basis with other members in all business transactions pertaining to the high school maintained by the District. Only those trustees elected from the elementary district may participate in business transactions pertaining to the elementary schools maintained by the District.

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

**Policy History:**
- Adopted on: 6/11/07
- Reviewed on:
- Revised on: 8/11/14
Beaverhead County High School

THE BOARD OF TRUSTEES

Taking Office

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

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

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

Cross Reference: Policy 1113 Vacancies

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

Policy History:
Adopted on: 6/11/07
Reviewed on:
Revised on: 1/14/08, 8/11/14
Election

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

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

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

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

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

Legal Reference:  § 13-10-211, MCA Declaration of intent for write-in candidates  
§ 20-20-204, MCA Election Notice  
§ 20-3-304, MCA Annual election  
§ 20-3-305, MCA Candidate qualification, nomination and withdrawal  
§ 20-3-313, MCA Election by acclamation – notice
§ 20-3-322, MCA Meetings and quorum
§ 20-3-322(5), MCA Meetings and quorum (unforeseen emergency definition)
§ 20-3-324(4), MCA Powers and duties
§ 20-9-353, MCA Additional funding for general fund-election for Authorization to impose
§ 20-20-105, MCA Regular school election day and special school elections
§ 20-20-301, MCA Qualifications of elector

Policy History:
Adopted on: 6/11/07
Reviewed on:
Revised on: 10/12/09, 8/11/14, 08/10/15
**Resignation**

The resignation of a trustee must be submitted in writing to the Clerk. A resignation is effective seventy-two (72) hours after its submission unless withdrawn during that period by the trustee through written notification of withdrawal made to the Clerk.

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

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

Policy History:  
Adopted on: 6/11/07
Reviewed on:
Revised on: 8/11/14
A trustee position becomes vacant before the expiration of a term, when any of the following occurs:

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

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

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

Cross Reference: 1240 Duties of Individual Trustees
1112 Resignations

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

Policy History:
Adopted on: 6/11/07
Reviewed on:
Revised on: 8/11/14
THE BOARD OF TRUSTEES

Vacancies

When a vacancy occurs on the Board, it is in the best interest of the District to encourage as many able citizens as possible to consider becoming a trustee. To that end, the following procedures shall be used to identify and appoint citizens to fill Board vacancies:

1. Announcement of the vacancy and the procedure for filling it shall be made in the general news media as well as District publications to patrons.

2. All citizens shall be invited to nominate candidates for the position, provided that the nominees shall be residents of the District. A letter of application will be required of interested candidates.

3. The Board shall individually interview the finalists in a regular or special meeting and appoint the candidate who, in the judgment of the Board, is most likely to contribute to the growth and development of the District’s education programs and operations. All trustees shall vote on the candidate of their choice.

4. If no one (1) candidate receives a majority of the votes, the Board may:
   a. Discuss all candidates and vote again;
   b. Discuss all candidates and vote only on those candidates with the most votes; or
   c. Continue voting until one (1) candidate receives a majority vote.

5. The Board Clerk shall prepare, for the signatures of all trustees, a letter thanking all candidates for the position and commending them for their interest in the District.

Procedure History:
Promulgated on: 6/11/07
Revised on:
Annual Organization Meeting

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

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

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

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

Policy History:
Adopted on: 6/11/07
Reviewed on:
Revised on: 8/11/14
Committees

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

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

Legal Reference:

§ 2-3-203, MCA Meetings of public agencies and certain associations of public agencies to be open to public – exceptions


Policy History:
Adopted on: 6/11/07
Reviewed on:
Revised on: 8/11/14
THE BOARD OF TRUSTEES

Qualifications, Terms, and Duties of Board Officers

The Board officers are the Chairperson and Vice Chairperson. These officers are elected at the annual organizational meeting.

Chairperson

The duties of the Chairperson include the following:

- Preside at all meetings and conduct meetings in the manner prescribed by the Board’s policies;
- Make all Board committee appointments, subject to Board approval;
- Sign all papers and documents as required by law and as authorized by action of the Board;
- Close Board meetings as authorized by Montana law; and
- Act as spokesperson for the Board.

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

The Chairperson must be able to perform the functions of a trustee in all matters over which he/she presides.

Vice Chairperson

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

Cross Reference: Policy 1120 Annual Organizational Meeting

Legal References: § 2-3-203, MCA Meetings of public agencies and certain associations of public agencies to be open to public – exceptions

§ 20-3-321(2), MCA Organization and officers

Policy History:
Adopted on: 6/11/07
Reviewed on:
Revised on: 8/11/14
The Clerk of the Board shall attend all meetings of the Board, unless excused by the Chairperson, and shall keep an accurate journal of Board proceedings, business, correspondence, and reports. The Clerk will prepare and mail notices of all Board meetings as directed and in accordance with law. The Clerk shall have custody of the records, books, and documents of the Board. In the absence or inability of the Clerk to attend a Board meeting, the trustees will have one (1) of their members or a District employee act as clerk for the meeting, and said person will supply the Clerk with a certified copy of the proceedings.

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

The Clerk will make the preparations legally required for the notice and conduct of all District elections and any other legal notices as prescribed by law.

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

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

Policy History:
Adopted on: 8/11/97
Revised on: 2/10/03; 6/11/07
Duties of Individual Trustees

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

Each trustee shall review the agenda and attendant materials in advance of a meeting and shall be prepared to participate in discussion and decision making for each agenda item. Each trustee shall visit every school (except in 1st class districts) at least once per year to examine its management, conditions, and needs.

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

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

Cross Reference: 1113 Vacancies

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

Policy History:
Adopted on: 6/11/07
Reviewed on:
Revised on: 8/11/14
District Policy and Procedures

Adoption and Amendment of Policies

Proposed new policies and proposed changes to existing policies shall be presented in writing for reading and discussion at a regular or special Board meeting. Interested parties may submit views, present data or arguments, orally or in writing, in support of or in opposition to proposed policy. Any written statement by a person, relative to a proposed policy or amendment, should be directed to the District Clerk prior to the second (2nd) reading. The final vote for adoption shall take place not earlier than at the second (2nd) reading of the particular policy. Unless it is deemed by the Board that immediate action would be in the best interest of the District, the final vote for adoption shall take place no earlier than the next succeeding regular or special Board meeting. New or revised policies that are required, or have required language changes based on State or Federal law, or are required changes by administrative rule, may be adopted after the first (1st) reading if sufficient notice has been given through the board agenda.

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

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

Policy Manuals

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

Suspension of Policies

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

Administrative Procedures

The Superintendent shall develop such administrative procedures as are necessary to ensure consistent implementation of policies adopted by the Board. When a written procedure is developed, the Superintendent shall submit it to the Board as an information item.

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

Policy History:

Adopted on: 8/11/97
Revised on: 2/10/03; 6/11/07, 8/11/14, 02/09/15
Authorization of Signatures

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

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

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

- Superintendent/Principal

Checks: The school principal is designated as the custodian of each school building extracurricular fund account. Staff employed by the District in the following designated positions are authorized to sign, on behalf of the Board, checks drawn on any extracurricular fund account:

- Superintendent/Principal
- Clerk
- Vice principal/activities director

Contracts for Goods and Services and Leases: The Superintendent/Principal is authorized to sign, on behalf of the Board, individual contracts, leases, and/or contracts for goods and services for amounts under $20,000 without prior approval of the Board. The types of goods and services contracted for must be pre-approved by the Board.

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

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

Policy History:
Adopted on: 6/11/07
Revised on:
The Board of Trustees

Board Meetings

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

Regular Meetings

Unless otherwise specified, all meetings will take place in the library. Regular meetings shall take place at 7:00 p.m. on the second (2nd) Monday of each month, excluding the month of July, or at other times and places determined by a majority vote. Except for an unforeseen emergency, meetings must be held in school buildings or, upon the unanimous vote of the trustees, in a publicly accessible building located within the District. If regular meetings are scheduled at places other than as stated above or are adjourned to times other than the regular meeting time, notice of the meeting shall be made in the same manner as provided for special meetings. The Trustees may meet outside the boundaries of the school district for collaboration or cooperation on educational issues with other school boards, educational agencies, or cooperatives. Adequate notice of the meeting as well as an agenda must be provided to the public in advance. Decision making may only occur at a properly noticed meeting held within the school district’s boundaries. When a meeting date falls on a school holiday, the meeting may take place the next business day.

Emergency Meetings

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

Budget Meetings

Between July 1 and August 4 of each year, the Clerk shall publish a notice stating the date, time, and place trustees will meet for the purpose of considering and adopting a final budget for the District, stating that the meeting of the trustees may be continued from day to day until final adoption of a District budget and that any taxpayer in the District may appear at the meeting and be heard for or against any part of the budget. This notice shall be published in the Dillon Tribune.

On the date and at the time and place stated in the published notice (on or before August 15), trustees shall meet to consider all budget information and any attachments required by law. The meeting may continue from day to day; however, the Board must adopt a final budget not later than the fourth (4th) Monday in August.
Special Meetings

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

Closed Sessions

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

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

Policy History:
- Adopted on: 8/11/97
- Reviewed on:
- Revised on: 3/12/01; 6/11/07, 8/11/14
Beaverhead County High School

THE BOARD OF TRUSTEES

Records Available to Public

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

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

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

Fees will be charged as follows:

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

Legal References: § 20-3-323, MCA District policy and record of acts
§ 20-9-213, MCA Duties of trustees

Policy History:
Adopted on: 4/13/98
Revised on: 6/11/07
Use of electronic mail (e-mail) by members of the Board will conform to the same standards of judgment, propriety, and ethics as other forms of school board-related communication. Board members will comply with the following guidelines when using e-mail in the conduct of Board responsibilities:

1. The Board will not use e-mail as a substitute for deliberations at Board meetings or for other communications or business properly confined to Board meetings.

2. Board members will be aware that e-mail and e-mail attachments received or prepared for use in Board business or containing information relating to Board business may be regarded as public records, which may be inspected by any person upon request, unless otherwise made confidential by law.

3. Board members will avoid reference to confidential information about employees, students, or other matters in e-mail communications, because of the risk of improper disclosure. Board members will comply with the same standards as school employees, with regard to confidential information.
School Board Meeting Procedure

Agenda

The agenda for any Board meeting shall be prepared by the Superintendent/Principal. Items submitted by Board members to be placed on the agenda must have prior approval of the Board Chairperson. Citizens may also suggest inclusions on the agenda. Such suggestions must be received by the Superintendent/Principal by noon of the Thursday before the Monday board meeting, unless of immediate importance. Communications to individual trustees shall be sent to the Superintendent/Principal for presentation to the Board as a whole for action at a regular meeting. Individuals who wish to be placed on the Board agenda must also notify the Superintendent/Principal, in writing, of the request. The request must include the reason for the appearance. If the reason for the appearance is a complaint against any District employee, the individual filing the complaint must demonstrate that the Uniform Complaint Procedure has been followed. Citizens wishing to make brief comments about school programs or procedures or items on the agenda need not request placement on the agenda, and may ask for recognition by the Chairperson at the appropriate time.

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

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

Minutes

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

- Date, time, and place of the meeting;
- Presiding officer;
• Board members recorded as absent or present;
• Summary of discussion on all matters discussed (including those matters discussed during the “public comment” section), proposed, deliberated, or decided, wording of motions, and the voting record of each trustee present;
• Detailed statement of all expenditures (name of business or person and services rendered or goods furnished);
• Purpose of recessing to closed session; and
• Time of adjournment.

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

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

Quorum

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

Electronic Participation

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

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

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

Meeting Conduct and Order of Business

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

Cross Reference: 1441 Audience Participation

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

Policy History:
Adopted on: 8/11/97
Revised on: 6/11/07
Notice Regarding Public Comment

MTSBA recommends that you attach the following notice to your agendas for your regular Board meetings and/or have the Board Chairperson read it aloud at the beginning of the Board meeting, until the public becomes educated about the process:

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

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

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

By law the District cannot take any action on any matter discussed during the “public comment” portion of the meeting, until such time as the matter is specifically noticed on the agenda, and the public has been allowed the opportunity to comment.
THE BOARD OF TRUSTEES

Abstentions From Voting

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

1. When hiring the relative of a trustee;

2. When casting a vote would directly and substantially affect, to its economic benefit, a business or other undertaking in which the trustee either has a substantial financial interest or in which the trustee is engaged as counsel, consultant, representative, or agent;

3. When casting a vote would directly and substantially affect a business or other undertaking to its economic detriment, where a trustee has a substantial personal interest in a competing firm or undertaking;

4. When casting a vote would cause a trustee to have a pecuniary interest, either directly or indirectly, in a contract made by the trustee (while acting in the trustee’s official capacity) or by the Board; and

5. When casting a vote would put the trustee in the position of an agent or solicitor in the sale or supply of goods or services to the District.

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

Legal References: § 2-2-302, MCA Appointment of relative to office of trust or emolument unlawful – exceptions – publication of notice

§ 20-3-323, MCA District policy and record of acts

§ 2-2-121, MCA Rules of conduct for public officers and public employees

§ 2-2-105, MCA Ethical requirements for public officers and public employees

§ 20-9-204, MCA Conflicts of interests, letting contracts, and calling for bids

§ 20-1-201, MCA School officers not to act as agents

Policy History:
Adopted on: 6/11/07
Revised on:
Audience Participation

The Board recognizes the value of public comment on educational issues and the importance of involving members of the public in its meetings. The Board also recognizes the statutory and constitutional rights of the public to participate in governmental operations. To allow fair and orderly expression of public comments, the Board will permit public participation through a period at the beginning of the meeting, during which visitors may make presentations, and prior to a final decision on a matter of significant interest to the public. The Chairperson may control such comment to ensure an orderly progression of the meeting.

Individuals wishing to be heard by the Chairperson shall first be recognized by the Chairperson. Individuals, after identifying themselves, will proceed to make comments as briefly as the subject permits. Any representative of a firm eligible to bid on materials or services solicited by the Board shall also be entitled to express an opinion. The Chairperson may interrupt or terminate an individual’s statement when appropriate, including when statements are out of order, too lengthy, personally directed, abusive, obscene, or irrelevant. The Board as a whole shall have the final decision in determining the appropriateness of all such rulings. It is important for all participants to remember that Board meetings are held in public but are not public meetings. Members of the public shall be recognized and allowed input during the meeting, at the discretion of the Chairperson.

Cross Reference: 1420 School Board Meeting Procedure

Legal Reference: Article II, Section 8, Montana Constitution – Right of participation
Article II, Section 10, Montana Constitution – Right of privacy
§§ 2-3-101, et seq., MCA Right of participation

Policy History:
Adopted on: 8/11/03
Revised on: 6/11/07
Beaverhead County High School

THE BOARD OF TRUSTEES

Code of Ethics for School Board Members

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

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

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

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

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

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

6. Recognize and respect the responsibilities that properly are delegated to the Superintendent/Principal;

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

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

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

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

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

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

Policy History:

Adopted on: 6/11/07

Revised on:
Beaverhead County High School

THE BOARD OF TRUSTEES

Conflict of Interest

A trustee may not:

1. Engage in a substantial financial transaction for the trustee’s private business purpose, with a person whom the trustee inspects or supervises in the course of official duties.

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

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

4. Have a pecuniary interest, directly or indirectly, in any contract made by the Board, when the trustee has more than a ten percent (10%) interest in the corporation. A contract does not include: 1) merchandise sold to the highest bidder at public auctions; 2) investments or deposits in financial institutions that are in the business of loaning or receiving money, when such investments or deposits are made on a rotating or ratable basis among financial institutions in the community or when there is only one (1) financial institution in the community; or 3) contracts for professional services other than salaried services or for maintenance or repair services or supplies when the services or supplies are not reasonably available from other sources, if the interest of any Board member and a determination of such lack of availability are entered in the minutes of the Board meeting at which the contract is considered.

5. Be employed in any capacity by the District.

6. Appoint to a position of trust or emolument any person related or connected by consanguinity within the fourth (4\textsuperscript{th}) degree or by affinity within the second (2\textsuperscript{nd}) degree.

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

   b. This prohibition does not apply to the renewal of an employment contract of a person related to a Board member, who was initially hired before the Board member assumed the trustee position.

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

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

Degrees of Consanguinity

Great Great Grandparent

Great Grandparent

Grandparent

Parent

Child

Brother

Child

Grandchild

Great Grandchild

Appointing Power

1st Cousin

2nd Cousin

3rd Cousin

1st Cousin

2nd Cousin

1st Cousin

2nd Cousin

1st Cousin
### Degrees of Affinity

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<thead>
<tr>
<th>Degree</th>
<th>Relationship</th>
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<tbody>
<tr>
<td>1</td>
<td>Father-in-law</td>
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<tr>
<td>2</td>
<td>Grandfather-in-law</td>
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<td>3</td>
<td>Great Grandfather-in-law</td>
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<tr>
<td>1</td>
<td>Uncle-in-law</td>
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<tr>
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<td>Brother-in-law</td>
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<td>3</td>
<td>Spouse of Appointing Power</td>
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<td>1</td>
<td>Step Child</td>
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<td>Step Grandchild</td>
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<td>3</td>
<td>Step Great Grandchild</td>
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### Policy History:
- Adopted on: 6/11/07
- Revised on:
Management Rights

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

1. Direct employees;

2. Employ, dismiss, promote, transfer, assign, and retain employees;

3. Relieve employees from duties because of lack of work or funds under conditions where continuation of such work would be inefficient and nonproductive;

4. Maintain the efficiency of District operations;

5. Determine the methods, means, job classifications, and personnel by which District operations are to be conducted;

6. Take whatever actions may be necessary to carry out the missions of the District in situations of emergency;

7. Establish the methods and processes by which work is performed.

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

The Board also reserves the right to delegate authority to the Superintendent/Principal for the ongoing direction of all District programs.

Cross Reference: 6110 Superintendent/Principal

Legal Reference: § 20-3-324, MCA Powers and duties
§ 39-31-303, MCA Management rights of public employers

Policy History:
Adopted on: 6/11/07
Revised on:
The Board-Superintendent/Principal relationship is based on mutual respect for their complementary roles. The relationship requires clear communication of expectations regarding the duties and responsibilities of both the Board and the Superintendent/Principal.

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

Cross Reference: 6110 Superintendent/Principal

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

§ 20-4-402, MCA Duties of district superintendent or county high school principal

Policy History:
Adopted on: 6/11/07

Revised on:
Trustee Expenses

Expenses for Board Members - In-District

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

Expenses for Board Members at Out-of-District Meetings

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

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

Cross Reference: 7336 Travel Allowances and Expenses

Policy History:
Adopted on: 6/11/07
Revised on:
The District shall maintain sufficient insurance to protect the Board and its individual members against liability arising from actions of the Board or its individual members while each is acting on behalf of the District and within the trustee’s authority.

Legal References: § 20-3-331, MCA Purchase of insurance – self-insurance plan
§ 20-3-332, MCA Personal immunity and liability of trustees

Policy History:
Adopted on: 6/11/07
Revised on:
THE BOARD OF TRUSTEES

Annual Goals and Objectives

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

At the conclusion of the year, the Superintendent/Principal shall submit a report to the Board which reflects the degree to which annual objectives have been accomplished.

Legal Reference: 10.55.701, ARM Board of Trustees

Policy History:
Adopted on: 6/11/07
Internships

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

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

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

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

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

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

Legal Reference:

§ 20-4-111, MCA          Emergency authorization of employment
ARM 10.55.602              Definitions
ARM 10.55.607              Internships
ARM 10.55.702              Licensure and duties of District Administrator – District Superintendent
ARM 10.57.412              Class 1 and 2 Endorsements
ARM 10.57.413              Class 3 Administrative License

Policy History:
Reviewed on:
Revised on: 8/11/14
The Board establishes this Uniform Complaint Procedure as a means to address complaints arising within the District. This Uniform Complaint Procedure is intended to be used for all complaints except those involving challenges to educational material and those governed by a collective bargaining agreement.

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

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

**Level 1: Informal**

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

**Level 2: Building Administrator**

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

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

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

When a complaint alleges sexual harassment or a violation of Title IX of the Education Amendments of 1972 (the Civil Rights Act), Title II of the Americans with Disabilities Act of 1990, or Section 504 of the Rehabilitation Act of 1973, the building administrator may turn the complaint over to a District nondiscrimination coordinator. The coordinator will complete an investigation and file a report and recommendation with the Superintendent/Principal, within thirty (30) days of the nondiscrimination coordinator’s receipt of the written complaint. A coordinator may hire an outside investigator to conduct the investigation. Within fifteen (15) days of the Superintendent/Principal’s receipt of the coordinator’s report and recommendation, the Superintendent/Principal will respond to the complaint and take such administrative steps as the Superintendent/Principal deems appropriate and necessary. If either the complainant or the person against whom the complaint is filed is dissatisfied with the Superintendent/Principal’s decision, either may request, in writing, that the Board consider an appeal of the Superintendent/Principal’s decision. (See Level 4.) This request must be submitted in writing to the Superintendent/Principal, within fifteen (15) days of the Superintendent/Principal’s written response to the complaint, for transmission to the Board.

Level 3: Superintendent/Principal

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

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

Level 4: The Board

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

Level 5: County Superintendent

When a matter falls within the jurisdiction of a county superintendent of schools, the decision of
the Board may be appealed to the county superintendent by filing written appeal within thirty
(30) days of the Board’s decision, pursuant to Montana law.

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

Policy History:
Adoption on: 6/11/07
Revised on:
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*Indicates new policy
INSTRUCTION

Goals

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

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

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

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

Legal Reference 10.55.701, ARM Board of Trustees

Policy History:
Adopted on: 6/11/07
Revised on:
INSTRUCTION

School Year Calendar and Day

School Calendar

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

Commemorative Holidays

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

Saturday School

Pupil instruction may be held on a Saturday at the discretion of a school district for the purpose of providing additional pupil instruction, provided that: (a) Saturday school is not a pupil-instruction day and does not count toward the minimum aggregate hours of pupil instruction; and (b) student attendance is voluntary.

School Fiscal Year

At least the minimum number of aggregate hours must be conducted during each school fiscal year. The minimum aggregate hours required for grades nine (9) through twelve (12) are one thousand eighty (1,080) hours. One thousand fifty (1,050) hours may be sufficient for graduating seniors.

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

1. Pre-school staff orientation for the purpose of organization of the school year;
2. Staff professional development programs (minimum of three (3) days);
3. Parent/teacher conferences, and;
4. Post-school record and report (not to exceed one day or one-half day at the end of each semester or quarter).
The Board of Trustees has established an advisory committee to develop, recommend, and evaluate the school district’s yearly professional development plan. Each year the Board of Trustees shall adopt a professional development plan for the subsequent school year based on the recommendation of the advisory committee.

Legal References:

§ 20-1-301, MCA School fiscal year
§ 20-1-302, MCA School day and week
§ 20-1-303, MCA Conduct of School on Saturday or Sunday
§ 20-1-304, MCA Pupil-instruction-related day
§ 20-1-306, MCA Commemorative exercises on certain days
10.55.701, ARM Board of Trustees
10.65.101-03, ARM Pupil-Instruction-Related Days
10.55.906, ARM High School Credit

Policy History:
Adopted on:
Reviewed on:
Revised on: 7/1/05; 1/9/06; 6/11/07, 1/14/08, 8/11/14
INSTRUCTION

Grade Organization

The District maintains instructional levels for grades nine (9) through twelve (12). The grouping and housing of instructional levels in school facilities will be according to plans developed by the Superintendent/Principal and approved by the Board.

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

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

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

Policy History:
Adopted on: 6/11/07
Revised on:
INSTRUCTION

Curriculum and Assessment

The Board recognizes the need for a curriculum which will help each child develop his/her potentials to the fullest possible extent. The Board also recognizes the limitations imposed by the inadequate financial base of the District, the limited number of classrooms and facilities, and the tremendous task faced by public schools in America. The Board is devoted to the idea of doing the best it can with the facilities it has. To this end, the following rules are adopted:

Curriculum: The high school curriculum shall provide a terminal education for students not planning to attend school beyond high school, as well as college preparatory work for students planning to attend institutions of higher learning. The District shall ensure their curriculum is aligned to all content standards and the appropriate learning progression for each grade level.

1. Class sizes:
   a. No class with less than ten (10) students shall be taught in the high school without the Superintendent/Principal’s permission.
   b. No class will exceed the maximum number of students stated by the Accreditation Standards of Montana, except when a financial situation exists that necessitates doing so.

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

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

The staff and administration will suggest materials and resources, to include supplies, books, materials, and equipment necessary for development and implementation of the curriculum and assessment, which are consistent with goals of the education program.
The District shall maintain their programs consistent with the state’s schedule for revising standards.

The District shall assess the progress of all students toward achieving content standards and content-specific grade-level learning progressions in each program area. The District shall use assessment results, including state-level achievement information obtained by administration of assessments pursuant to ARM 10.56.101 to examine the educational program and measure its effectiveness. The District shall use appropriate multiple measures and methods, including state-level achievement information obtained by administration of assessments pursuant to the requirements of ARM 10.56.101, to assess student progress in achieving content standards and content-specific grade-level learning progressions in all program areas.

The examination of program effectiveness using assessment results shall be supplemented with information about graduates and other students no longer in attendance.

Cross Reference: 2000 Goals

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

Policy History:
Adopted on:
Reviewed on:
Revised on: 10/14/02; 6/11/07, 8/11/14
Lesson Plan

To insure proper planning and continuity of instruction, the Board requires that each teacher prepare lesson plans for daily instruction. To facilitate more effective instruction, a copy of each teacher’s weekly lesson plan is to be submitted to the Superintendent/Principal each prior Friday. The format for the lesson plan will be specified by the Superintendent/Principal and will be reviewed on a regular basis. The plan book must be readily available, when a substitute teacher is needed.

Policy History:
Adopted on: 6/11/07
Revised on:
Program Evaluation and Diagnostic Tests

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

1. A clear statement of expectations and purposes for the District instructional program;

2. A provision for staff, resources, and support to achieve stated expectations and purposes; and

3. A plan for evaluating instructional programs and services to determine how well expectations and purposes are being met.

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

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

Policy History:
Adopted on: 4/13/98
Revised on: 6/11/07
Student and Family Privacy Rights

Surveys - General

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

Surveys Created by a Third Party

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

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

Surveys Requesting Personal Information

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

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

The student’s parent(s)/guardian(s) may:

1. Inspect the survey within a reasonable time of the request, and/or
2. Refuse to allow their child to participate in any survey requesting personal information.

The school shall not penalize any student whose parent(s)/guardian(s) exercise this option.
Instructional Material

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

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

Collection of Personal Information from Students for Marketing Prohibited

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

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

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

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

Notification of Rights and Procedures

The Superintendent/Principal or designee shall notify students’ parents/guardians of:

1. This policy as well as its availability from the administration office upon request;
2. How to opt their child out of participation in activities as provided in this policy;

3. The approximate dates during the school year when a survey requesting personal information, as described above, is scheduled or expected to be scheduled;

4. How to request access to any survey or other material described in this policy.

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

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

NOTE: This policy must be adopted in consultation with parents. 20 U.S.C. § 1232h(c)(1). Therefore, MTSBA recommends that, at a minimum, Boards specifically note this on their meeting agendas and request public comment prior to adoption.

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

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

Policy History:
Adopted on: 6/11/07
Revised on:
INSTRUCTION

Guidance and Counseling

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

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

1. Provide staff with meaningful information which can be utilized to improve educational services offered to individual students.

2. Provide students with planned opportunities to develop future career and educational plans.

3. Refer students with special needs to appropriate specialists and agencies.

4. Aid students in identifying options and making choices about their educational program.

5. Assist teachers and administrators in meeting academic, social, and emotional needs of students.

6. Provide for a follow-up of students who further their education and/or move into the world of work.

7. Solicit feedback from students, staff, and parents, for purposes of program improvement.

8. Assist students in developing a sense of belonging and self-respect.

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

Legal Reference

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

Policy History:
Adopted on: 6/11/07

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

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

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

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

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

Cross Reference: 3416 Administering Medicines to Students

Legal Reference: 10.55.707, ARM Certification 37.111.825, ARM Health Supervision and Maintenance

Policy History:
Adopted on: 1/9/06
Revised on: 6/11/07
Family Engagement Policy

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

Parent/Family Involvement Goals and Plan

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

1. Promote families to actively participate in the life of the school and feel welcomed, valued, and connected to each other, to school staff, and to what students are learning and doing in class;

2. Promote families and school staff to engage in regular, two-way meaningful communication about student learning;

3. Promote families and school staff to continuously collaborate to support student learning and healthy development both at home and at school and have regular opportunities to strengthen their knowledge and skills to do so effectively;

4. Empower parents to be advocates for their own and other children, to ensure that students are treated equitably and have access to learning opportunities that will support their success;

5. Encourage families and school staff to be partners in decisions that affect children and families and together inform, influence, and create policies, practices, and programs; and

6. Encourage families and school staff to collaborate with members of the community to connect students, families, and staff to expand learning opportunities, community services, and civic participation.
The district's plan for meeting these goals is to:

1. Provide activities that will educate parents regarding the intellectual and developmental needs of their children at all age levels. This will include promoting cooperation between the district and other agencies or school/community groups (such as parent-teacher groups, Head Start, etc.) to furnish learning opportunities and disseminate information regarding parenting skills and child/adolescent development.

2. Implement strategies to involve parents/families in the educational process, including:
   - Keeping parents/families informed of opportunities for involvement and encouraging participation in various programs.
   - Providing access to educational resources for parents/families to use together with their children.
   - Keeping parents/families informed of the objectives of district educational programs as well as of their child's participation and progress within these programs.

3. Enable families to participate in the education of their children through a variety of roles. For example, parents/family members should be given opportunities to provide input into district policies and volunteer time within the classrooms and school programs.

4. Provide professional development opportunities for teachers and staff to enhance their understanding of effective parent/family involvement strategies.

5. Perform regular evaluations of parent/family involvement at each school and at the district level.

6. Provide access, upon request, to any instructional material used as part of the educational curriculum.

7. If practical, provide information in a language understandable to parents.

Policy History:
Adopted on: 4/14/2010
Reviewed on:
Revised on:
Title I Parent Involvement

The District endorses the parent involvement goals of Title I and encourages the regular participation of parents of Title I eligible children in all aspects of the program. The education of children is viewed as a cooperative effort among the parents, school, and community. In this policy the word "parent" also includes guardians and other family members involved in supervising the child’s schools.

Pursuant to federal law the District will develop jointly with, agree upon with, and distribute to parents of children participating in the Title I program a written parent involvement policy.

At the required annual meeting of Title I parents, parents will have opportunities to participate in the design, development, operation, and evaluation of the program for the next school year. Proposed activities to fulfill the requirements necessary to address the requirements of parental-involvement goals shall be presented.

In addition to the required annual meeting, at least three (3) additional meetings shall be held at various times of the day and/or evening for parents of children participating in the Title I program. These meetings shall be used to provide parents with:

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

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

The parents of children identified to participate in Title I programs shall receive from the vice principal/activities director and Title I staff an explanation of the reasons supporting each child’s selection for the program, a set of objectives to be addressed, and a description of the services to be provided. Opportunities will be provided for the parents to meet with the classroom and Title I teachers to discuss their child’s progress. Parents will also receive guidance as to how they can assist at home in the education of their children.
Each school in the District receiving Title I funds shall develop jointly with parents of children served in the program a “School-Parent Compact” outlining the manner in which parents, school staff, and students share the responsibility for improved student academic achievement in meeting state standards. The “School-Parent Compact” shall:

1. Describe the school’s responsibility to provide high quality curriculum and instruction in a supportive and effective learning environment enabling children in the Title I program to meet the state’s academic achievement standards;

2. Indicate the ways in which each parent will be responsible for supporting their child’s learning, such as monitoring attendance, homework completion, and television watching; volunteering in the classroom; and participating, as appropriate, in decisions related to their child’s education and positive use of extracurricular time; and

3. Address the importance of parent-teacher communication on an ongoing basis with, at a minimum, parent-teacher conferences, frequent reports to parents, and reasonable access to staff.


Policy History:
Adopted on: 
Revised on: 8/29/01; 6/11/07
Title I Parent Involvement

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

Guidelines

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

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

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

Roles and Responsibilities

Parents

It is the responsibility of the parent to:

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

Staff

It is the responsibility of staff to:

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

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

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

Administration

It is the responsibility of the administration to:

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

Procedure History:

Promulgated on: 6/11/07

Revised on:
INSTRUCTION

Special Education

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

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

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

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

Policy History:
Adopted on: 6/11/07
Revised on:
Special Education

The Superintendent/Principal shall place the annual application on the agenda of a regular meeting of the Board, for action prior to submission to the state educational agency for final approval.

Child Find

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

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

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

E. Private Schools (This includes home schools.)
Child find procedures addressing the provisions of A.R.M. 10.16.3125(1); follow-up procedures for referral and evaluation.

F. Homeless Children

Procedures for Evaluation and Determination of Eligibility

Procedures for evaluation and determination of eligibility for special education and related services are conducted in accordance with the procedures and requirements of 34 C.F.R. 300.530-300.536 and the following state administrative rules:

10.16.3320 - Referral;
10.60.103 - Identification of Children with Disabilities;
10.16.3321 - Comprehensive Educational Evaluation Process;
10.16.3322 - Composition of an Evaluation Team

Procedural Safeguards and Parental Notification

The District implements the procedural safeguard procedures as identified in 34 C.F.R. 300.500 - 300.530 and A.R.M. 10.16.3129.

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

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

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

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

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

Administrative Representative on Evaluation Team

The Superintendent/Principal shall annually designate in writing the administrative representative for each Evaluation Team in the District. The administrative representative shall be an individual employed by the trustees in a recognized administrative capacity.

Individualized Education Programs

The District develops, implements, reviews, and revises individualized education programs (IEP) in accordance with the requirements and procedures of 34 C.F.R. 300.342-300.350 and A.R.M. 10.16.3342.

Least Restrictive Environment

To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled, and special classes, separate schooling, or other removal of children with disabilities from the regular class occurs only if the nature or severity of the disability is such that education in regular classes, with the use of supplementary aids and services, cannot be achieved satisfactorily. Educational placement decisions are made in accordance with A.R.M. 10.16.3340 and the requirements of 34 C.F.R. 300.550 - 300.556, and a continuum of alternate placements is available as required in 34 C.F.R. 300.551.

Children in Private Schools/Out-of District Placement

The District implements services to children enrolled in private schools by their parents in accord with the requirements and procedures in 34 C.F.R. 300.453 - 300.462 and A.R.M. 10.16.3122. If a child with a disability is placed in or referred to a private school or facility by the District or
parentally placed, the District will provide special education and related services in accordance with the requirements and procedures of 34 C.F.R. 300.401 and A.R.M. 10.16.3122.

Impartial Due Process Hearing

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

Special Education Records and Confidentiality of Personally Identifiable Information

A. Confidentiality of Information

The District follows the provisions under the Family Educational Rights and Privacy Act and implements the procedures in 34 C.F.R. 300.562-300.577, 300.622, § 20-1-213, MCA, and A.R.M. 10.16.3560.

B. Access Rights

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

C. List of Types and Locations of Information

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

D. Safeguards

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

E. Destruction of Information
The District will inform parents five (5) years after the termination of special education services that personally identifiable information is no longer needed for program purposes. The parent will be advised that such information may be important to establish eligibility for certain adult benefits. At the parent’s request, the record information shall either be destroyed or made available to the parent or to the student if eighteen (18) years or older. Reasonable effort shall be made to provide the parent with notification sixty (60) days prior to taking any action on destruction of records. Unless consent has been received from the parent to destroy the record, confidential information will be retained for five (5) years beyond legal school age.

F. **Children’s Rights**

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

**Discipline**

Students with disabilities may be suspended from school the same as students without disabilities for the same infractions or violations for up to ten (10) consecutive school days. Students with disabilities may be suspended for additional periods of not longer than ten (10) consecutive school days for separate, unrelated incidents, so long as such removals do not constitute a change in the student’s educational placement. However, for any additional days of removal over and above ten (10) school days in the same school year, the District will provide educational services to a disabled student, which will be determined in consultation with at least one of the child’s teachers, determining the location in which services will be provided. The District will implement the disciplinary procedures in accord with the requirements of CFR 300.519 - 300.530.

**Legal Reference:**
- 34 CFR 300.1, et seq. Individuals with Disabilities Act (IDEA)
- § 20-1-213, MCA Transfer of school records
- 10.16.3122 ARM Local Educational Agency Responsibility for Students with Disabilities
- 10.16.3129 ARM Parental Involvement
- 10.16.3220 ARM Program Narrative
- 10.16.3321 ARM Comprehensive Educational Evaluation Process
- 10.16.3322 ARM Composition of a Child Study Team
- 10.16.3340 ARM Individualized Education Program and Placement Decisions
- 10.16.3342 ARM Transfer Students: Intrastate and Interstate
- 10.16.3560 ARM Special Education Records
- 10.60.103 ARM Identification of Children with Disabilities

**Procedure History:**
- Promulgated on: 7/1/05
- Revised on: 1/9/06; 6/11/07, 11/12/07
INSTRUCTION

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

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

34 C.F.R. 104.36 Procedural safeguards

Policy History:
Adopted on: 6/11/07

Revised on:
Section 504 of the Rehabilitation Act of 1973 (“Section 504”)

(1) Impartial Due Process Hearing. If the parent or legal guardian of a student who qualifies under Section 504 for special instruction or related services disagrees with a decision of the District with respect to: (1) the identification of the child as qualifying for Section 504; (2) the District’s evaluation of the child; and/or (3) the educational placement of the child, the parents of the student are entitled to certain procedural safeguards. The student shall remain in his/her current placement until the matter has been resolved through the process set forth herein.

A. The District shall provide written notice to the parent or legal guardian of a Section 504 student, prior to initiating an evaluation of the child and/or determining the appropriate educational placement of the child, including special instruction and/or related services;

B. Upon request, the parent or legal guardian of the student shall be allowed to examine all relevant records relating to the child’s education and the District’s identification, evaluation, and/or placement decision;

C. The parent or legal guardian of the student may make a request in writing for an impartial due process hearing. The written request for an impartial due process hearing shall identify with specificity the areas in which the parent or legal guardian is in disagreement with the District;

D. Upon receipt of a written request for an impartial due process hearing, a copy of the written request shall be forwarded to all interested parties within three (3) business days;

E. Within ten (10) days of receipt of a written request for an impartial due process hearing, the District shall select and appoint an impartial hearing officer who has no professional or personal interest in the matter. In that regard, the District may select a hearing officer from the list of special education hearing examiners available at the Office of Public Instruction, the county superintendent or any other person who would conduct the hearing in an impartial and fair manner;

F. Once the District has selected an impartial hearing officer, the District shall provide the parent or legal guardian and all other interested parties with notice of the person selected;

G. Within five (5) days of the District’s selection of a hearing officer, a 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;

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

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

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

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

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

M. Appeals may be taken as provided by law. The parent or legal guardian may contact the Office of Civil Rights, 1244 Speer Boulevard, Suite 310, Denver, CO 80204-3582; (303) 844-5695 or (303) 844-5696.

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

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

Procedure History:
Promulgated on: 6/11/07
Revised on:
Beaverhead County High School

INSTRUCTION

Traffic Education

Beaverhead County High School will provide a drivers’ training instruction program for students who live within the geographic boundaries of the public school district whether or not they are enrolled in the public school district and provided that students enrolled in the course will have reached their 15th birthday within six months of course completion, and has not yet reached 19 years of age on or before September 10 of the school year in which the student participates in traffic education.

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

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

Legal Reference: § 20-7-502, MCA Duties of superintendent of public instruction
§ 20-7-503, MCA District establishment of traffic education program
§ 20-7-507, MCA District traffic education fund
10.13.307, ARM Program Requirements
10.13.312, ARM Student Enrollment

Policy History:
Adopted on: 6/11/07
Revised on: 10/13/08
Beaverhead County High School

INSTRUCTION

Correspondence Courses

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

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

1. After receiving a written request from the student’s parent/guardian, the administration will review correspondence coursework for approval.

2. Courses may not be taken to replace existing course offerings at Beaverhead County High School.

3. If a student fails a required Beaverhead County High School course, the student may request permission to retake the course through correspondence.

4. Correspondence coursework may be taken – and when successfully completed, credit granted – under the following circumstances:
   a. When a student is enrolled as a foreign exchange student.
   b. If a female student is pregnant, and it is deemed in her best interest to finish high school via correspondence study.
   c. When administration feels a special circumstance warrants correspondence work.
   d. When a students’ need to re-take required courses in which they have received an “F” grade.
   e. Students seeking early graduation must complete the second (2nd) semester of Government via an accredited correspondence course.

5. Cost of the coursework will be borne by the student.

6. Coursework and credit via correspondence study will be valuated by the administration.

Cross Reference: 2410 and 2410P High School Graduation Requirements

Legal Reference: § 20-7-116, MCA Supervised correspondence study
               ARM 10.55.906 High School Credit

Policy History:
Adopted on: 9/12/88
Revised on: 3/12/01; 6/11/07
Distance, Online, and Technology Delivered Learning

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

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

1. The distance, online, and technology delivered learning programs and/or courses shall meet the learner expectations adopted by the district and be aligned with state content and performance standards;

2. The district shall provide a report to the Superintendent of Public Instruction documenting how it is meeting the needs of students under the accreditation standards who are taking a majority of courses during each grading period via distance, online, and/or technology-delivered programs;

3. The district will provide qualified instructors and/or facilitators as described in ARM 10.55.907(3)(a)(b)(c);

4. The district will ensure that the distance, online, and technology delivered learning facilitators, receive in-service training on technology delivered instruction as described in ARM 10.55.907(3)(d); and

5. The district will comply with all other standards as described in ARM 10.55.907(4)(5)(a-e).

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

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

1. Prior permission has been granted by the principal;

2. The program fits the education plan submitted by the regularly enrolled student;
3. The course does not replace a required course offered by the District;
4. The course is needed as credit retrieval and cannot fit into the students schedule; and
5. Credit is granted for schools and institutions approved by the District after evaluation for a particular course offering.

The District will not be obligated to pay for a student’s distance learning courses.

Cross Reference: 2410 and 2410P High School Graduation Requirements

Legal Reference: ARM 10.55.602 Definitions
ARM 10.55.705 Administrative personnel; Assignment of School Administrators/Principals
ARM 10.55.906 High School Credit
ARM 10.55.907 Distance, Online, and Technology Delivered Learning

Policy History:
Adopted on: 1/14/08
Reviewed on:
Revised on:
Digital Academy Classes

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

The Superintendent, and/or designees, shall be responsible for developing procedures for the online learning program that meet the District standards.

Further, the online learning solutions providers ensure that:

A. Online course providers are accredited by a nationally recognized accreditation program or agency or are approved and endorsed by the Montana Office of Public Instruction.

B. Qualified district staff provides information and guidance to students and parents regarding the selection of appropriate online courses to meet their needs, as well as a suitable number of online courses in which a student may enroll.

C. The curriculum requirements of the state and school district are met.

D. All online courses taken by the students will be approved by the administration in advance of enrollment.

E. All teacher-led online courses include licensed, highly qualified teachers.

Policy History:
Adopted on: 11/08/10
Reviewed on:
Revised on:
Beaverhead County High School

INSTRUCTION

Significant Writing Program

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

Legal References: 10.55.701(2) (p) ARM Board of Trustees
10.55.713 (4) ARM Teacher Load and Class Size

Policy History:
Adopted on: 4/14/2014
Reviewed on:
Revised on:
INSTRUCTION

School Closure

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

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

Cross Reference: 8110 Bus Routes and Schedules

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

Policy History:
Adopted on: 4/10/06
Revised on: 6/11/07
Beaverhead County High School

INSTRUCTION

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/Principal to the contrary. Such notice will be given via public media.

In the event extremely cold temperatures, wind chill factors, snow, wind, or other circumstances require a modification of the normal routine, the Superintendent/Principal will make the modification decision prior to 6:00 a.m. and contact the public radio stations for broadcast to the community and will initiate the emergency fan-out communication procedure to all administrators.

Work Schedules and Responsibilities for School Closures

Superintendent/Principal

Only the Superintendent/Principal has authority to close schools. The Superintendent/Principal will be on duty throughout any existing or potential emergency situation, day or night. All orders of doubtful origin should be confirmed with the Superintendent/Principal.

Building-Level Administrators, Non-Teaching “Exempt” Personnel, and Key Support Staff

All building-level administrators and non-teaching “exempt” personnel will report for duty per their normal shifts or as otherwise directed each day during the school closure, together with the head custodian and at least one (1) secretary, insofar as is safely possible. The building administrator will ascertain that the building has been adequately secured and that any child who mistakenly reports to school [in the event school has been closed] is properly and safely cared for and returned home per District policy. The administrator and this minimal support staff shall notify other staff and/or other support employees of the situation and will respond to telephone questions. When the situation has been stabilized, the personnel who reported to work may choose to return home. An administrator or exempt employee who does not work a normal day will then adjust his/her work year, by memorandum to the Superintendent/Principal, by the number of hours not worked on the day or days of school closure.

12-Month Classified Employees

In the event of school closure, 12-month classified personnel may report for duty or not report for duty, as directed by their immediate supervisor. Building secretaries and secretaries to key central administrative personnel who are required to be on duty are expected to report for duty. If a 12-month classified employee is unable to or does not report for duty, the employee will complete a leave request form to declare the day as personal leave, vacation, or leave without pay.
10- and 11-Month Classified Employees

Ten- and 11-month employees may report for duty or not report for duty as directed by their immediate supervisor. If such employees do not report for duty, they will complete a District leave request form to declare the day as personal leave, vacation, or leave without pay.

Aides, Food Service Workers, and Other 9½-Month Classified Employees

These employees work only those days school is in session and are not expected to work when school is not in session. If school has been closed, 9½-month employees should not report for duty unless otherwise directed by their immediate supervisor. 9½-month employees will complete a leave request form to declare the day as personal leave, vacation, or leave without pay.

Teachers (Teachers, Librarians, Psychologists, Counselors)

If schools are closed for weather or other emergency conditions, teachers are not expected to report for duty unless directed otherwise. Teachers do not need to submit an absence form. In cases of school closures, it is customary for the days to be made up at another time; thus teachers will typically still fulfill their contract days.

Procedure History:
Promulgated on: 6/11/07
Revised on:
Community and Adult Education

Efforts will be made to maximize the use of public school facilities and resources, realizing that education is a lifelong process involving the whole community. The District may make its resources available to adults and other non-students, within limits of budget, staff, and facilities. Daytime and/or evening use of classrooms, shops, and labs should be encouraged, provided there is no interference with or impairment of the regular school program.

Legal Reference: § 20-7-703, MCA Trustees’ policies for adult education

Policy History:
Adopted on: 4/13/98
Revised on: 6/11/07
School library and classroom library books are primarily for use by District students and staff. Library books may be checked out by either students or staff. Individuals who check out books are responsible for the care and timely return of those materials. The vice principal/activities director may assess fines for damaged or unreturned books.

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

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

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

Every child has the right to a variety of learning materials to broaden interests and experiences and to stimulate mental growth. The well-administered school library is the most effective and economical way to provide each child with exploratory experiences, reading guidance, instruction in the use of a variety of materials, and curriculum enrichment.

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

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

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

The Board hereby delegates authority for selection of library materials to the Superintendent/Principal. The Superintendent/Principal further delegates that authority to the librarian in the school.

Legal reference: § 20-4-402(5), MCA Duties of district superintendent or county high school principal

§ 20-7-203, MCA Trustees’ policies for school library

§ 20-7-204, MCA School library book selection

Policy History:
Adopted on: 4/13/98
Revised on: 6/11/07
INSTRUCTION

Selection of Library Materials

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

Weeding

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

Discarded materials will be clearly stamped:

“WITHDRAWAL FROM BEAVERHEAD COUNTY HIGH SCHOOL LIBRARY”

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

Gifts

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

Procedure History:
Promulgated on: 6/11/07
Revised on:
INSTRUCTION

Instructional Materials

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

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

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

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

Cross Reference: 2314 Learning Materials Review

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

Policy History:
Adopted on: 6/11/07
Revised on:
INSTRUCTION

Selection, Adoption, and Removal of Textbooks and Instructional Materials

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

Selection and Adoption

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

- Be congruent with identified instructional objectives;
- Present more than one viewpoint on controversial issues;
- Present minorities realistically;
- Present non-stereotypic models;
- Facilitate the sharing of cultural differences;
- Be free from objectionable propaganda;
- Implement a continuous curriculum throughout the high school;
- Be priced appropriately.

Removal

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

Procedure History:
Promulgated on: 6/11/07
Revised on:
The District recognizes that federal law makes it illegal to duplicate copyrighted materials without authorization of the holder of the copyright, except for certain exempt purposes. Severe penalties may be imposed for unauthorized copying or use of audio, visual, or printed materials and computer software, unless the copying or use conforms to the “fair use” doctrine.

Under the “fair use” doctrine, unauthorized reproduction of copyrighted materials is permissible for such purposes as criticism, comment, news reporting, teaching, scholarship, or research. Under the fair use doctrine, each of the following four standards must be met in order to use the copyrighted document:

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

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

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


Policy History:
Adopted on: 6/11/07
Reviewed on:
Revised on: 12/27/2012
Copyright Compliance

Authorized Reproduction and Use of Copyrighted Material in Print

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

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

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

2. Spontaneity. Should be at the “instance and inspiration” of the individual teacher when there is not a reasonable length of time to request and receive permission to copy.

3. Cumulative Effect. Teachers are limited to using copied material for only one (1) course in the school in which copies are made. No more than one (1) short poem, article, story or two (2) excerpts from the same author may be copied, and no more than three (3) works can be copied from a collective work or periodical issue during one (1) class term.

Teachers are limited to nine (9) instances of multiple copying for one (1) course during one (1) class term. Limitations do not apply to current news periodicals, newspapers, and current news sections of other periodicals.
Performances by teachers or students of copyrighted dramatic works without authorization from the copyright owner are permitted as part of a teaching activity in a classroom or instructional setting. All other performances require permission from the copyright owner.

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

Authorized Reproduction and Use of Copyrighted Materials in the Library

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

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

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

Authorized Reproduction and Use of Copyrighted Music or Dramatic Works

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

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

Performances of nondramatic musical works that are copyrighted are permitted without the authorization
of the copyright owner, provided that:
• The performance is not for a commercial purpose;
• None of the performers, promoters or organizers are compensated; and,
• Admission fees are used for educational or charitable purposes only.

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

Recording of Copyrighted Programs

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

USE OF INFORMATION RESOURCES REGULATION

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

After the first ten consecutive school days, off-air recordings may be used up to the end of the 45 calendar
day retention period only for evaluation purposes, i.e., to determine whether or not to include the
broadcast program in the teaching curriculum. Permission must be secured from the publisher before the
recording can be used for instructional purposes after the 10 day period.
Off-air recordings need not be used in their entirety, but the recorded programs may not be altered from their original content. Off-air recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations. All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.

Authorized Reproduction and Use of Copyrighted Computer Software

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

- All copyright laws and publisher license agreements between the vendor and the school district shall be observed;
- Staff members shall take reasonable precautions to prevent copying or the use of unauthorized copies on school equipment;
- A back-up copy shall be purchased, for use as a replacement when a program is lost or damaged. If the vendor is not able to supply a replacement, the school district shall make a back-up copy that will be used for replacement purposes only;
- A copy of the software license agreement shall be retained by the District Clerk and Technology Coordinator.
- A computer program may be adapted by adding to the content or changing the language. The adapted program may not be distributed.

Fair Use Guidelines for Educational Multimedia

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

USE OF INFORMATION RESOURCES REGULATION

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

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

Educators may use copyrighted materials in a multimedia project for two years, after that permission must be requested and received.
The following limitations restrict the portion of any given work that may be used pursuant of fair use in an educational multimedia project:

- Motion media: ten percent or three minutes, whichever is less;
- Text materials: ten percent or 1,000 words, whichever is less;
- Poetry: an entire poem of fewer than 250 words, but no more than three poems from one author or five poems from an anthology. For poems of greater than 250 words, excerpts of up to 250 words may be used, but no more than three excerpts from one poet or five excerpts from an anthology;
- Music, lyrics and music video: Up to ten percent, but no more than thirty seconds. No alterations that change the basic melody or fundamental character of the work;
- Illustrations, cartoons and photographs: No more than five images by an artist, and no more than ten percent or fifteen images whichever is less from a collective work;
- Numerical data sets: Up to ten percent or 2,500 field or cell entries, whichever is less;

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

**Notices – Before including this section, make sure employees are ready to comply with it and notices are posted.**

The superintendent and office staff are responsible for ensuring that appropriate warning devices are posted. The warnings are to educate and warn individuals using school district equipment of the copyright law. Warning notices must be posted:

- On or near copiers;
- On forms used to request copying services;
- On video recorders;
- On computers; and,
- At the library and other places where interlibrary loan orders for copies of materials are accepted.

**Procedure History:**

Promulgated on: 4/13/98
Reviewed on:
Revised on: 6/11/07, 12/27/2012
Learning Materials Review

Citizens objecting to specific materials used in the District are encouraged to discuss the complaint with the building principal prior to pursuing a formal complaint. Should a citizen of the school district or parent/guardian of a student attending the school wish to make a formal complaint regarding specific material used in the school system, the form for requesting reconsideration of instructional materials must be used. These forms (4311F) are available in the main office.

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

Policy History:
Adopted on: 10/14/02
Revised on: 6/11/07
REQUEST FOR RECONSIDERATION OF LEARNING MATERIALS

Author ______________________________________________________________

Title ________________________________________________________________

Publisher (if known) ________________________________________________

Request initiated by: _________________________________________________

Telephone: _________________________________________________________

Complaint represents: _______________________________________________

(self)

______________________________________________________(other)

1. What, in your opinion, is objectionable about this book/material? (Please be specific: cite pages.)

2. What do you think might be the result of reading this book/using this material?

3. What brought the book/material to your attention?

4. For what age group would you recommend this book/material?

5. Do you think there is anything good about this book/material?

6. Did you read the entire book or review the material completely? If not, what parts did you read?

7. Are you aware of the judgment to this book/material by literary critics or the curriculum committee?

8. What do you believe is the theme of this book/material?
9. What would you like your library/school to do about this book/material?
   a. _____ Do not assign it to my child
   b. _____ Withdraw it from all students as well as from my child
   c. _____ Withdraw it for reevaluation

10. In its place, what book/material would you recommend?

_______________________________ __________________
Signature Date

_______________________________ __________________
Signature Date

_______________________________ __________________
Signature Date
Beaverhead County High School

INSTRUCTION

Learning Materials Review

The Reconsideration Committee shall consist of one (1) administrator, two (2) faculty members, and two (2) parents. Ex-officio members will include the vice principal/activities director, and if the challenged material is library material, the librarian of the school will be involved.

When a citizen of the District or parent/guardian of a student attending school questions the appropriateness of textbooks, library books, instructional materials, or supplementary materials being used, the matter should be brought to the vice principal/activities director for investigation. If the vice principal/activities director agrees the material should be withdrawn, no further action is required.

If the problem is not resolved through this investigation, a Request for Reconsideration of Learning Materials shall be submitted by the complainant on the form supplied by the District.

During the process, the challenged material will remain in use, unless the Reconsideration Committee determines that if the material in question were to remain in use, it would render the committee’s decision moot.

Upon receipt of the request, the vice principal/activities director or designee will direct the Reconsideration Committee to take the following steps:

1. Inform the Superintendent/Principal and other appropriate personnel of the challenge and the dates of the Reconsideration Committee’s meetings;

2. Read, view, or listen to the material in its entirety;

3. Check general acceptance of the material by reading reviews and consulting recommended lists;

4. Determine the extent to which the material supports the curriculum.

The Reconsideration Committee will complete its deliberation with all possible dispatch and submit its written report to the vice principal/activities director, the complainant, and other appropriate staff. A majority vote or consensus of the total committee will be required to determine its recommendation.

The vice principal/activities director shall provide the Board with a summary report of the disposition of the complaint, to include the content of the complaint and the Reconsideration Committee’s decision.

If the complainant is not satisfied with the decision of the Reconsideration Committee, the
complainant may direct the complaint to the Superintendent/Principal, who shall review the complaint and the decision of the Reconsideration Committee. Following that review, the Superintendent/Principal shall inform the complainant, the vice principal/activities director, and the Board of his/her decision.

If the complainant is not satisfied with the decision of the Superintendent/Principal, the complainant may request, in writing, a review by the Board. The request will be submitted to the Board as an informational item at the next regularly scheduled board meeting. Subsequent to reviewing the request, and Board member(s) may place the matter on the next meeting agenda as an action item, at which time the matter will be discussed and a decision given to the complainant. This decision will be held in executive session, if the Board Chair determines that the complaint, in whole or in part, is evaluative of a District employee’s performance and that the individual’s right of privacy exceeds the public’s right to know.

Procedure History:

Promulgated on:

Reviewed/Revised on: 10/14/02; 6/11/07
Field Trips, Excursions, and Outdoor Education

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

Field trips that will take students out of state must be approved in advance by the Board; the vice principal/activity director may approve all other field trips.

The vice principal/activities director will develop procedures with respect to field trips, excursions, and outdoor education.

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

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

Legal Reference: ARM 37.111.825 Health Supervision and Maintenance

Policy History:
Adopted on: 4/10/06
Revised on: 6/11/07
Controversial Issues and Academic Freedom

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

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

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

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

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

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

Policy History: Adopted on: 4/13/98 Revised on: 6/11/07
Religion and Religious Activities

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

Student Prayer and Discussion

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

Staff Members

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

Graduation Ceremonies

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

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

Baccalaureate Ceremonies

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

Assemblies, Extracurricular and Athletic Events

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

Student Religious Expression and Assignments

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

Religion in the Curriculum

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

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

Student Religious Clubs

Students may organize clubs to discuss or promote religion, subject to the same constitutionally acceptable restrictions the District imposes on other student-organized clubs.

Distribution of Religious Literature

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

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

Policy History:
Adopted on: 6/11/07
Reviewed on:
/Revised on: 12/27/2012
Religion and Religious Activities

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

Student Prayer and Discussion

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

Staff Members

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

Graduation Ceremonies

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

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

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Policy History:
Adopted on: 6/11/07
Revised on:
Participation in Commencement Exercises

Statement of Policy

A student’s right to participate in a commencement exercise of the graduating class at Beaverhead County High School is an honor. As such, participation in this ceremony is reserved for those members of the graduating class who have completed all state and local requirements for graduation before commencement and are not serving a suspension for violation of Policy 3512, which addresses all school-related activities and is inclusive of the date of the ceremony. Students who complete their requirements after the date of commencement exercises will receive their diploma at that time.

Organization and Content of Commencement Exercises

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

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

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

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

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

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

Policy History:  
Adopted on: 8/11/03  
Reviewed on:  
Revised on: 6/11/07, 2/09/09, 12/27/2012
INSTRUCTION

Health Enhancement

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

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

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

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

Legal Reference: §§ 50-16-1001, et seq., MCA AIDS Education and Prevention (AIDS Prevention Act)

Policy History:
Adopted on: 6/11/07
Reviewed on:
Revised on: 12/27/2012
Advancement Requirements

The District has established a set of advancement requirements for 9-12 grade students which will act as a guide in helping students move methodically and purposefully on a course that will eventually lead to high school graduation. Therefore, the following advancement requirements are required in the District:

1. To advance to the 10th grade, students must earn at least ten (10) semester credits in 9th grade.

2. To advance to the 11th grade, students must earn at least twenty (20) semester credits.

3. To advance to the 12th grade, students must earn at least twenty-six (26) semester credits.

Policy History:
Revised on: 6/11/07
Beaverhead County High School

INSTRUCTION 2410

High School Graduation Requirements

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

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

To graduate from Beaverhead County High School, a student must have satisfactorily completed the last quarter prior to graduation as a Beaverhead County High School student. Highly unusual exceptions may be considered by the vice principal/activities director, such as a student exchange program in a recognized school.

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

A student may be denied participation in graduation ceremonies in accordance with § 20-5-201(3), MCA, and as stated in Policy 2333, Participation in Commencement Exercises. In such instances the diploma will be awarded after the official ceremony has been held.

Cross Reference: 2333 Participation in Commencement Exercises

Legal Reference: § 20-5-201, MCA Duties and sanctions 10.55.904, ARM Basic Education Program Offerings – High School 10.55.905, ARM Graduation Requirements 10.55.906, ARM High School Credit

Policy History:
Adopted on: 6/13/05
Revised on: 6/11/07, 2/09/09
Beaverhead County High School

INSTRUCTION

High School Graduation Requirements

Publication of Graduation Requirements

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

Credits

Students shall be expected to earn a total of forty (40) semester units in order to complete the general education graduation requirements or a total of forty-four (44) semester units to complete the college prep graduation requirements. Special education students who have successfully completed their IEP leading to completion of high school will be awarded a diploma.

Waiver of Requirement

Graduation requirements generally will not be waived under any circumstances. However, in rare and unique hardship circumstances, the Superintendent/Principal may approve minor deviation from the graduation requirements.

Alternative Programs

Credit toward graduation requirements may be granted for planned learning experiences from accredited programs, university courses, and correspondence courses.

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

Honor Roll

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

Class Rank (Grade Point Average)

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

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

Students who wish to graduate before the end of their senior year must demonstrate a hardship situation in order to be considered for early-graduation status. Example hardship situations include but are not limited to:

1. Students with children;
2. Students living on their own without parental/guardian support.

Students wishing to be considered for early graduation MUST petition IN WRITING to the Superintendent/Principal. The request must include a statement explaining the reason(s) for the request and be submitted to the Superintendent/Principal before the beginning of the student’s senior year.

Seventh-(7th)-Semester Graduates

Students graduating at the end of seven (7) semesters will forfeit the privilege of being named valedictorian or salutatorian.

IT IS THE EARLY GRADUATE’S RESPONSIBILITY TO MAKE ARRANGEMENTS FOR OBTAINING THEIR CAP AND GOWN AND CONFIRMING THE GRADUATION DATE, PRACTICE TIMES, ETC.

Procedure History:
Promulgated on: 6/11/07
Reviewed on:
Revised on: 02/09/15
INSTRUCTION

Credit Transfer and Assessment for Placement

Requests for transfer of credit or grade placement from any non-accredited, nonpublic school will be subject to examination and approval before being accepted by the District. This will be done by the school counselor or vice principal/activities director or, in the case of home schools, by a credit evaluation team consisting of a counselor, a staff member from each subject area in which credit is being requested, and the vice principal/activities director.

The credit evaluation team will:

1. Document that the student has spent approximately the same number of classroom hours in home school as would have been spent in a regular class (ninety (90) hours/credit) in the District;

2. Document that the student followed a curriculum essentially similar to that of a course for which credit is requested;

3. Document that in the event of a credit request in a lab, industrial arts, or music course, equipment and facilities were sufficient to meet required learning activities of the course;

4. Require that the student has satisfactorily passed, in all courses in which a final exam normally is given, a final exam prepared and administered by a staff member in the District.

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

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

For the purpose of calculation of class rank, students must have earned thirty (30) graded credits (A, B, C, D) from an accredited public school. Students not meeting this requirement will not be included in the class rank for their graduating class.

Legal Reference: § 20-5-110, MCA

Policy History:

Adopted on: 4/13/98
Revised on: 10/9/00; 6/11/07
INSTRUCTION

Changes in Student Schedules

The District’s scheduling process is request driven, so changes in student schedules are to be avoided to maintain the integrity of the master schedule. Schedule changes are subject to the following conditions:

1. Schedule changes will be made during the first (1st) ten (10) days of a semester, if any of the following situations exist:
   - An obvious error in the schedule, such as a blank class period.
   - A student has been rescheduled into a failed course but has made up the course through correspondence during the summer.
   - A student wishes to replace a study hall with an academic course (if space is available).
   - Changes need to be made to fulfill college requirements.
   - A required course which is not currently in the student’s schedule.
   - A recommendation from a classroom teacher that the student does not have the ability to complete course requirements.
   - Change made in accordance with special education or Section 504 plans.

Other requests may be considered during the first (1st) ten (10) days of the semester on a case-by-case basis. The determining factors for making any changes will be availability of space in classes, effect on other students, and whether the change is in the best interest of the student involved.

2. Schedule changes made after the tenth (10th) day of the semester will result in a student receiving a withdrawal F for that course. Exceptions will be made on a case-by-case basis. Examples of situations which would warrant an exception include:
   - Changes made in accordance with special education or Section 504 plans.
   - Recommendations from a classroom teacher that the student does not have the ability to complete course requirements.

Changes in schedules will not be made to accommodate preferences for instructor or time of day.

Policy History:
Adopted on: 11/6/00
Revised on: 6/11/07
INSTRUCTION

Grading and Progress Reports

The main purpose of evaluation is to let students and parents know of the progress, or the lack of progress, being made by individual students.

All teachers are to evaluate their students in a professional manner according to acceptable standards of achievement and with consideration for the student’s ability. To this end the following rules are adopted:

1. All teachers are responsible for the professional evaluation of students under their charge for the day or for any portion of the day.

2. Reports to parents shall be made at no longer than nine-(9)-week intervals.

3. Grades assigned by any teacher cannot be changed except by that teacher.

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

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

Policy History:
Adopted on: 4/13/98
Revised on: 6/11/07
Beaverhead County High School

INSTRUCTION

Recognition of Native American Cultural Heritage

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

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

- Working cooperatively with Montana Tribes in close proximity to the District, when providing instruction, when implementing educational goals or adopting rules relating to education of students in the District;

- Periodically reviewing its curriculum to ensure the inclusion of cultural heritage of Native Americans, which will include but not necessarily be limited to:
  - Considering methods by which to provide books and materials reflecting authentic historical and contemporary portrayals of Native Americans;
  - Taking into account individual and cultural diversity and differences among students;

- Providing necessary training for school personnel, with the objective of gaining an understanding and awareness of Native American culture, which will assist the District’s staff in its relations with Native American students and parents.

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

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

§§ 20-1-501, et seq., MCA Recognition of American Indian cultural heritage - legislative intent

10.55.603 ARM Curriculum Development and Assessment

10.55.701 ARM Board of Trustees

10.55.803 ARM Learner Access

Policy History:

Adopted on: 11/12/03

Revised on: 6/11/07
Limited English Proficiency Program

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

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

The Superintendent/Principal or his/her designee shall implement and supervise an LEP program which ensures appropriate LEP instruction and complies with applicable laws and regulations. The Superintendent/Principal or his/her designee, in conjunction with appropriate stakeholders, shall develop and disseminate written procedures regarding the LEP program, including:

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

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

Students whose dominant language is not English should be enrolled in the District, upon proof of residency and other legal requirements. Students shall have access to and be encouraged to participate in all academic and extracurricular activities of the District.

Students participating in LEP programs shall be required, with accommodations, to meet established academic standards and graduation requirements adopted by the Board.
The LEP program shall be designed to provide instruction which meets each student’s individual needs based on the assessment of English proficiency in listening, speaking, reading, and writing. Adequate content-area support shall be provided while the student is learning English, to assure achievement of academic standards.

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

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

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

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

Policy History:
Adopted on: 6/11/07
Revised on:
Beaverhead County High School

INSTRUCTION

School Wellness

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

- The School District will engage students, parents, teachers, food service professionals, health professionals, and other interested community members in developing, implementing, monitoring, and reviewing District-wide nutrition and physical activity policies and procedures.
- All students in grades K-12 will have opportunities, support, and encouragement to be physically active on a regular basis.
- Foods and beverages sold or served at school will meet the nutrition recommendations of the U.S. Dietary Guidelines for Americans.
- Qualified child nutrition professionals will provide students with access to a variety of affordable, nutritious, and appealing foods which meet the health and nutrition needs of students; will accommodate the religious, ethnic, and cultural diversity of the student body in meal planning; and will provide clean, safe, and pleasant settings and adequate time for students to eat.
- To the maximum extent practicable, all schools in the District will participate in available federal school meal programs, including the School Breakfast Program and the National School Lunch Program (including after-school snacks).
- Schools will provide nutrition education and physical education to foster lifelong habits of healthy eating and physical activity and will establish linkages between health education and school meal programs and with related community services.

The Superintendent or his/her designee will develop procedures based on the following five (5) areas of requirement:

1. Nutrition Education Goals
2. Physical Activity Goals
3. Nutrition Standards for All Foods and Beverages
4. Other School-Based Wellness Activities
5. Governance and Evaluation

Legal Reference P.L. 108-265 Child Nutrition and WIC Reauthorization Act of 2004

Policy History:
Adopted on: 9/11/06
Revised on: 6/11/07
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3606 Transfer of Student Records
3608* Receipt of Confidential Records
3611* Gangs and Gang Activity
3612 District-Provided Access to Electronic Information, Services, and Networks
3612P Acceptable Use of Electronic Networks
3612F Internet Access Conduct Agreement
3630* Cell Phones and Other Electronic Equipment

*Indicates new policy
STUDENTS

Entrance, Placement, and Transfer

The trustees will enroll a student whose birthday occurs on or before the tenth (10th) day of September of the school year in which the student is to enroll but is not yet 19 years of age. The trustees may at their discretion assign and admit a student to a school in the district who is 19 years of age or older if there are exceptional circumstances that merit waiving the age provision.

School Entrance

1. Students requesting to enroll at Beaverhead County High School are subject to the conditions and terms of Policy 3121, Admittance of Student to School.

2. The District requires that a student’s parents, legal guardian, or legal custodian present proof of identity of the child\(^1\) to the school within forty (40) days of enrollment, as well as proof of residence in the District. Homeless students shall be admitted pursuant to state and federal law, and Policy 3125.

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

Placement

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

Transfer

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

A transfer of credits from any secondary school is subject to a satisfactory examination of the following:

1. Appropriate certificates of school accreditation;

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

3. Content of applicable courses;

4. School facility as it relates to credit earned (i.e., lab areas for appropriate science or vocational instruction);

5. Appropriate evaluation of student performance leading toward credit issuance.

The District will follow Montana Accreditation Rules and Standard, along with local alternate procedures for earning credit, in reviewing requests for transfer of credits. Final approval of transfer credits will be determined by the vice principal/activities director in consultation with school counselors, subject to review by the Superintendent/Principal and the Board.

Legal Reference:

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

Policy History:
Adopted on: 3/10/03
Revised on: 6/11/07, 3/10/08, 08/10/15
Beaverhead County High School

STUDENTS

Compulsory Attendance

The general welfare of all students is best served by regular attendance. Every effort shall be made by administration and classroom teachers to see that all students, as much as possible, attend all classes regularly.

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

1. Child’s sixteenth (16th) birthday; or
2. Completion date of the work of eighth (8th) grade.

Compulsory attendance stated above will not apply when children are:

1. Provided with supervised correspondence or home study; or
2. Excused because of a determination by a district judge that attendance is not in the best interests of the child; or
3. Enrolled in a non-public or home school; or
4. Enrolled in a school in another district or state; or
5. Excused by the Board on a determination that attendance after age of sixteen (16) is not in the best interests of the child and the school.

Legal Reference: § 20-1-308, MCA Religious instruction
§ 20-5-101, MCA Admittance of child to school
§ 20-5-103, MCA Compulsory attendance and excuses
§ 20-5-104, MCA Attendance officer
§ 20-5-106, MCA Truancy
§ 20-5-107, MCA Incapacitated and indigent child attendance
§ 20-5-108, MCA Tribal agreement with district for Indian child compulsory attendance and other agreements

Policy History:
Adopted on: 4/13/98
Revised on: 6/11/07
Enrollment and Attendance Records

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

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

- A resident of the district or a nonresident student admitted by trustees under a student attendance agreement and who is attending a school of the district;
- Unable to attend school due to a medical reason certified by a medical doctor and receiving individualized educational services supervised by the district, at district expense, at a home or facility that does not offer an educational program;
- Unable to attend school due to the student’s incarceration in a facility, other than a youth detention center, and who is receiving individualized educational services supervised by the district, at district expense, at a home or facility that does not offer an educational program;
- Receiving special education and related services, other than day treatment, under a placement by the trustees at a private nonsectarian school or private program if the student’s services are provided at the district’s expense under an approved individual education plan supervised by the district;
- Participating in the Running Start Program at district expense under § 20-9-706, MCA;
- Receiving education services, provided by the district, using appropriately licensed district staff at a private residential program or private residential facility licensed by the Department of Public Health and Human Services;
- Enrolled in an educational program or course provided at district expense using electronic or offsite delivery methods, including but not limited to tutoring, distance learning programs, online programs, and technology delivered learning programs, while attending a school of the district or any other nonsectarian offsite instructional setting with the approval of the trustees of the district, or;
- A resident of the district attending a Montana job corps program under an interlocal agreement with the district under § 20-9-707, MCA.

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

Legal Reference: 20-9-706, MCA Running Start Program
20-9-707, MCA Agreement with accredited Montana job
corps program
29 U.S.C. 794 Nondiscrimination under Federal grants
and programs
34 CFR 300.1, et seq. Individuals with Disabilities Education Act

Policy History:
Adopted on: 6/11/07
Revised on:
Average Number Belonging

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

For a child to be counted for ANB purposes:

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

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

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

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

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

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

Homebound Students

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

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

b) Is in a home or facility which does not offer a regular educational program; and

c) Has instructional costs during the absence, which are financed by the District’s general fund.
If a homebound student does not meet the criteria set forth above, the District may request a variance through the Office of Public Instruction, for consideration of the student in the enrollment count for ANB purposes beyond the tenth (10th) day of absence.

**Attendance Accounting**

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

On the first (1st) Monday in October and on February 1st (or the next school day if those dates do not fall on a school day), the number of all enrolled students (whether present or absent) by grade level and class will be recorded on the forms provided by the District. Special education children who are enrolled in special programs sixteen (16) hours or more a week will be listed separately. The Director of Special Education should be contacted to verify this count. Monthly student counts of enrolled children by grade and classroom will be provided by the office.

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

**Procedure History:**
- Promulgated on: 4/10/06
- Reviewed on: 6/11/07, 08/10/15
Beaverhead County High School

STUDENTS

Attendance Policy

Role of Attendance

Attendance plays a vital role in the student’s academic success, making it extremely important to be in class. There are many activities and discussions which occur in the classroom, which simply cannot be made up. Even though students may obtain the notes and complete the assignments, they have lost the value of actively participating in class and interacting with their teachers and peers.

The Beaverhead County High School attendance policy is based on state law (§ 20-5-103, MCA), which states that a student is excused when absent due to illness or bereavement.

Types of Absence

Students will be advised that, in general, four (4) types of absence are recognized, three (3) of which are counted toward the six (6) days allowed each quarter.

Excused Absence (EA): Medically excused absences, doctor appointments, parent/guardian calls for illness, extreme weather conditions, family bereavement, and college visitations. College visitation absences are allowed for SENIORS ONLY and are limited to three (3) days per year, with additional days granted only with approval of school administration. Students will be required to provide documentation to have medical absences and college visitations excused. Administration may request a physician’s note for extended absences of three (3) or more consecutive days.

Avoidable Absence (AB): Absence with the knowledge of the parent/guardian but for reasons other than those listed above, such as shopping, hunting, sleeping in, family vacations, tournament attendance, etc. Prearranged makeup work is recommended for avoidable absences. Forms for prearranged absences are available in the office.

Unexcused Absence (UA): These absences occur when:

1. The student leaves the building without checking out through the office as required. Although parents may be aware of the circumstances, the absence will remain unexcused for attendance purposes. **ALL ABSENCES WILL BE RECORDED AS UA UNTIL NOTIFICATION FROM PARENT/GUARDIAN IS RECEIVED BY THE OFFICE.**

2. The student is truant (absent without the knowledge of a parent/guardian). Parents will be notified, and time missed will be made up in detention and/or suspension.
Tardies (T): Students not in their assigned seat prior to the tardy bell will be marked tardy. For attendance purposes, two (2) tardies in a class will count as one (1) absence. In addition, students may be assigned detention for each tardy exceeding four (4) in any class. Student’s attendance will be coded as an absence for those students who come to class excessively late, which includes anything fifteen (15) minutes or later.

Makeup Work

Makeup work for the above outlined absences and suspensions will be according to the student handbook.

Definition of “Absence”

Students shall be in physical attendance in the classes in which they are enrolled, from the first (1st) scheduled day of school, unless they have been excused for the conduct of school business in the immediate school setting. Students will be counted absent on a class-by-class basis, unless involved in the following:

1. Individual and group counseling activities in the school setting;
2. Discipline proceedings;
3. Special-needs conferences;
4. Completing standardized tests and health-related activities (such as hearing and vision screenings) in the immediate school setting;
5. School-sponsored activities, both extracurricular and co-curricular.

Consequences of Excessive Absenteeism

1. A student absent from class seven (7) or more days during a quarter will receive a failing grade in the class, unless extenuating circumstances are approved by an attendance committee consisting of the vice principal/activities director and the teachers of the classes in which the student has seven (7) or more absences. Extenuating circumstances which will be considered are medical appointments, illnesses, and family emergencies. These absences will be subtracted from the total when determining if absences are excessive. Vacations, shopping, hunting, etc., are not considered extenuating circumstances. The parent/guardian may provide evidence of extenuating circumstances before the end of the quarter or may appeal the failing grade, in writing, within one (1) week of the issuing of final grades for the quarter. Extenuating medical circumstances should be verified in writing by attending medical personnel. Teaching staff aware of other extenuating circumstances may bring these to the attendance committee’s attention.

2. Students earning a failing grade due to absences will receive either a fifty-nine percent (59%) or their current grade, whichever is lower, as their quarter grade.
Returning After Absence

Absence from school requires an excuse from the parent/guardian before returning to classes. Notification of excuse by parent/guardian must be turned into the office within forty-eight (48) hours from the time their son or daughter returns to school. If the parent/guardian fails to notify the school within 48 hours, those absences coded as UA can only be changed to an Excused Absence (EA) or Doctor’s Absence (DR) by written documentation sent to the school by a physician. The excuse may be presented in written, verbal (telephone), or personal form to the office.

Leaving Campus During the School Day

Students wishing to leave campus while school is in session must:

1. Present to the office a written request signed by the parent/guardian; or
2. Have the parent/guardian call the office to make such request; or
3. Present verification of a medical or other appointment. School officials may call to confirm the appointment.

A blue pass will be issued to students granted permission to leave.

Students who leave school without properly checking out will be considered unexcused, and their absence will remain unexcused regardless of the circumstances. Request for leave MUST be made before leaving the premises, never afterward.

Nonattendance

Any student absent ten (10) consecutive school days without contacting the office concerning the nature of the absence will be withdrawn.

Students under the age of sixteen (16) with excessive absenteeism will be referred to the county attorney’s office.

Early Withdrawal

The District does not encourage students to leave prior to the end of the school term. However, emergencies may arise which necessitate early withdrawal from school. Students wishing to withdraw early are governed by the following:

1. Students withdrawing early MUST designate an individual to complete their checkout procedure in their absence on checkout day, unless they are transferring to another school during the same term.
2. Students who leave before the end of the regular school term and do not complete all of their academic requirements prior to leaving will receive a grade of “incomplete” in their classes.

3. All grades of “incomplete” must be made up within a reasonable period of time at the discretion of the instructor, or the grade will be changed to a “failure” and so entered on the student’s records.

4. Students transferring to another school during the school term must withdraw from Beaverhead County High School before leaving, or student records will be withheld until withdrawal procedures are completed.

Parent/Guardian Notification

Parents/guardians of absent students will be notified on a daily basis by the high school office. Parents/guardians without a phone will be requested to provide the number of an individual who can contact them or take a message confirming the student’s absence. A daily log of attendance calls will be maintained by office personnel.

After a student is marked absent in a class for five (5) days, the attendance officer will mail a letter to the student’s parent/guardian as a reminder of the school policy and as a means to verify the number of absences. The parent/guardian will be asked to provide evidence of any extenuating circumstances. After the seventh (7th) absence the attendance officer will mail a second (2nd) letter to the student’s parent/guardian, informing them that the student will receive failing grades due to absences. The letter will include information on presenting evidence of extenuating circumstances and on filing an appeal.

Suspensions From School

Days missed due to out-of-school suspensions do not count as absences under the attendance policy, as these days are imposed by the District. However, students who are suspended are not given credit for any work during the period of their suspension.

Appeals

If a student or the student’s parent/guardian requests an appeal, the committee hearing the appeal will consist of the attendance officer and the teacher(s) of the class(es) in which the student has seven (7) or more absences.

Legal Reference: § 20-5-103, MCA Compulsory attendance and excuses
§ 20-5-105, MCA Attendance officer – powers and duties

Policy History:
Adopted on: 8/10/97
Revised on: 4/13/98; 5/11/01; 10/14/02; 8/9/04; 6/11/07
Denial of Admittance of Student

A student may be **denied** admittance to Beaverhead County High School, if any of the following conditions exist:

1. The student has been expelled from any school district within the past twelve (12) months. If the period of expulsion extends for more than twelve (12) months, the student shall not be admitted until the expulsion period expires.

2. Behavior in another school district during the preceding twelve (12) months was detrimental to the welfare or safety of other students or school personnel.

3. The student has graduated from the twelfth (12th) grade in any school district or has received any document evidencing completion of the equivalent of a secondary curriculum (e.g., GED).

4. The student is not residing with a legal guardian. If such student is admitted, and their legal guardian(s) is(are) residing in another district, they may be required to pay tuition equal to the per-pupil cost at the level of their attendance. Admitted students must present a “Power of Attorney-in-Fact” in order to attend Beaverhead County High School.

5. The student reached the age of nineteen (19) on or before September 10th. The student must present a written application to the Board, with the reasons for seeking admission to Beaverhead County High School. The Board, at its discretion, may grant or deny admission under § 20-5-101(3), MCA.

**Policy History:**
Adopted on: 8/11/97
Revised on: 8/29/01; 6/11/07
STUDENTS

Education of Homeless Children

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

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

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

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

The Superintendent/Principal will give special attention to ensuring the enrollment and attendance of homeless children and youths not currently attending school. The Superintendent/Principal will appoint a liaison for homeless children.

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

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

Cross Reference: 1700 Uniform Complaint Procedure

§ 20-5-101, MCA Admittance of child to school

Policy History:
Adopted on: 6/11/07
Revised on:
Beaverhead County High School

**STUDENTS**

3130

Students of Legal Age

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

Admission to School

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

Field Trips/Athletic Programs

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

Absence/Lateness/Truancy

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

Suspension/Expulsion

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

Withdrawal from School

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

Permission to Inspect Student Records

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

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

Excuses from School

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

Financial Responsibility

Adult students can be held financially responsible for damage to school property.

Policy History:

Adopted on: 6/11/07
Reviewed on:
Revised on: 8/11/14
Realizing that numerous senior students have an opportunity to work between the hours of 2:30 and 5:30 p.m., the District’s policy is to offer an opportunity for an individual to gain work experience and earn money to continue their education after high school, as well as to offer a prospective employer an opportunity to gainfully employ a qualified individual. This program is administered through the vice principal/activities director’s office or by the vice principal/activities director’s designee.

1. Senior students enrolled at Beaverhead County High School are eligible to apply.
2. The student must submit a Work Study Application form to the vice principal/activities director or designee, indicating where they will be employed and the hours of employment. The form must be signed by the student, parent, and employer.
3. Work release will not be granted for any of the following:
   - Babysitting siblings
   - Caring for pets (at home)
   - Running errands for parent/guardian
   - Other situations the vice principal/activities director deems not applicable to work study
4. The District will make periodic contact with the student’s employer to ensure that the student is employed during the hours stated on the Work Study Application.
5. If the senior student’s employment terminates before the end of the school year, or if the student is confirmed not to be working during the indicated hours, the student will forfeit work-study privileges and will be enrolled in study hall.
6. Work study may be granted on a case-by-case basis for hours other than those listed in this policy. (Example: Early morning hours, if employment is available only at that time.)

Policy History:
Adopted on: 6/14/99
Revised on: 6/11/07
Beaverhead County High School

WORK STUDY APPLICATION

Realizing that numerous senior students have an opportunity to work between the hours of 2:30 and 5:30 p.m., the District’s policy is to offer an opportunity for an individual to gain work experience and earn money to continue their education after high school, as well as to offer a prospective employer an opportunity to gainfully employ a qualified individual. This program is administered through the vice principal/activities director’s office or by the vice principal/activities director’s designee.

Name of Student: ______________________________________ Date of Birth: ____________

Place of Employment: ___________________________________________________________

Employer’s Address: _____________________________ Workplace Phone: ______________

Days and Hours of Employment: ___________________________________________________

Reasons for Requesting Work Study (Be specific): _________________________________
____________________________________________________________________________
____________________________________________________________________________

By signing below, I agree to abide by the provisions of Beaverhead County High School Policy 3135, Work Study, and certify that I am employed by the business listed above during the indicated hours.

____________________________________  ______________________________________
Student Signature                           Date

By signing below, I agree to allow my student to leave school early in order to work during school hours. I understand that if my student violates the provisions of Beaverhead County High School Policy 3135, Work Study, the work study privilege will be revoked, and my student will be assigned to a study hall for the remainder of the semester/year.

____________________________________  ______________________________________
Parent/Guardian Signature                  Date

By signing below, I am indicating that the above-named student is employed by me and/or my business during the indicated hours. Should the student resign or be terminated from employment, I agree to contact Beaverhead County High School as soon as possible.

____________________________________  ______________________________________
Employer Signature                         Date
STUDENTS

Out-of-U.S.A. Travel

The District will not sanction out-of-U.S.A. travel groups. Faculty and students wishing to travel out of the U.S.A. will do so strictly on their own. Student days absent from school will be counted as an excused absence and will count toward the six (6) days allowed each academic quarter.

Faculty accompanying students will request personal leave time, if the trip is scheduled during pupil instructional days.

Because the District is not involved, instructors organizing and implementing the trip must meet with the students and their parents/guardians and explain that students are NOT covered by the District insurance policy and DO NOT fall under school rules and regulations.

Policy History:
Adopted on:
Revised on: 10/14/02; 6/11/07
STUDENTS

Discretionary Nonresident Student Attendance Policy

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

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

2. The Superintendent/Principal will recommend to the Board any nonresident student admission in accordance with this policy, with the Board making the final decision on admission.

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

4. The District will examine a student’s records from previous school districts before any Board approval for admission.

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

6. Every nonresident student who attends District schools must reapply for admission for the succeeding school year by June 15. Admission in one school year does not infer or guarantee admission in subsequent years.

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

8. All resident students who become nonresidents because their parents or guardians move out of the District may continue attendance for the semester, barring registration in another District. At the completion of the semester, a student must apply as a nonresident student.

9. The Board reserves the right to charge tuition for nonresident students. At its discretion, the Board may charge or waive tuition for all students whose tuition is required to be paid by one kind of entity, defined as either a parent or guardian or a school district. Any
waiver of tuition will be applied equally to all students whose tuition is paid by the same
kind of entity (i.e., if the District charges tuition in those circumstances where a resident
district pays but waives tuition in those circumstances where a parent or guardian is
responsible for tuition, the tuition waiver will be applicable to all students whose parents
or guardians bear the responsibility for payment).

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

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

12. The Board will not admit any student who is expelled from another school district.

Legal Reference:

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

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

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

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

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

10.10.301B, ARM Out-of-District Attendance Agreements

Policy History:

Adopted on: 6/11/07

Revised on:
Foreign Exchange Students

It is the policy of the District to recognize the benefits from nonimmigrant students. The Board does not, however, sponsor foreign exchange programs. The Board may approve tuition-free classroom experiences for nonimmigrant students. Approval only signifies the District’s willingness to allow students to attend without tuition. The District does not provide any other financial contribution to the student. The student is responsible for all other fees. The Board assumes no responsibility or control over items such as travel, living accommodations, funding, insurance, etc., which remain the responsibility of the sponsor and/or student.

The District’s goal is that a mutual, beneficial exchange exist between the nonimmigrant student and the District. The nonimmigrant student is expected to make a contribution to the community and school by sharing his/her culture. The District encourages students to speak about their country to classes at any grade level and encourages its own students to explore opportunities to travel and study abroad. Nonimmigrant students will be subject to the same policies and attendance requirements as regular students unless otherwise noted.

Before a foreign exchange student will be accepted at Beaverhead County High School, the student or sponsor must:

1. Provide proof the student is able to speak and understand conversational English. (A TOEFL* score of 520 or above will suffice for this purpose.)
2. Provide the District with health records and proof of Montana-required immunizations (in English).
3. Provide proof of insurance covering health, accident, and liability.
4. Provide the name, address, and telephone number of the sponsoring family.

If a foreign exchange student is accepted for enrollment at Beaverhead County High School, it is understood that:

1. For the purpose of enrollment, the foreign exchange student will be enrolled at the sophomore level.
2. The student will be allowed to enroll in all appropriate courses offered to Beaverhead County High School students.
3. The student will be expected to adhere to all Beaverhead County High School rules and regulations as outlined in the student/parent handbook.
The Board reserves the right to withdraw approval and to regulate the number of foreign exchange students.

*TOEFL is an internationally accepted standard test for English proficiency. TOEFL, P.O. Box 6151, Princeton, NJ 08541-6151.


Policy History:
Adopted on: 5/11/98
Revised on: 6/10/02; 6/11/07
STUDENTS

Part-Time Attendance

The District will review requests for part-time enrollment of students on a case-by-case basis, with the Superintendent/Principal making the final decision. The District will consider only those students who are not enrolled in a home school.

Criteria for accepting students for part-time enrollment are the following:

1. Accepting a student will not create excess student enrollment in a requested class;
2. Accepting a student will not create need for an additional staff member;
3. Accepting a student will not cause a new section of a course to be created.

The District will accept on a first-come, first-served basis students wishing to enroll in the same course. Whenever the enrollment position of a part-time student is needed for a regular, full-time student during the year, a full-time student has priority for the position beginning with the next semester.

Legal Reference: § 20-9-311(a), MCA Calculation of average number belonging (ANB)

Policy History:
Adopted on: 6/11/07
Revised on:
STUDENTS

Student Parking

The District provides limited parking spaces in school owned parking lots and the lot adjacent to Vigilante Electric. Students parking along streets adjacent to residences and the high school are urged to follow all traffic regulations, for the safety and protection of persons and property. The Pioneer Federal Savings & Loan parking lot across from the main entrance to the high school is for faculty parking only.

Students parking in the B.W. Lodge parking lot and the lot adjacent to Vigilante Electric are subject to a fine, if their vehicle is parked in a place other than a designated parking space. Students found to be parked in a non-designated space will be called to the office and receive a BCHS citation.

Parking fines must be paid before the end of the current grading period, or report cards, schedules, and/or diplomas will be withheld. Underclassmen with outstanding fines will not be allowed to check out at the end of the year. Seniors with outstanding fines will not participate in commencement exercises. Students wishing to appeal the citation must file their appeal with the vice principal/activities director within twenty-four (24) hours of the citation’s issuance.

Legal Reference: § 20-5-201, MCA Duties and sanctions
§ 20-9-214, MCA Fees

Policy History:
Adopted on: 12/14/98
Revised on: 6/11/07
Student Rights and Responsibilities

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

Cross Reference: 3231 Searches and Seizure
3310 Student Discipline

Legal Reference: § 20-4-302, MCA Discipline and punishment of pupils – definition of corporal punishment
§ 20-5-201, MCA Duties and sanctions

Policy History:
Adopted on: 6/11/07
Revised on:
STUDENTS

Equal Education, Nondiscrimination and Sex Equity

The District will make equal educational opportunities available for all students without regard to race, color, national origin, ancestry, sex, ethnicity, language barrier, religious belief, physical or mental handicap or disability, economic or social condition, actual or potential marital or parental status. No student will be denied equal access to programs, activities, services, or benefits or be limited in the exercise of any right, privilege, or advantage, or denied equal access to educational and extracurricular programs and activities.

Inquiries regarding discrimination or intimidation should be directed to the District Title IX Coordinator. Any individual may file a complaint alleging violation of this policy, Policy 3200-Student Rights and Responsibilities, Policy 3225-Sexual Harassment/Intimidation of Students, or Policy 3226-Bullying/Harassment/Intimidation/Hazing by following those policies or Policy 1700-Uniform Complaint Procedure.

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

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

Cross Reference: 1700 Uniform Complaint Procedure
3200 Student Rights and Responsibilities
3225 Sexual Harassment/Intimidation of Students
3226 Bullying/Harassment/Intimidation/Hazing

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

Policy History:
Adopted on: 4/9/01
Reviewed on:
Revised on: 6/11/07, 02/09/15, 4/10/2017
Student Publications

Student publications produced as part of the school’s curriculum or with the support of student body funds are intended to serve both as vehicles for instruction and student communications. They are operated and substantively financed by the student body and the District.

Material appearing in such publications should reflect all areas of student interest, including topics about which there may be controversy and dissent. Controversial issues may be presented provided they are treated in depth and represent a variety of viewpoints. Such materials may not be libelous, obscene, or profane nor may they cause a substantial disruption of the school, invade the privacy rights of others, demean any race, religion, gender, or ethnic group, or advocate the violation of the law. They may not advertise tobacco, liquor, illicit drugs or drug paraphernalia.

The Superintendent/Principal shall develop guidelines to implement these standards and shall establish procedures for the prompt review of any materials which appear not to comply with the standards.

Policy History:
Adopted on: 6/11/07
Revised on:
STUDENTS

Distribution and Posting of Materials

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

The Superintendent/Principal must approve all materials before they may be distributed by any organization.

To facilitate the distribution of materials with information about student activities, each school may maintain a centrally located bulletin board for the posting of materials, and/or maintain a table available to students for placing approved materials.

Policy History:
Adopted on: 6/11/07
Revised on:
Beaverhead County High School

STUDENTS

Student Dress

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

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

Policy History:
Adopted on: 6/11/07
Revised on:
Sexual Harassment/Intimidation of Students

Sexual harassment is a form of sex discrimination and is prohibited. An employee, District agent, or student engages in sexual harassment whenever that individual makes unwelcome advances, requests sexual favors, or engages in other verbal, non-verbal, or physical conduct of a sexual or sex-based nature, imposed on the basis of sex, that:

1. Denies or limits the provision of educational aid, benefits, services, opportunities, or treatment, or that makes such conduct a condition of a student’s academic status; or

2. Has the purpose or effect of:
   a. Substantially interfering with a student’s educational environment;
   b. Creating an intimidating, hostile, or offensive educational environment;
   c. Depriving a student of educational aid, benefits, services, opportunities, or treatment; or
   d. Making submission to or rejection of such unwelcome conduct the basis for academic decisions affecting a student.

The terms “intimidating,” “hostile,” and “offensive” include conduct that has the effect of humiliation, embarrassment, or discomfort. Examples of sexual harassment include but are not limited to unwelcome touching, crude jokes or pictures, discussions of sexual experiences, pressure for sexual activity, intimidation by words, actions, insults, or name calling, teasing related to sexual characteristics, and spreading rumors related to a person’s alleged sexual activities.

Students who believe that they may have been sexually harassed or intimidated should consult a counselor, teacher, Title IX coordinator, or administrator, who will assist them in the complaint process. Supervisors or teachers who knowingly condone or fail to report or assist a student to take action to remediate such behavior of sexual harassment or intimidation may themselves be subject to discipline.

Any District employee who is determined, after an investigation, to have engaged in sexual harassment will be subject to disciplinary action up to and including discharge. Any student of the District who is determined, after an investigation, to have engaged in sexual harassment will be subject to disciplinary action, including but not limited to suspension and expulsion consistent with the District’s discipline policy. Any person who knowingly makes a false accusation regarding sexual harassment likewise will be subject to disciplinary action up to and including discharge with regard to employees or suspension and expulsion with regard to students.
The District will make every effort to ensure that employees or students accused of sexual harassment or intimidation are given an appropriate opportunity to defend themselves against such accusations.

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

Any individual seeking further information should consult the Superintendent/Principal for the name of the current Title IX Coordinator for the District. The Superintendent/Principal will ensure that student and employee handbooks include the name, address, and telephone number of an individual responsible for coordinating District compliance efforts.

An individual with a complaint alleging a violation of this policy should follow the Uniform Complaint Procedure.

Cross Reference: 1700 Uniform Complaint Procedure

Legal References: Art. X, Sec. 1, Montana Constitution
§§ 49-3-101, et seq., MCA Montana Human Rights Act
34 CFR Part 106 Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance

Policy History:
Adopted on:
Revised on:
Harassment Reporting Form for Students

Beaverhead County High School

Date ____________________

Student’s name _________________________________________________________________

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

• Who was responsible for the harassment or incident(s)? ______________________________

• Describe the incident(s). ______________________________________________________

• Date(s), time(s), and place(s) the incident(s) occurred. _______________________________

• Were other individuals involved in the incident(s)? __ yes __ no

• Did anyone witness the incident(s)? __ yes __ no

• Did you take any action in response to the incident? __ yes __ no

• Were there any prior incidents? __ yes __ no

Signature of complainant _________________________________________________________

Signatures of parents/legal guardians ____________________________________________
Bullying/Harassment/Intimidation/Hazing

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

Definitions

1. “Third parties” include but are not limited to coaches, school volunteers, parents, school visitors, service contractors or others engaged in District business, such as employees of businesses or organizations participating in cooperative work programs with the District, and others not directly subject to District control at inter-district and intra-District athletic competitions or other school events.

2. “District” includes District facilities, District premises, and non-District property if the student or employee is at any District-sponsored, District-approved, or District-related activity or function, such as field trips or athletic events, where students are under the control of the District or where the employee is engaged in District business.

3. “Hazing” includes but is not limited to any act that recklessly or intentionally endangers the mental or physical health or safety of a student for the purpose of initiation or as a condition or precondition of attaining membership in or affiliation with any District-sponsored activity or grade-level attainment, including but not limited to forced consumption of any drink, alcoholic beverage, drug, or controlled substance, forced exposure to the elements, forced prolonged exclusion from social contact, sleep deprivation, or any other forced activity that could adversely affect the mental or physical health or safety of a student; requires, encourages, authorizes, or permits another to be subject to wearing or carrying any obscene or physically burdensome article, assignment of pranks to be performed, or other such activities intended to degrade or humiliate.

4. "Bullying" means any harassment, intimidation, hazing, or threatening, insulting, or demeaning gesture or physical contact, including any intentional written, verbal, or electronic communication ("cyberbullying") or threat directed against a student that is persistent, severe, or repeated, and that substantially interferes with a student’s educational benefits, opportunities, or performance, that takes place on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation, at any official school bus stop, or anywhere conduct may reasonably be considered to be a threat or an attempted intimidation of a student or staff member or an interference with school purposes or an educational function, and that has the effect of:
   a. Physically harming a student or damaging a student’s property;
   b. Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student’s property;
   c. Creating a hostile educational environment, or;
   d. Substantially and materially disrupts the orderly operation of a school.
5. “Electronic communication device” means any mode of electronic communication, including, but not limited to, computers, cell phones, PDAs, or the internet.

Reporting

All complaints about behavior that may violate this policy shall be promptly investigated. Any student, employee, or third party who has knowledge of conduct in violation of this policy or feels he/she has been a victim of hazing, harassment, intimidation, bullying, in violation of this policy is encouraged to immediately report his/her concerns to the vice principal/activities director or the Superintendent/Principal, who have overall responsibility for such investigations. A student may also report concerns to a teacher or counselor, who will be responsible for notifying the appropriate District official. Complaints against the vice principal/activities director shall be filed with the Superintendent/Principal. Complaints against the Superintendent/Principal shall be filed with the Board. The complainant shall be notified of the findings of the investigation and, as appropriate, that remedial action has been taken.

Exhaustion of administrative remedies

A person alleging violation of any form of harassment, intimidation, hazing, or threatening, insulting, or demeaning gesture or physical contact, including any intentional written, verbal, or electronic communication, as stated above, may seek redress under any available law, either civil or criminal, after exhausting all administrative remedies.

Responsibilities

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

Consequences

Students whose behavior is found to be in violation of this policy will be subject to discipline up to and including expulsion. Staff whose behavior is found to be in violation of this policy will be subject to discipline up to and including dismissal. Third parties whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the Superintendent/Principal or the Board. Individuals may also be referred to law enforcement officials.

Retaliation and Reprisal

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

Legal Reference: 10.55.701(2)(f), ARM Board of Trustees
10.55.719, ARM Student Protection Procedures
10.55.801(1)(a), ARM School Climate

Policy History:
Adopted on: 8/9/04
Reviewed on:
Revised on: 6/11/07, 4/07/09, 8/11/14, 08/10/15
Searches and Seizure

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

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

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

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

The “pat down” or “search” of a student, if conducted, will be conducted by a school official or employee of the same gender as the student being searched.

School Property and Equipment and Personal Effects of Students

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

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

Students

School officials may search any individual student, his/her property, or district property under his/her control when there is a reasonable suspicion that the search will uncover evidence that he/she is violating the law, Board policy, administrative regulation, or other rules of the district or the school. Reasonable suspicion shall be based on specific and objective facts that the search will produce evidence related to the alleged violation. The types of student property that may be
searched by school officials include, but are not limited to, lockers, desks, purses, backpacks, student vehicles parked on district property, cellular phones, or other electronic communication devices.

Students may not use, transport, carry, or possess illegal drugs or any weapons in their vehicles on school property. While on school property, vehicles may be inspected at any time by staff, or by contractors employed by the District utilizing trained dogs, for the presence of illegal drugs, drug paraphernalia, or weapons. In the event the school has reason to believe that drugs, drug paraphernalia, or weapons are present, including by alert-trained dogs, the student’s vehicle will be searched, and the student expressly consents to such a search.

Also, by parking in the school parking lots, the student consents to having his/her vehicle searched if the school authorities have any other reasonable suspicion to believe that a violation of school rules or policy has occurred.

Seizure of Property

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

Legal Reference:  
Redding v. Safford Unified School District,  
---F.3d----, 2007 WL 2743594(C.A. 9 (Ariz.))  
Terry v. Ohio, 392 U.S. 1, 20 (1968)  
B.C. v. Plumas, (9th Cir. 1999) 192 F.3d 1260

Policy History:  
Adopted on: 4/13/98  
Reviewed on:  
Revised on: 6/10/02; 6/11/07, 1/14/08, 4/07/09, 02/09/15
Beaverhead County High School

STUDENTS

Searches and Seizure

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

1. The Superintendent/Principal, vice principal/activities director, and the authorized assistants of either shall be authorized to conduct any searches or to seize property on or near school premises, as further provided in this procedure.

   If the authorized administrator has reasonable suspicion to believe that any locker, car, or other container of any kind on school premises contains any item or substance which constitutes an imminent danger to the health and safety of any person or to the property of any person or the District, the administrator is authorized to conduct a search of any car, locker, or container and to seize any such item or substance of any kind on school premises without notice or consent.

2. No student shall hinder, obstruct, or prevent any search authorized by this procedure.

3. Whenever circumstances allow, any search or seizure authorized in this procedure shall be conducted in the presence of at least one (1) adult witness, and a written record of the time, date, and results shall be made by the administrator. A copy shall be forwarded to the Superintendent/Principal as soon as possible.

4. In any instance where an item or substance is found which would appear to be in violation of the law, the circumstance shall be reported promptly to the appropriate law enforcement agency.

Procedure History:
Promulgated on: 4/13/98
Reviewed on:
Revised on: 6/10/02; 6/11/07, 8/11/14
Canine Inspections

To promote safety of students, staff, and visitors in Beaverhead County High School, periodic searches of school property and facilities may be conducted using trained canines. The following procedures will facilitate canine inspections and protect the rights of students and staff:

1. When the canine inspection team arrives at the school, teachers will be notified that no students are to leave classrooms, and doors are to be closed during the inspection. All students should remain seated and not be allowed to look out of doors or windows. Normal classroom routines should be followed. The bells will be shut off.

2. If there is an emergency, or if a student has a blue pass (permit to leave the building), the teacher will notify the office, and someone will be sent to escort the student.

3. Teachers who have prep periods will be used to supervise and monitor hallways and common areas.

4. The rec center will be used to hold students who arrive at school after the inspection has begun. Those students may not leave and will be supervised in the rec center by school personnel.

5. Inspection team members will include school administrators and counselors.

6. The canine inspection team will inspect gymnasium locker rooms, hallway lockers, and vehicles parked on school property. In addition, two (2) or three (3) classrooms will be randomly chosen for inspection. Students in these classrooms will be escorted to the rec center, leaving their coats, backpacks, and other personal belongings in the classrooms. The canine inspection team will then search the classrooms, including the teacher’s desk and closet.

7. School officials will mark and record any location alerted on by the canine inspection team. If a subsequent search of the item alerted on results in no contraband being found, the student to whom the item belongs or the locker is assigned will not be interviewed.

8. If the canine inspection team alerts on a vehicle in the parking lot, the student who drove that vehicle to school will be called out of class and will be present during a subsequent search of the vehicle by the District’s inspection team.

9. If contraband is found the student’s parents/guardians will be contacted and asked to come to school. If the contraband is found in a teacher’s area, the teacher will be interviewed by school officials. Police will be notified and appropriate action taken by school officials. The contraband will be identified and tested by the proper authorities.
10. At the conclusion of the inspection, the class bells will be turned on, and the daily schedule will resume.

The District views this entire endeavor as an educational experience for District students, staff, and community. The District’s main purpose in supporting canine searches is to deter contraband from being stored, used, and/or sold on school property. Contraband on District property and facilities is not acceptable and will not be tolerated.

Legal Reference:
§ 16-1-106 Definitions
§ 16-11-102 Definitions
§ 44-12-101 Definition of controlled substance
§ 50-32-101 Definitions
§ 50-32-221 Criteria for placement of drug in Schedule I
§ 50-32-222 Specific dangerous drugs included in Schedule I
§ 50-32-223 Criteria for placement of drug in Schedule II
§ 50-32-224 Specific dangerous drugs included in Schedule II
§ 50-32-225 Criteria for placement of drug in Schedule III
§ 50-32-226 Specific dangerous drugs included in Schedule III
§ 50-32-228 Criteria for placement of drug in Schedule IV
§ 50-32-229 Specific dangerous drugs included in Schedule IV
§ 50-32-231 Criteria for placement of drug in Schedule V
§ 50-32-232 Specific dangerous drugs included in Schedule V
§ 50-32-233 Exempt anabolic steroid products

Policy History:
Adopted on: 6/11/07
Revised on:
Student Use of Buildings: Equal Access

Non-curriculum-related secondary school student organizations may conduct meetings on school premises without intervention on the basis of the religious, political, philosophical, or other content of the meeting.

The following criteria must be met:

1. The meeting is voluntary and student-initiated.
2. There is no sponsorship of the meeting by the school, the government, or its agents or employees.
3. The meeting must occur during non-instructional time on regular school days.
4. Employees or agents of the school or government are present only in a non-participatory capacity.
5. The meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school.
6. Non-school persons may not direct, conduct, control, or regularly attend activities.

Although the school assumes no sponsorship of these kinds of meetings, all meetings held on school premises must be scheduled and approved by the vice principal/activities director.

This policy pertains to student meetings. The school has the authority, through its agent or employees, to maintain order and discipline on school premises and to protect the well-being of students and faculty.

Legal Reference: 20 U.S.C. 4071 Equal Access Act

*Board of Education v. Mergens*, 110 S.Ct. 2356 (1990)

Policy History:

Adopted on: 6/11/07
Revised on:
Video/Audio Surveillance

The Board authorizes the use of video/audio monitoring devices on District property to ensure the health, welfare, and safety of all employees, students, and visitors to District property and to safeguard District buildings, grounds, and equipment. Video/audio monitoring devices may be used in locations deemed appropriate by the Superintendent/Principal. Camera locations are hallways, stairwells, and outside locations.

The District will notify employees, students, and the public through student/parent and employee handbooks that video/audio surveillance may occur on District property. A notice will also be posted at the main entrance of all District buildings, and on all buses, indicating the use of video/audio surveillance.

Students in violation of Board policies, administrative regulations, building rules, or law shall be subject to appropriate disciplinary action. Other persons may be referred to law enforcement agencies.

Video/audio recordings of violations of Board policies, administrative regulations, building rules, or law may become a part of a student’s educational record. The District shall comply with all applicable state and federal laws related to record maintenance and retention.

Cross Reference: 3600 Student Records

Policy History:
Adopted on: 5/13/02
Revised on: 6/11/07
Suspension and Expulsion - Corrective Actions and Punishment

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

Suspension

- “Suspension” means the exclusion of a student from attending individual classes or school and participating in school activities for an initial period not exceed ten (10) school days. An administrator may order suspension of a student.

In the event a student’s proposed punishment is to include denial of the right of school attendance from any single class or full schedule of classes for at least one (1) and no more than ten (10) consecutive days, the student and, when possible, the parent will be provided:

1. Oral or written notice of charges;
2. Oral or written explanation of evidence supporting the charges;
3. Oral or written explanation of the suspension which may be imposed;
4. Opportunity for the student to present an explanation.

The parents and student will be informed of any confidential record of disciplinary action which will be maintained.

Any parent or student aggrieved by imposition of a short-term suspension shall have the right to an informal conference with the assistant principal for the purpose of resolving the grievance. At the conference the student and the parent shall be subject to questioning by the vice principal/ activities director and shall be entitled to question staff involved in the matter being aggrieved.

Credit will not be granted for work missed while a student is suspended from class/school.

Suspended students may not attend activities, including but not limited to dances, sporting events, and graduation exercises (§ 20-5-201(3), MCA).

The Superintendent will conduct a review of any suspension on request of a parent or legal guardian. A student and parent or legal guardian may meet with the Superintendent to discuss suspension. After the meeting and after concluding a review, the Superintendent will take such final action as appropriate.

Upon a finding by a school administrator that the immediate return to school by a student would be detrimental to the health, welfare, or safety of others or would be disruptive of the educational process, a student may be suspended for one (1) additional period not to exceed ten (10) school days, if the student is granted an informal hearing with the school administrator prior to the additional suspension, and if the decision to impose the additional suspension does not violate the Individuals with Disabilities Education Act (IDEA) or Rehabilitation Act.

Expulsion

- “Expulsion” is any removal of a student for more than twenty (20) school days without the provision of educational services. Expulsion is a disciplinary action available only to the Board.

The Board, and only the Board, may expel a student from school and may do so only after following due process procedures set forth below.
The following violations (but not exclusive of others) occurring on school property, at school functions, or in any other context where the District may lawfully assert jurisdiction over the student may bring an expulsion recommendation:

1. Continued open defiance of authority;
2. Destruction of school property;
3. Physical abuse or threat to any person;
4. Unlawful or unauthorized use, possession, distribution, or sale of drugs (prescribed or non-prescribed), alcoholic beverages, or other illegal contraband;
5. Violation of District or school regulations;
6. Violation of state law;
7. Unauthorized possession of objects dangerous to persons or property.

In cases where expulsion may occur, the staff will take steps to determine if a disabling condition exists by utilizing the existing child study team procedure.

The administrator’s recommendation for expulsion will be made by letter to the Superintendent/Principal and include the following:

1. Date suspension occurred;
2. Reasons for expulsion recommendation; and
3. Administrator’s signature.

If the Superintendent/Principal concurs, a copy of the administrator’s letter shall be sent by certified mail, return receipt requested, or hand-delivered to the student and the student’s parent, with a notice containing the recommendation to be made to the Board and a statement that a subsequent notice explaining the Board’s action will be sent.

The Board hearing on expulsion should be scheduled so that the issue is resolved before the end of the suspension. If a Board meeting cannot be scheduled for this purpose during the suspension period, the Superintendent/Principal may extend the suspension up to ten (10) additional days. Notice of the hearing will be sent to the student and parent at least three (3) school days before the date scheduled for the hearing and shall include:

1. Date, time, and place of hearing;
2. Information describing the process to be used to conduct the hearing;
3. Advice of the Board’s decision to conduct the hearing in executive session unless the parent or emancipated student waives the student’s right to privacy; however, parts of the hearing may still be conducted in executive session in order to protect privacy rights of others. The Board’s decision to hold the hearing in executive session will be made in accordance with § 2-3-203(2), MCA.

Within the limitation that the hearing must be conducted during the period of suspension, an expulsion hearing may be rescheduled by the student or parent by submitting a request showing good cause to the Superintendent/Principal or designee at least twenty-four (24) hours before the date and time of the hearing as originally scheduled. The Superintendent/Principal or designee shall determine if the request shows good cause.

The Board will conduct the expulsion hearing in accordance with Montana law. Formal rules of evidence are not binding on the Board’s conduct of the hearing.
Before the expulsion hearing the student will be entitled to:

1. Access to all evidence which may be presented and to the student’s records; and
2. Representation by the parent(s), legal guardian, legal counsel, or someone else designated in writing by the parent or guardian.

During the expulsion hearing the student shall be entitled to:

1. Opportunity to present evidence and to call and cross-examine witnesses.
2. Exemption from any requirement to give evidence against himself or herself.

Each school shall maintain a record of any disciplinary action that is educationally related, with explanation, taken against the student. When the Board of Trustees takes disciplinary action against a student, the Board must keep a written record of the action taken, with detailed explanation, even if the disciplinary action is decided during a closed session. A disciplinary action that is educationally related is an action that results in the expulsion or out-of-school suspension of the student.

Procedures for Suspension and Expulsion of Students With Disabilities

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

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

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

20 U.S.C. 1400, et seq. Individuals with Disabilities Education Act

34 CFR 300.519-521 Procedural Safeguards

§ 20-4-302, MCA Discipline and punishment of pupils — definition of corporal punishment — penalty — defense

§ 20-4-402, MCA Duties of district superintendent or county high school principal

§ 20-4-105, MCA Attendance officer — powers and duties

§ 20-5-106, MCA Truancy

§ 20-5-201, MCA Duties and sanctions

§ 20-5-202, MCA Suspension and expulsion

ARM 10.16.3346 Aversive Treatment Procedures

ARM 10.55.910 Student Discipline Records


Section 504 IDEA

Policy History:

Adoption on: 9/11/00

Reviewed on:

Revised on: 8/9/04; 6/11/07, 10/12/09, 8/11/14
PROCEDURAL CHECKLIST – SUSPENSION OR EXPULSION

STUDENT: ___________________________ SCHOOL: __________________________

CHARGE: ____________________________ DATE OF CHARGE: _________________

☐ Proper authority utilized

Emergency Suspension (choose one)

☐ Clear and present danger
☐ Serious disruption likely

Suspension

☐ Term did not exceed ten (10) days
☐ Student/parent given notice of misconduct
☐ Student denial: authority explains evidence
☐ Student given opportunity to present position
☐ Student/parent immediately notified (phone/mail)

Expulsion

☐ Reasons for expulsion appropriate (violation stated)
☐ Recommendation for expulsion made by letter
☐ Superintendent/Principal concurs
☐ Copy of administrator’s letter sent by certified mail, return receipt requested, or hand-delivered to student and parents, including:
  ☐ Notice containing recommendation to be made to Board
  ☐ Statement that a subsequent notice explaining Board’s action will be sent
  ☐ Power of expulsion stated
☐ Board hearing on expulsion scheduled
☐ Notice of hearing sent to student and parents at least three (3) schools days before hearing, including:
  ☐ Date, time, and place of hearing
  ☐ Process to conduct hearing
  ☐ Information on executive session
☐ Board hearing conducted during suspension
☐ Expulsion hearing properly conducted
☐ Access provided to evidence and records
☐ Student representation available
☐ Student permitted to present evidence and call and cross-examine witnesses
☐ Student exempt from requirement to give evidence against him- or herself
☐ Board decision delivered to student and parents
☐ Conditions given for reinstatement
Student Discipline

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

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

- Using, possessing, distributing, purchasing, or selling tobacco products, and alternative nicotine and vapor products as defined in 16-11-302, MCA.
- Using, possessing, distributing, purchasing, or selling alcoholic beverages. Students who may be under the influence of alcohol will not be permitted to attend school functions and will be treated as though they had alcohol in their possession.
- Using, possessing, distributing, purchasing, or selling drug paraphernalia, illegal drugs, controlled substances, or any substance which is represented to be or looks like a narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, stimulant, depressant, or intoxicant of any kind, including such substances that contain chemicals which produce the same effect of illegal substances including but not limited to Spice and K2. Students who may be under the influence of such substances will not be permitted to attend school functions and will be treated as though they had drugs in their possession.
- Using, possessing, controlling, or transferring a weapon in violation of the “Possession of Weapons other than Firearms” section in policy 3311.
- Using, possessing, controlling, or transferring any object that reasonably could be considered or used as a weapon.
- Disobeying directives from staff members or school officials or disobeying rules and regulations governing student conduct.
- Using violence, force, noise, coercion, threats, intimidation, fear, or other comparable conduct toward anyone or urging other students to engage in such conduct.
- Causing or attempting to cause damage to, or stealing or attempting to steal, school property or another person’s property.
- Engaging in any activity that constitutes an interference with school purposes or an educational function or any other disruptive activity.
- Unexcused absenteeism. Truancy statutes and Board policy will be utilized for chronic and habitual truants.
- Hazing or bullying.
- Forging any signature or making any false entry or attempting to authorize any document used or intended to be used in connection with the operation of a school.

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

- On, or within sight of, school grounds before, during, at intermission or recess, or after school hours or at any other time when school is being used by a school group.
- Off school grounds at a school-sponsored activity or event or any activity or event that bears a reasonable relationship to school.
- Travel to and from school or a school activity, function, or event.
Disciplinary Measures

Disciplinary measures include but are not limited to:

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

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

Delegation of Authority

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

Cross Reference: 3300 Suspension and Expulsion

Legal Reference: § 16-11-302(1)(7), MCA Definitions
§ 20-4-302, MCA Discipline and punishment of pupils – definition of corporal punishment – penalty – defense
§ 20-5-202, MCA Suspension and expulsion
§ 45-8-361, MCA Possession or allowing possession of weapon in school building – exceptions – penalties – seizure and forfeiture or return authorized – definitions
§ 45-5-637, MCA Possession or consumption of tobacco products, alternative nicotine products, or vapor products by persons under 18 years of age is prohibited – unlawful attempt to purchase - penalties

Policy History:
Adopted on: 6/11/07
Reviewed on:
Revised on: 5/09/11, 08/10/15
Discipline of Students With Disabilities

Code of Conduct Violations by Students With Disabilities, Resulting in Disciplinary Consequences of Ten (10) School Days or Less

Student commits code of conduct violation for which the disciplinary consequence would result in removal from the student’s placement for ten (10) consecutive school days or less.

School personnel may assign the consequence applicable to non-disabled students for a similar period of time, not to exceed ten (10) consecutive school days. Reg. 300.520(a)(1)(i).

During the first (1st) ten (10) cumulative school days in one (1) school year, the school does not have to provide any services to the student if non-disabled students would not receive services. Reg. 300.121(d)(1).

School personnel may continue to remove the student for disciplinary reasons for up to ten (10) school days at a time throughout the same school year for separate incidents of misconduct, so long as the removals do not constitute a change of placement under Reg. 300.519(b) and are those which would be applied to non-disabled students. Reg. 300.520(a)(1)(i).

A series of disciplinary removals, each for ten (10) consecutive school days or less, may result in a change of placement if they cumulate to more than ten (10) school days in one (1) school year. School personnel should analyze the length of each removal, the proximity of the removals to each other, and the total amount of time the child is removed. Reg. 300.519(b). If a removal would result in a change of placement, a manifestation determination review (MDR) must first be done. Reg. 300.523(a).

Beginning with the eleventh (11th) day of disciplinary removals in a school year, educational services must be provided. Reg. 300.520(a)(1)(ii); Reg. 300.121(d)(2)(i)(A). If the removal does not result in a change of placement, school personnel, in consultation with the student’s special education teacher, determine the services to be provided. Reg. 300.121(d)(3)(i).

The educational services to be provided must meet the standard of enabling the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals in the IEP. Reg. 300.121(d)(2)(i)(A).
Beginning with the eleventh (11th) day of disciplinary removals in a school year, the IEP Team must address behavioral issues. If the removal does not result in a change of placement, the IEP Team must meet within ten (10) business days of first removing the student for more than ten (10) school days in a school year, to develop a plan to conduct a functional behavioral assessment, if one was not conducted before the behavior that resulted in the removal. *Reg. 300.520(b)(1)(i).*

After the functional behavioral assessment is completed, the IEP Team must meet as soon as practicable to develop a behavioral intervention plan to address the behavior and implement the plan. *Reg. 300.520(b)(2).*

If the student is assigned subsequent disciplinary removals in a school year for ten (10) days or less that do not result in a change of placement, the IEP Team members (including the parent) informally review the behavior intervention plan and its implementation to determine if modifications are necessary. *Reg. 300.520(c)(2).*

If one or more team members believe modifications are needed, the IEP Team must meet to modify the plan and its implementation to the extent the IEP Team deems necessary. *Reg. 300.520(c)(2).*


Student violates code of conduct, and the recommended disciplinary consequence would result in a removal from the current educational placement for more than ten (10) consecutive school days (alternate placement, expulsion). This constitutes a change of placement. *Reg. 300.519(a).*

The recommended disciplinary consequence may be for a removal from the current educational placement for less than ten (10) consecutive school days, but may constitute a change of placement because the student has already been removed for disciplinary reasons for ten (10) or more school days in the current school year, and the length of each removal, their proximity to each other, and the total amount of time the student has been removed result in a change of placement. *Reg. 300.519(b).*
School personnel may remove from current educational placement for ten (10) school days or less (Reg. 300.520(a)(1)(i)) and recommend further discipline according to the code of conduct. (The ten-(10)-day-or-less alternative must be one equally applicable to non-disabled. See pp. 1-2 for educational services to be provided during a short removal.) If a criminal act has been committed, charges may be filed, and law enforcement authorities to whom the crime was reported must be provided special education and disciplinary records to the extent disclosure is permitted by FERPA. Sec. 1415(k)(9). Reg. 300.529.

At the time the decision is made to take this action, school personnel must notify parent of decision and provide procedural safeguards notice in Reg. 300.504. Sec. 1415(k)(4)(A)(i); Reg. 300.523(a)(1).

Within ten (10) business days, IEP Team and other qualified personnel must meet and review relationship between disability and the behavior subject to disciplinary action (manifestation determination review – MDR). Sec. 1415(k)(4)(A); Reg. 300.523(a)(2), (b). If there has been no previous functional behavioral assessment and creation of a behavior intervention plan, the IEP Team must develop an assessment plan. Reg. 300.520(b)(1)(i). As soon as practicable after the assessment, the IEP Team must meet again to develop and implement the behavior intervention plan. Reg. 300.520(b)(2). If the IEP contains a behavior intervention plan, the IEP Team reviews the plan and its implementation and modifies them as necessary to address the behavior. Reg. 300.520(b)(1)(ii).

For the MDR, the IEP Team must look at all information relevant to the behavior subject to discipline, such as evaluation and diagnostic results, including such results and other relevant information from the parent, observation of the student, and the student’s IEP and placement. The misbehavior is not a manifestation of the disability, if the IEP Team finds that in relationship to the misbehavior subject to discipline:

- The IEP and placement were appropriate;
- Consistent with the content of the student’s IEP and placement, special education services, supplementary aids, and behavior intervention strategies were actually provided;
- The disability did not impair the ability of the student to understand the impact and consequences of the misbehavior; and
- The disability did not impair the ability of the student to control the misbehavior.

Sec. 1415(k)(4)(C); Reg. 300.523(c).

If the IEP Team determines any of the standards were not met, the misbehavior was a manifestation of the disability, and no punishment may be assessed. Reg. 300.523(d). If IEP Team identified deficiencies in IEP, placement, or implementation, it must take immediate steps to remedy. Reg. 300.523(f).
If the IEP Team determines the misbehavior was not a manifestation of the disability, regular disciplinary consequences may be applied to the student, except that the student must continue to be provided a free appropriate public education. Sec. 1415(k)(5)(A); Sec. 1412(a)(1)(A); Reg. 300.121(a); Reg. 300.524(a). The campus must ensure that special education and disciplinary records are transmitted for consideration by the school district person making the final determination regarding the disciplinary action. Sec. 1415(k)(5)(B); Reg. 300.524(b).

Parent may appeal a finding that the misbehavior was not a manifestation of the disability. The hearing is expedited before a special education hearing officer, who applies the same standards as the IEP Team. Sec. 1415(k)(6); Reg. 300.525(a), (b).

Parent may appeal decision to place student in forty-five-(45)-day interim placement. The hearing is expedited before a special education hearing officer, who applies the standards regarding a dangerous student in Reg. 300.521. Sec. 1415(k)(6)(B)(ii); Reg. 300.525(b)(2).

When a parent requests a hearing in a drug or weapon case to challenge the interim alternative placement or the manifestation determination, student remains in interim placement until decision of hearing officer or forty-five (45) days expires, whichever comes first, unless the parent and school agree otherwise. Reg. 300.526(a). Then student returns to current placement (defined as placement prior to interim alternative educational setting). School can ask for expedited hearing before special education hearing officer to prevent this return, if the student is substantially likely to injure self or others. Reg. 300.526(b), (c). The hearing officer applies the standards in Reg. 300.121. Reg. 300.526(c). Hearing officer can order another placement for up to forty-five (45) days. Reg. 300.526(c)(3). This procedure may be repeated as necessary. Sec. 1415(k)(7); Reg. 300.526(c)(4).

The standard the educational services must meet is to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals in the IEP. Reg. 300.121(d)(2)(i)(B); Reg. 300.524(a). The IEP Team must determine what services are necessary to meet this standard. Reg. 300.121(d)(3)(ii).

**Drug and Weapon Offenses by Students With Disabilities**

Student carries weapon to school, or possesses, uses, sells, or solicits sale of illegal or controlled substance on school property or at a school function.

Illegal drug – controlled substance. Excludes legally used and possessed prescription drugs. Sec. 1415(k)(10)(B); Reg. 300.520(d)(2).

Controlled substance – drug or substance in 21 U.S.C. § 812(c), Schedules I-V. Sec. 1415(k)(10)(A); Reg. 300.520(d)(1).

Weapon – A firearm and more. Something used for or readily capable of causing death or serious bodily injury. Excludes pocket knife with blade of 2½ inches or less. Sec. 1415(k)(10)(D); Reg. 300.520(d)(3).
School personnel may remove from current educational placement for ten (10) school days or less, and recommend further discipline according to the code of conduct. Sec. 1415(k)(1)(A)(i); Reg. 300.520(a)(1)(i). (The ten-(10)-day-or-less alternative must be one equally applicable to non-disabled students. See pp. 1-2 for education services to be provided during a short removal.) If a criminal act has been committed, charges may be filed, and special education and disciplinary records will be transmitted to law enforcement authorities to whom the crime was reported, to the extent disclosure is permitted by FERPA. Sec. 1415(k)(9); Reg. 300.529.

At time decision is made to take this disciplinary action, school personnel must notify parent of decision and provide procedural safeguards notice in Reg. 300.504. Sec. 1415(k)(4)(A)(i); Reg. 300.523(a)(1).

Within ten (10) business days, IEP Team must meet and may extend the removal by placing student in appropriate interim alternative educational setting applicable to non-disabled student for same amount of time non-disabled student would be assigned, but not more than forty-five (45) calendar days. Sec. 1415 (k)(1)(A)(ii) and (3)(A); Reg. 300.520(a)(2); Reg. 300.522(a). IEP Team must review the behavior intervention plan, if one exists, and its implementation and modify, as necessary, to address behavior. Reg. 300.520(b)(1)(ii). If there has been no previous functional behavioral assessment and creation of behavior intervention plan, IEP Team must develop assessment plan. Sec. 1415(k)(1)(B); Reg. 300.520(b)(1)(i). As soon as practicable after the assessment, the IEP Team must meet again to develop and implement the behavior intervention plan. Reg. 300.520(b)(2). The IEP Team and other qualified personnel must review the relationship between disability and the behavior subject to disciplinary action (manifestation determination review-MDR). Sec. 1415(k)(4)(A); Reg. 300.523 (a)(2)(b)

The forty-five-(45)-day alternative interim placement must:
- Enable student to progress in general curriculum, although in another setting;
- Enable student to continue to receive those services and modifications, including those described in the student’s IEP, that will enable the student to meet the goals set out in that IEP; and
- Include services and modifications designed to address the drug or weapon offense so that it does not recur. Sec. 1415(k)(3)(B); Reg. 300.522; Reg. 300.121 (d)(2)(ii).

Comments to regulations: Students may be subject to multiple forty - five - (45) - day interim placements for separate drug and weapon offenses. The forty - five - (45) - day interim placement may be completed even if drug or weapon offense was manifestation of disability. If misbehavior was not a manifestation of disability, regular disciplinary consequence can be applied in addition to forty - five - (45) - day interim placement.
For the MDR, the IEP Team must look at all information relevant to the behavior subject to discipline, such as evaluation and diagnostic results, including such results and other relevant information from the parent, observation of the student, and the student’s IEP and placement. The misbehavior is not a manifestation of the disability if the IEP Team finds that, in relationship to the misbehavior subject to discipline:

- The IEP and placement were appropriate;
- Consistent with the content of the student’s IEP and placement, special education services, supplementary aids and services, and behavior intervention strategies were actually provided;
- The disability did not impair the ability of student to understand the impact and consequences of the misbehavior; and
- The disability did not impair the ability of the student to control the misbehavior.

Sec. 1415(k)(4)(C); Reg. 300.523(c).

If the IEP Team determines any of the standards were not met, the misbehavior was a manifestation of the disability, and no punishment may be assessed. Reg. 300.523(d). If IEP Team identifies deficiencies in IEP, placement, or implementation, it must take immediate steps to remedy. Reg. 300.523(f).

- or -

If the IEP Team determines the misbehavior was not a manifestation of the disability, regular disciplinary consequences may be applied to the student, except that the student must continue to be provided a free appropriate public education. Sec. 1415(k)(5)(A); Sec. 1412(a)(1)(A). Reg. 300.121(a), Reg. 300.524(a). The campus must ensure that special education and disciplinary record are transmitted for consideration by the school district person making the final determination regarding the disciplinary action. Sec. 1415(k)(5)(B); Reg. 300.524(b).

Parent may appeal a finding that the misbehavior was not a manifestation of the disability. The hearing is expedited before a special education hearing officer, who applies the same standards as the IEP Team. Sec. 1415(i)(6); Reg. 300.525(a), (b).

If IEP Team finds no manifestation and changes placement to comply with the disciplinary recommendation, parent may appeal the placement decision. The hearing is expedited before a special education hearing officer. Sec. 1415(k)(6)(A); Reg. 300.525(a)(2).

During appeals, stay put applies. Reg. 300.524(c). If child is substantially likely to injure self or others in the current placement, the school can request an expedited hearing and request the hearing officer to remove to an interim alternative educational placement for up to forty-five (45) days. Standards to be met are those in Sec. 1415(k)(2) and Reg. 300.521.

The standard the education services must meet is to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals in the IEP. Reg. 300.121(d)(2)(i)(B); Reg. 300.524(a).

The IEP Team must determine what services are necessary to meet this standard. Reg. 300.121(d)(3)(ii).
Students Dangerous to Self or Others

IDEA discipline procedures are followed for a non-drug or weapon offense, the penalty for which would result in expulsion or removal from the student’s placement for more than ten (10) school days.

IEP Team meets, determines no manifestation and recommends discipline proceed. Parent disagrees and requests a due-process hearing. Stay put applies, and child stays in the current placement, unless school acts to change the placement. *Reg. 300.524.*

School requests hearing officer to change the placement during the pendency of the hearing because of the likelihood of injury to self or others. *Sec. 1415(k)(2); Reg. 300.521.*

Hearing officer holds expedited hearing to consider request. School has burden of proof to show by more than a preponderance of the evidence that maintaining the child in the current placement is substantially likely to result in injury to self or others. *Sec. 1415(k)(2)(A), (10)(D); Reg. 300.521(a).* Hearing officer must also:

- Consider the appropriateness of the current placement.
- Consider whether the school has made reasonable effort to minimize the risk of harm in the current placement, including the use of supplemental aids and services.
- Determine that the interim alternative setting proposed by the school personnel, in consultation with special education teacher:
  - Enables the student to participate in the general curriculum, although in another setting;
  - Enables the student to continue to receive those services and modifications, including those described in the student’s current IEP, that will enable the student to meet the goals set out in the IEP; and
  - Include services and modification designed to address the behavior so that it does not recur. *Sec. 1415(k)(2); Reg. 300.521(b), (c), (d); Reg. 300.522(b); Reg. 300.121(d)(2)(i)(B).*

If parent appeals forty-five-(45)-day interim alternative placement by IEP Team in drug or weapon case, hearing officer applies these standards in expedited hearing. *Sec. 1415(k)(6)(B)(ii); Reg. 300.525 (b)(2).*

If all requirements are met, hearing officer may order a change of placement to the interim alternative educational setting for up to forty-five (45) days. *Sec. 1415(k)(2); Reg. 300.521.*
Student returns to his or her current placement (the placement prior to the interim alternative educational setting) at end of forty-five (45) days, if no decision has been issued by hearing officer in pending due-process hearing. If school believes it would be dangerous for student to return to current placement while hearing is still pending, school may request another expedited hearing to again place student in forty-five-(45)-day interim placement while hearing continues to be pending. Reg. 300.526(b), (c)(4). Hearing officer holds same type of hearing initially held when hearing officer ordered first forty-five-(45)-day interim placement. Sec. 1415(k)(7); Reg. 300.526. Any subsequent forty-five-(45)-day interim setting must meet the standards in Reg. 300.522.
STUDENTS

FIREARMS AND WEAPONS

Firearms

For the purposes of the firearms section of this policy, the term “firearm” means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device pursuant to 18 U.S.C. 921 (4). Such term does not include an antique firearm pursuant to 18 U.S.C. 921 (16).

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

CHOOSE ONE OF THE FOLLOWING OPTIONS:

OPTION #1 – However, on a case-by-case basis, the Board of Trustees will convene a hearing to review the underlying circumstances and, in the discretion of the Board, may authorize the school administration to modify the requirement for expulsion of a student.

OPTION #2 – However, the Board of Trustees through this policy authorizes the Superintendent, or principal of a school without a Superintendent, to use his/her discretion on a case-by-case basis and modify the requirement of expulsion of a student if he/she deems such modification to be warranted under the circumstances. Note: Under this Option, there is no expulsion hearing unless the administration determines that the circumstances warrant a recommendation of expulsion of the student for a period of one (1) year to the Board.

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A decision to change the placement of a student with a disability who has been expelled pursuant to this section must be made in accordance with the Individuals with Disabilities Education Act.

**Possession of Weapons other than Firearms**

The District does not allow weapons on school property. Any student found to have possessed, used or transferred a weapon on school property will be subject to discipline in accordance with the District’s discipline policy. For purposes of this section, “weapon” means any object, device, or instrument designed as a weapon or through its use is capable of threatening or producing bodily harm or which may be used to inflict self-injury, including but not limited to air guns; pellet guns; BB guns; fake (facsimile) weapons; all knives; blades; clubs; metal knuckles; numchucks (also known as nunchucks); throwing stars; explosives; fireworks; mace or other propellants; stun guns; ammunition; poisons; chains; arrows; and objects that have been modified to serve as a weapon.

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

The District will refer to law enforcement for immediate prosecution any person who possesses, carries, or stores a weapon in a school building, and the District may take disciplinary action as well in the case of a student. In addition the District will refer for possible prosecution a parent or guardian of any minor violating this policy on grounds of allowing a minor to possess, carry, or store a weapon in a school building. (45-8-361 (1) (2))

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

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

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

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

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

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

Cross Reference:
Policy 3310 Student Discipline
Policy 4332 Conduct of School Property

Legal Reference:
§ 20-5-202, MCA Suspension and expulsion
§ 45-8-361, MCA Possession or allowing possession of a weapon in a school building
18 U.S.C. § 921 Definitions
NCLB, Section 4141 Gun Free Requirements

Policy History:
Adopted on: 5/09/11
Reviewed on:
Revised on: 08/12/2013
For minor infractions of school rules or regulations, or for minor misconduct, staff may detain students after school hours for not more than sixty (60) minutes on one (1) or more days.

Preceding the assessment of such punishment, the staff member shall inform the student of the nature of the offense charged and/or the specific conduct which allegedly constitutes the violation. The student shall be afforded an opportunity to explain or justify his/her actions to the staff member.

After school detention shall not begin until the parent has been notified (except in the case of an adult student) for the purpose of informing him/her to make arrangements for the necessary transportation of the student when he/she has been detained after school.

Students detained for corrective action or punishment shall be under the direct supervision of the staff member or another member of the professional staff.

The staff member assigning the detention shall be responsible for seeing that the time the students spends for corrective action or punishment is used constructively for educational purposes.

Policy History:
Adopted on: 4/13/98
Revised on: 6/11/07
Beaverhead County High School

STUDENTS

Appeal Process for Disciplinary Action

Any parent or student aggrieved by imposition of discipline shall have the right to an informal conference with the vice principal/activities director for the purpose of resolving the grievance. At the conference the student and the parent shall be subject to questioning by the vice principal/activities director and shall be entitled to question staff involved in the matter being aggrieved.

If the parent/guardian wishes to appeal the vice principal/activities director’s decision, the parent/guardian must do so to the next level in the chain of command, within one (1) day of the decision. The chain of command is as follows: staff member to vice principal/activities director to Superintendent/Principal to Board.

Legal Reference: 10.55.701, ARM Board of Trustees

Policy History:
Adopted on: 4/13/98
Revised on: 6/11/07
STUDENTS

Alcohol, Drug, and Tobacco Use

A. Selling or distributing drugs, alcohol, nonprescription drugs, and controlled substances will result in a ninety-(90)-day out-of-school suspension and a recommendation for expulsion. Law enforcement authorities will be notified.

B. A first (1st) offense by a student who uses or possesses alcohol and/or illegal or dangerous substances at school or school functions, or who shows evidence of having used these substances, will result in a mandatory seven-(7)-day out-of-school suspension. The student will also be referred to law enforcement authorities for appropriate legal involvement. Parents will be notified as soon as possible of action taken. Students will have eligibility for extracurricular activities restricted, as outlined in the student activity code in Policy 3512, Extracurricular Activities.

C. A second (2nd) offense under item B, above, will result in a mandatory forty-five-(45)-day out-of-school suspension.

D. A third (3rd) and subsequent offenses will result in a mandatory forty-five-(45)-day out-of-school suspension and a recommendation for expulsion.

Absences due to out-of-school suspension WILL NOT be counted toward the six (6) days per quarter absence limit in the attendance policy.

If the current school year ends before the end of any of the above suspension periods, the suspension period will continue, beginning with the first (1st) day of classes the following school year.

For the purposes of this policy, “day” refers to a regular school day.

The number of offenses will accumulate throughout a student’s high school years.

Tobacco

Use of possession of tobacco products on school grounds will be referred to the vice principal/activities director for disciplinary action, as outlined in the consequences portion of Policy 3300.

Use of possession of tobacco products off school grounds, but during the school day will result in the following disciplinary actions:

a. First (1st) offense-Loss of open lunch privileges for two (2) weeks.

b. Second (2nd) offense-Loss of open lunch privileges for one (1) month.

c. Third (3rd) offense-Loss of open lunch privileges for the remainder of the school year.

Legal Reference: § 20-5-201, MCA Duties and sanctions

Policy History:
Adopted on: 5/11/01
Revised on: 6/11/02; 6/11/07
Student Safety

The safety of students of Beaverhead County High School takes precedence over all other factors connected with the education of Beaverhead County High School students. To this end, the following rules are adopted:

1. Teachers are responsible for the safety of students in their charge.
2. Unsafe conditions and/or practices shall be reported to the principal and/or vice-principal, immediately.
3. Safe pedestrian practices shall be addressed in the student handbook. This applies particularly to walking on the highway, the use of cars, leaving and entering school buses.
4. Each teacher shall periodically instruct students as to the proper exit and manner of leaving the building in case of fire or earthquake. Fire and earthquake drills shall be conducted throughout the school year, in accordance with state law.
5. School bus drivers are responsible for the safety of all students riding their bus. All drivers shall be guided by the Montana School Bus Driver Manual and all existing laws concerning the transportation of students, as well as the BCHS Transportation Manual. Any violation of the school bus safety rules are to be reported to the Superintendent/ principal and/or the vice principal, immediately.
6. All accidents are to be reported on the Accident Report form (3431F) as soon as possible. Accident forms are available in the office and should be turned in to the secretary.
7. No student is to be allowed in the gym, wood shop, or Vo-AG shop without proper supervision.
8. No students are to be in the school building outside of the regular school hours without proper supervision.
9. BCHS will use all emergency procedures available to sustain the life of any student, while that student is enrolled in and/or participating in any academic and/or extracurricular activity.

Rationale: This is a natural and expected response to any emergency; however, in the case of a student with severe health problems, it is possible that the school might encounter “Do Not Resuscitate” orders. Although it is recognized that parents and physicians have given thoughtful consideration to DNR orders, such orders put educators in the position of making medical decisions and place school personnel in a position of liability.

Cross Reference: BCHS Transportation Manual

Policy History:
Adopted on: 10/14/02; 6/11/07
STUDENTS

Student Health/Physical Screenings/Examinations

The Board may arrange each year for health services to be provided to all students. Such services may include but not be limited to:

1. Development of procedures at each building for isolation and temporary care of students who become ill during the school day;
2. Consulting services of a qualified specialist for staff, students, and parents;
3. Vision and hearing screening;
4. Scoliosis screening;
5. Immunization as provided by the Department of Public Health and Human Services.

Parents/guardians will receive written notice of any screening result which indicates a condition that might interfere or tend to interfere with a student’s progress.

In general the District will not conduct physical examinations of a student without parental consent to do so or by court order, unless the health or safety of the student or others is in question. Further, parents will be notified of the specific or approximate dates during the school year when screening administered by the District is conducted, which is:

1. Required as a condition of attendance.
2. Administered by the school and scheduled by the school in advance.
3. Not necessary to protect the immediate health and safety of the student or other students.

Parents or eligible students will be given the opportunity to opt out of the above-described screenings.

Students who wish to participate in certain extracurricular activities may be required to submit to a physical examination to verify their ability to participate in the activity. Students participating in activities governed by the Montana High School Association will be required to follow the rules of that organization, as well as other applicable District policies, rules, and regulations.

All parents will be notified of requirements of the District’s policy on physical examinations and screening of students, at least annually at the beginning of the school year and within a reasonable period of time after any substantive change in the policy.

Legal Reference: § 20-3-324(20), MCA Powers and duties
20 U.S.C. 1232h(b) General Education Provisions Act

Policy History:
Adopted on: 6/11/07
Reviewed on:
Revised on: 8/11/14
The Board requires all students to present evidence of their having been immunized against the following diseases: varicella, diphtheria, pertussis (whooping cough), poliomyelitis, measles (rubeola), mumps, rubella, and tetanus in the manner and with immunizing agents approved by the department. Haemophilus influenza type “b” immunization is required for students under age five (5).

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

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

The Superintendent/Principal may allow the commencement of attendance in school by a student who has not been immunized against each disease listed in § 20-5-403, MCA, if that student has received one or more doses of varicella, polio, measles (rubella), mumps, rubella, diphtheria, pertussis, and tetanus vaccine, except that Haemophilus influenza type “b” vaccine is required only for children under 5 years of age.

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

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

Policy History:
Adopted on: 6/11/07
Reviewed on:
Revised on: 08/10/15
STUDENTS

Management of Sports Related Concussions

The Beaverhead County High School District recognizes that concussions and head injuries are commonly reported injuries in children and adolescents who participate in sports and other recreational activities. The Board acknowledges the risk of catastrophic injuries or death is significant when a concussion or head injury is not properly evaluated and managed. Therefore, all K-12 competitive youth athletic activities in the District will be identified by the administration.

Consistent with guidelines provided by the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, the National Federation of High School (NFHS) and the Montana High School Association (MHSA), the District will utilize procedures developed by the MHSA and other pertinent information to inform and educate coaches, athletic trainers, officials, youth athletes, and their parents and/or guardians of the nature and risk of concussions or head injuries, including the dangers associated with continuing to play after a concussion or head injury. Resources are available on the Montana High School Association Sports Medicine page at www.mhsa.org; U.S. Department of Health and Human Services page at: www.hhs.gov; and; the Centers for Disease and Prevention page at www.cdc.gov/concussion/sports.index.html.

Annually, the district will distribute a head injury and concussion information and sign-off sheet to all parents and guardians of student-athletes in competitive sport activities prior to the student-athlete's initial practice or competition.

All coaches, athletic trainers, officials, including volunteers participating in organized youth athletic activities, shall complete the training program at least once each school year as required in the District procedure. Additionally, all coaches, athletic trainers, officials, including volunteers participating in organized youth athletic activities will comply with all procedures for the management of head injuries and concussions.

Reference: Montana High School Association, Rules and Regulations
Section 4, Return to Play

Legal Reference: Dylan Steigers Protection of Youth Athletes Act

Cross Reference: 3415F Student-Athlete & Parent/Legal Custodian Concussion Statement

Policy History:
Adopted on: 08/12/2013
Reviewed on:
Revised on:
Because of the passage of the Dylan Steiger’s Protection of Youth Athletes Act, schools are required to distribute information sheets for the purpose of informing and educating student-athletes and their parents of the nature and risk of concussion and head injury to student athletes, including the risks of continuing to play after concussion or head injury. Montana law requires that each year, before beginning practice for an organized activity, a student-athlete and the student-athlete’s parent(s)/legal guardian(s) must be given an information sheet, and both parties must sign and return a form acknowledging receipt of the information to an official designated by the school or school district prior to the student-athletes participation during the designated school year. The law further states that a student-athlete who is suspected of sustaining a concussion or head injury in a practice or game shall be removed from play at the time of injury and may not return to play until the student-athlete has received a written clearance from a licensed health care provider.

Student-Athlete Name: 
This form must be completed for each student-athlete, even if there are multiple student-athletes in each household.

Parent/Legal Custodian Name(s):

☐ We have read the Student-Athlete & Parent/Legal Custodian Concussion Information Sheet.
If true, please check box

After reading the information sheet, I am aware of the following information:

<table>
<thead>
<tr>
<th>Student-Athlete Initials</th>
<th>Parent/Legal Custodian Initials</th>
</tr>
</thead>
<tbody>
<tr>
<td>A concussion is a brain injury, which should be reported to my parents, my coach(es), or a medical professional if one is available.</td>
<td>N/A</td>
</tr>
<tr>
<td>A concussion can affect the ability to perform everyday activities such as the ability to think, balance, and classroom performance.</td>
<td>N/A</td>
</tr>
<tr>
<td>A concussion cannot be “seen.” Some symptoms might be present right away. Other symptoms can show up hours or days after an injury.</td>
<td>N/A</td>
</tr>
<tr>
<td>I will tell my parents, my coach, and/or a medical professional about my injuries and illnesses.</td>
<td>N/A</td>
</tr>
<tr>
<td>If I think a teammate has a concussion, I should tell my coach(es), parents, or licensed health care professional about the concussion.</td>
<td>N/A</td>
</tr>
<tr>
<td>I will not return to play in a game or practice if a hit to my head or body causes any concussion-related symptoms.</td>
<td>N/A</td>
</tr>
<tr>
<td>I will/my child will need written permission from a licensed health care professional to return to play or practice after a concussion.</td>
<td>N/A</td>
</tr>
<tr>
<td>After a concussion, the brain needs time to heal. I understand that I am/my child is much more likely to have another concussion or more serious brain injury if return to play or practice occurs before concussion symptoms go away.</td>
<td>N/A</td>
</tr>
<tr>
<td>Sometimes, repeat concussions can cause serious and long-lasting problems.</td>
<td>N/A</td>
</tr>
<tr>
<td>I have read the concussion symptoms on the Concussion fact sheet.</td>
<td>N/A</td>
</tr>
</tbody>
</table>

__Signature of Student-Athlete__ ____________________________ __Date__

__Signature of Parent/Legal Custodian__ ____________________________ __Date__
A concussion is a type of traumatic brain injury, or TBI, caused by a bump, blow, or jolt to the head that can change the way your brain normally works. Concussions can also occur from a blow to the body that causes the head to move rapidly back and forth. Even a “ding,” “getting your bell rung,” or what seems to be mild bump or blow to the head can be serious. Concussions can occur in any sport or recreation activity. So, all coaches, parents, and athletes need to learn concussion signs and symptoms and what to do if a concussion occurs.

### SIGNS AND SYMPTOMS OF A CONCUSSION

<table>
<thead>
<tr>
<th>SIGNS OBSERVED BY PARENTS OR GUARDIANS</th>
<th>SYMPTOMS REPORTED BY YOUR CHILD OR TEEN</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Appears dazed or stunned</td>
<td><strong>Thinking/Remembering:</strong></td>
</tr>
<tr>
<td>• Is confused about events</td>
<td>• Difficulty thinking clearly</td>
</tr>
<tr>
<td>• Answers questions slowly</td>
<td>• Difficulty concentrating or remembering</td>
</tr>
<tr>
<td>• Repeats questions</td>
<td>• Feeling more slowed down</td>
</tr>
<tr>
<td>• Can’t recall events prior to the hit, bump, or fall</td>
<td>• Feeling sluggish, hazy, foggy, or groggy</td>
</tr>
<tr>
<td>• Can’t recall events after the hit, bump, or fall</td>
<td><strong>Physical:</strong></td>
</tr>
<tr>
<td>• Loses consciousness (even briefly)</td>
<td>• Headache or “pressure” in head</td>
</tr>
<tr>
<td>• Shows behavior or personality changes</td>
<td>• Nausea or vomiting</td>
</tr>
<tr>
<td>• Forgets class schedule or assignments</td>
<td>• Balance problems or dizziness</td>
</tr>
<tr>
<td></td>
<td>• Fatigue or feeling tired</td>
</tr>
<tr>
<td></td>
<td>• Blurry or double vision</td>
</tr>
<tr>
<td></td>
<td>• Sensitivity to light or noise</td>
</tr>
<tr>
<td></td>
<td>• Numbness or tingling</td>
</tr>
<tr>
<td></td>
<td>• Does not “feel right”</td>
</tr>
</tbody>
</table>

| Emotional:                            | **Sleep**:                              |
| • Irritable                           | • Drowsy                                |
| • Sad                                 | • Sleeps less than usual                |
| • More emotional than usual           | • Sleeps more than usual                |
| • Nervous                             | • Has trouble falling asleep            |

*Only ask about sleep symptoms if the injury occurred on a prior day.

### LINKS TO OTHER RESOURCES

- CDC – Concussion in Sports
- National Federation of State High School Association/ Concussion in Sports - What You Need To Know
  - [www.nfhslearn.com](http://www.nfhslearn.com)
- Montana High School Association – Sports Medicine Page
A Fact Sheet for ATHLETES

WHAT IS A CONCUSSION?
A concussion is a brain injury that:
• Is caused by a bump or blow to the head
• Can change the way your brain normally works
• Can occur during practices or games in any sport
• Can happen even if you haven’t been knocked out
• Can be serious even if you’ve just been “dinged”

WHAT ARE THE SYMPTOMS OF A CONCUSSION?
• Headache or “pressure” in head
• Nausea or vomiting
• Balance problems or dizziness
• Double or blurry vision
• Bothered by light
• Bothered by noise
• Feeling sluggish, hazy, foggy, or groggy
• Difficulty paying attention
• Memory problems
• Confusion
• Does not “feel right”

WHAT SHOULD I DO IF I THINK I HAVE A CONCUSSION?
• Tell your coaches and your parents. Never ignore a bump or blow to the head even if you feel fine. Also, tell your coach if one of your teammates might have a concussion.

• Get a medical checkup. A doctor or health care professional can tell you if you have a concussion and when you are OK to return to play.

• Give yourself time to get better. If you have had a concussion, your brain needs time to heal. While your brain is still healing, you are much more likely to have a second concussion. Second or later concussions can cause damage to your brain. It is important to rest until you get approval from a doctor or health care professional to return to play.

HOW CAN I PREVENT A CONCUSSION?
Every sport is different, but there are steps you can take to protect yourself.
• Follow your coach’s rules for safety and the rules of the sport.
• Practice good sportsmanship at all times.
• Use the proper sports equipment, including personal protective equipment (such as helmets, padding, shin guards, and eye and mouth guards). In order for equipment to protect you, it must be:
  > The right equipment for the game, position, or activity
  > Worn correctly and fit well
  > Used every time you play

Remember, when in doubt, sit them out!
It’s better to miss one game than the whole season.
A Fact Sheet for PARENTS

WHAT IS A CONCUSSION?
A concussion is a brain injury. Concussions are caused by a bump or blow to the head. Even a “ding,” “getting your bell rung,” or what seems to be a mild bump or blow to the head can be serious.
You can’t see a concussion. Signs and symptoms of concussion can show up right after the injury or may not appear or be noticed until days or weeks after the injury. If your child reports any symptoms of concussion, or if you notice the symptoms yourself, seek medical attention right away.

WHAT ARE THE SIGNS AND SYMPTOMS OF A CONCUSSION?

Signs Observed by Parents or Guardians
If your child has experienced a bump or blow to the head during a game or practice, look for any of the following signs and symptoms of a concussion:
• Appears dazed or stunned
• Is confused about assignment or position
• Forgets an instruction
• Is unsure of game, score, or opponent
• Moves clumsily • Answers questions slowly
• Loses consciousness (even briefly)
• Shows behavior or personality changes
• Can’t recall events prior to hit or fall
• Can’t recall events after hit or fall

Symptoms Reported by Athlete
• Headache or “pressure” in head
• Nausea or vomiting
• Balance problems or dizziness
• Double or blurry vision
• Sensitivity to light
• Sensitivity to noise
• Feeling sluggish, hazy, foggy, or groggy
• Concentration or memory problems
• Confusion
• Does not “feel right”

HOW CAN YOU HELP YOUR CHILD PREVENT A CONCUSSION?
Every sport is different, but there are steps your children can take to protect themselves from concussion.
• Ensure that they follow their coach’s rules for safety and the rules of the sport.
• Encourage them to practice good sportsmanship at all times.
• Make sure they wear the right protective equipment for their activity (such as helmets, padding, shin guards, and eye and mouth guards). Protective equipment should fit properly, be well maintained, and be worn consistently and correctly.
• Learn the signs and symptoms of a concussion.

WHAT SHOULD YOU DO IF YOU THINK YOUR CHILD HAS A CONCUSSION?

1. Seek medical attention right away. A health care professional will be able to decide how serious the concussion is and when it is safe for your child to return to sports.
2. Keep your child out of play. Concussions take time to heal. Don’t let your child return to play until a health care professional says it’s OK. Children who return to play too soon—while the brain is still healing—risk a greater chance of having a second concussion. Second or later concussions can be very serious. They can cause permanent brain damage, affecting your child for a lifetime.
3. Tell your child’s coach about any recent concussion. Coaches should know if your child had a recent concussion in ANY sport. Your child’s coach may not know about a concussion your child received in another sport or activity unless you tell the coach.

Remember, when in doubt, sit them out!
It’s better to miss one game than the whole season.
Beaverhead County High School

STUDENTS

Management of Sports Related Concussions

A. Athletic Director or Administrator in Charge of Athletic Duties:

1. Updating: Each spring, the athletic director, or the administrator in charge of athletics if there is
   no athletic director, shall review any changes that have been made in procedures required for
   concussion and head injury management or other serious injury by consulting with the MHSA or
   the MHSA Web site, U.S. DPHHS, and CDCP web site. If there are any updated procedures, they
   will be adopted and used for the upcoming school year.

2. Identified Sports: Identified sports include all organized youth athletic activity sponsored by the
   school or school district.

B. Training: All coaches, athletic trainers, and officials, including volunteers shall undergo training in
   head injury and concussion management at least once each school year by one of the following
   means: (1) through viewing the MHSA sport-specific rules clinic; (2) through viewing the MHSA
   concussion clinic found on the MHSA Sports Medicine page at www.mhsa.org; or by the district
   inviting the participation of appropriate advocacy groups and appropriate sports governing bodies to
   facilitate the training requirements.

C. Parent Information Sheet: On a yearly basis, a concussion and head injury information sheet shall be
   distributed to the youth-athlete and the athlete's parent and/or guardian prior to the youth-athlete's
   initial practice or competition. This information sheet may be incorporated into the parent permission
   sheet which allows students to participate in extracurricular athletics and should include resources

D. Responsibility: An athletic trainer, coach, or official shall immediately remove from play, practice,
   tryouts, training exercises, preparation for an athletic game, or sport camp a youth-athlete who is
   suspected of sustaining a concussion or head injury or other serious injury.

E. Return to Play After Concussion or Head Injury: In accordance with MHSA Return to Play Rules and
   Regulations and the Dylan Steigers Protection of Youth Athletes Act, a student athlete who has been
   removed from play, practice, tryouts, taining exercises, preparation for an athletic game, or sport
   camp may not return until the athlete is cleared by a licensed health care professional (registered,
   licensed, certified, or otherwise statutorily recognized health care professional). The health care
   provider may be a volunteer.

Policy History:
Adopted on: 08/12/2013
Reviewed on:
Revised on:
Administering Medicines to Students

“Medication” means prescribed drugs and medical devices that are controlled by the U.S. Food and Drug Administration and are ordered by a healthcare provider. It includes over-the-counter medications prescribed through a standing order by the school physician or prescribed by the student’s healthcare provider.

The Superintendent/Principal may authorize, in writing, any school employee:

- To assist in self-administration of any drug that may lawfully be sold over the counter without a prescription to a student in compliance with the written instructions and with the written consent of a student’s parent or guardian; and
- To assist in self-administration of a prescription drug to a student in compliance with written instructions of a medical practitioner and with the written consent of a student’s parent or guardian.

Except in an emergency situation, only a qualified healthcare professional may administer a drug or a prescription drug to a student under this policy. Diagnosis and treatment of illness and the prescribing of drugs are never the responsibility of a school employee and should not be practiced by any school personnel.

Administering Medication

The Board will permit administration of medication to students in schools in its jurisdiction. A school nurse (who has successfully completed specific training in administration of medication), pursuant to written authorization of a physician or dentist and that of a parent, an individual who has executed a caretaker relative educational authorization affidavit, or guardian, may administer medication to any student in the school or may delegate this task pursuant to Montana law.

Emergency Administration of Medication

In case of an anaphylactic reaction or risk of such reaction, the administrator or designated staff member exempt from the nurse license requirement under § 37-8-103(1)(c), MCA, who has completed training in administration of medication, may give emergency medication orally or by injection to any student in need thereof on school grounds, in a school building, or at a school function, according to a standing order of a chief medical advisor or a student’s private physician.

The Board requires that there must be on record a medically diagnosed allergic condition that would require prompt treatment to protect a student from serious harm or death.
A building administrator or school nurse will enter any medication to be administered or which was administered in an emergency on an individual student medication record and will file it in a student’s cumulative health folder.

Self-Administration of Medication

The District will permit students who are able to self-administer specific medication to do so provided that:

- A physician or dentist provides a written order for self-administration of said medication;
- Written authorization for self-administration of medication from a student’s parent, an individual who has executed a caretaker relative educational authorization affidavit, or guardian is on file; and
- The vice principal/activities director and appropriate staff members are informed that the student is self-administering prescribed medication.

The vice principal/activities director or school administrator may authorize, in writing, any employee to assist with self-administration of medications, provided that only the following may be employed:

- Making oral suggestions, prompting, reminding, gesturing, or providing a written guide for self-administering medications;
- Handing to a student a prefilled, labeled medication holder or a labeled unit dose container, syringe, or original marked and labeled container from a pharmacy;
- Opening the lid of a container for a student;
- Guiding the hand of a student to self-administer a medication;
- Holding and assisting a student in drinking fluid to assist in the swallowing of oral medications; and
- Assisting with removal of a medication from a container for a student with a physical disability that prevents independence in the act.

Self-Administration or Possession of Asthma, Severe Allergy, or Anaphylaxis Medication

Students with allergies or asthma may be authorized by the building principal or Superintendent, in consultation with medical personnel, to possess and self-administer emergency medication during the school day, during field trips, school-sponsored events, or while on a school bus. The student shall be authorized to possess and self-administer medication if the following conditions have been met:

- A written and signed authorization from the parents, an individual who has executed a caretaker relative educational authorization affidavit, or guardians for self-administration of medication, acknowledging that the District or its employees are not liable for injury that results from the student self-administering the medication.
The student must have the prior written approval of his/her primary healthcare provider. The written notice from the student’s primary care provider must specify the name and purpose of the medication, the prescribed dosage, frequency with which it may be administered, and the circumstances that may warrant its use.

Documentation that the student has demonstrated to the healthcare practitioner and the school nurse, if available, the skill level necessary to use and administer the medication.

Documentation of a doctor-formulated written treatment plan for managing asthma, severe allergies, or anaphylaxis episodes of the student and for medication use by the student during school hours.

Authorization granted to a student to possess and self-administer medication shall be valid for the current school year only and must be renewed annually.

A student’s authorization to possess and self-administer medication may be limited or revoked by the building principal or other administrative personnel.

If provided by the parent, an individual who has executed a caretaker relative educational authorization affidavit, or guardian, and in accordance with documentation provided by the student’s doctor, backup medication must be kept at a student’s school in a predetermined location or locations to which the student has access in the event of an asthma, severe allergy, or anaphylaxis emergency.

Immediately after using epinephrine during school hours, a student shall report to the school nurse or other adult at the school who shall provide follow up care, including making a 9-1-1 emergency call.

Administration of Glucagons

School employees may voluntarily agree to administer glucagons to a student pursuant to § 20-5-412, MCA, only under the following conditions: (1) the employee may administer glucagon to a diabetic student only in an emergency situation; (2) the employee has filed the necessary designation and acceptance documentation with the District, as required by § 20-5-412(2), MCA, and (3) the employee has filed the necessary written documentation of training with the District, as required by § 20-5-412(4), MCA.

Handling and Storage of Medications

The Board requires that all medications, including those approved for keeping by students for self-medication, be first delivered by a parent, an individual who has executed a caretaker relative educational authorization affidavit, or other responsible adult to the nurse or employee assisting with self-administration of medication. A nurse or assistant must:
• Examine any new medication to ensure it is properly labeled with dates, name of student, medication name, dosage, and physician’s name.
• Record on the student’s individual medication record the date a medication is delivered and the amount of medication received;
• Store medication requiring refrigeration at 36° to 46° F;
• Store prescribed medicinal preparations in a securely locked storage compartment; and
• Store controlled substances in a separate compartment, secured and locked at all times.

The District will permit only a forty-five-(45)-school-day supply of a medication for a student to be stored at a school; and all medications, prescription and nonprescription, will be stored in their original containers.

The District will limit access to all stored medication to those persons authorized to administer medications or to assist in the self-administration of medications. A current list of those persons authorized to administer or assist in self-administration of medications will be kept in the school’s medication file.

The District may maintain a stock supply of auto-injectable epinephrine to be administered by a school nurse or other authorized personnel to any student or nonstudent as needed for actual or perceived anaphylaxis. If the district intends to obtain an order for emergency use of epinephrine in a school setting or at related activities, the district shall adhere to the requirements stated in 20-5-420, Section 2, MCA.

Disposal of Medication

The District requires school personnel either to return to a parent, an individual who has executed a caretaker relative educational authorization affidavit, or guardian or, with permission of the parent, an individual who has executed a caretaker relative educational authorization affidavit, or guardian, to destroy any unused, discontinued, or obsolete medication. A school official, in the presence of a witness, will destroy any medicine not repossessed by a parent or guardian within a seven-(7)-day period of notification by school authorities.

Legal Reference: § 20-5-412, MCA Definition – parent-designated adult administration of glucagons – training
8.32.1733, ARM Tasks Which May Be Routinely Assigned to an Unlicensed Person in any Setting When a Nurse-Patient Relationship Exists

Policy History:
Adopted on: 6/12/00
Reviewed on:
Revised on: 6/11/07, 1/14/08, 08/12/2013
Montana Authorization to Carry and Self-Administer Medication

For this student to carry and self-administer medication on school grounds or for school sponsored activities, this form must be fully completed by the prescribing physician/provider and an authorizing parent or legal guardian.

Student’s Name:_______________________________ School:________________________
Sex: (Please circle) Female/Male City/Town: ____________________
Birth Date: _____/_____/_____ School Year: ______(Renew each year)

Physician’s Authorization:
The above named student has my authorization to carry and self administer the following medication:
Medication: (1)________________________ Dosage: (1) ___________________
(2) ________________________ (2) ___________________

Reason for prescription(s):
_____________________________________________________________________
Medication(s) to be used under the following conditions: _______________________________
____________________________________________________________________________________________
____________________________________________________________________________________________
I confirm that this student has been instructed in the proper use of this medication and is able to self-administer this medication on his own with out school personnel supervision. I have provided a written treatment plan for managing asthma, severe allergies, or anaphylaxis episodes and for medication use by this student during school hours and school activities.

_______________________ _______________________ _______________________
Signature of Physician Physician’s Phone Number Date

For Completion by Parent or Guardian

As the parent/guardian of the above named student, I confirm that this student has been instructed by his/her health care provider on the proper use of this/these medication(s). He/she has demonstrated to me that he/she understands the proper use of this medication. He/she is physically, mentally, and behaviorally capable to assume this responsibility. He/she has my permission to self-medicate as listed above, if needed. If he/she has used an auto-injectable epinephrine, he/she understands the need to alert an adult that emergency medical personnel need to be called. If he/she has used his/her asthma inhaler as prescribed and does not have relief from an asthma attack, he/she is to alert an adult.

I also acknowledge that the school district or nonpublic school may not incur liability as a result of any injury arising from the self-administration of medication by the student and that I shall indemnify and hold harmless the school district or nonpublic school and its employees and agents against any claims, except a claim based on an act or omission that is the result of gross negligence, willful and wanton conduct, or an intentional tort.

I agree to also work with the school in establishing a plan for use and storage of backup medication if prescribed, as above, by my child’s physician. This will include a predetermined location to keep backup medication to which my child has access in the event of an asthma or anaphylaxis emergency.

Authorization is hereby granted to release this information to appropriate school personnel and classroom teachers.

I understand that in the event the medication dosage is altered, a new “self-administration form” must be completed, or the physician may rewrite the order on his prescription pad and I, the parent/guardian, will sign the new form and assure the new order is attached.

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

Parent/Guardian Signature: _____________________________ Date: _____________________________

(Original signed authorization to the school; a copy of the signed authorization to the parent/guardian and health care provider)

Backup Medication – The law provides that if a child’s health care provider prescribes “backup” medication to be kept at the school, it must be kept in a predetermined location, known to the child, parent, and school staff.

The following backup medication has been provided for this student: __________________________
Communicable Diseases

Note: For purposes of this policy, the term “communicable disease” refers to the diseases identified in 16.28.202, ARM, Reportable Diseases, with the exception of common colds and flu.

In all proceedings related to this policy, the District will respect a student’s right to privacy. Although the District is required to provide educational services to all school-age children who reside within its boundaries, it may deny attendance at school to any child diagnosed as having a communicable disease that could make a child’s attendance harmful to the welfare of other students. The District also may deny attendance to a child with suppressed immunity in order to protect the welfare of that child when others in a school have an infectious disease, which, although not normally life threatening, could be life threatening to a child with suppressed immunity.

The Board recognizes that communicable diseases that may afflict students range from common childhood diseases, acute and short-term in nature, to chronic, life-threatening diseases such as human immunodeficiency virus (HIV) infection. The District will rely on advice of the public health and medical communities in assessing the risk of transmission of various communicable diseases to determine how best to protect the health of both students and staff.

The District will manage common communicable diseases in accordance with Montana Department of Public Health and Human Services guidelines and communicable diseases control rules. The District may temporarily exclude from school attendance a student who exhibits symptoms of a communicable disease that is readily transmitted in a school setting.

Students who complain of illness at school may be referred to a school nurse or other responsible person designated by the Board and may be sent home as soon as a parent or person designated on a student’s emergency medical authorization form has been notified. The District reserves the right to require a statement from a student’s primary care provider authorizing a student’s return to school.

When information is received by a staff member or a volunteer that a student is afflicted with a serious communicable disease, a staff member or volunteer will promptly notify a school nurse or other responsible person designated by the Board to determine appropriate measures to be taken to protect student and staff health and safety. A school nurse or other responsible person designated by the Board, after consultation with and on advice of public health officials, will determine which additional staff members, if any, have need to know of the affected student’s condition.

Only those persons with direct responsibility for the care of a student or for determining appropriate educational accommodation will be informed of the specific nature of a condition, if it is determined that such individuals need to know this information.
The District may notify parents of other children attending a school that their children have been exposed to a communicable disease without identifying the particular student who has the disease.

Legal Reference: 37.114.101, et seq., ARM Communicable Disease Control

Policy History:
Adopted on: 6/11/07
Revised on:
Beaverhead County High School

STUDENTS

Emergency Treatment

The Board recognizes that schools are responsible for providing first aid or emergency treatment to a student in case of sudden illness or injury; however, further medical attention is the responsibility of a parent or guardian.

The District requires that every parent or guardian provide a telephone number where a parent or designee of a parent may be reached in case of an emergency.

When a student is injured, staff will provide immediate care and attention until relieved by a superior, a nurse, or a doctor. The District will employ its normal procedures to address medical emergencies without regard to the existence of a do not resuscitate (DNR) request. The vice principal/activities director or designated staff member will immediately call a parent or parental designee so that the parent may arrange for care or treatment of an injured student.

When a student develops symptoms of illness while at school, a responsible school official will do the following:

Isolate the student from other children to a room or area segregated for that purpose;

Inform a parent or guardian as soon as possible about the illness and request a parent or guardian to pick up the child; and

Report each case of suspected communicable disease the same day by telephone to a local health authority or as soon as possible thereafter if a health authority cannot be reached the same day.

When a parent or guardian cannot be reached, and it is the judgment of the administration or other person in charge that immediate medical attention is required, an injured student may be taken directly to a hospital. Once located, a parent or a guardian is responsible for continuing treatment or for making other arrangements.

Legal Reference: ARM 37.111.825 Health Supervision and Maintenance

Policy History:
Adopted on: 6/11/07
Reviewed on:
Revised on: 8/11/14
**Accident Report**

This form is to be completed by the appropriate employee(s) as soon as possible after an accident occurs.

Please Print or Type.

<table>
<thead>
<tr>
<th>District Name</th>
<th>School Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vice Principal/Activities Director</td>
<td>School Phone</td>
</tr>
</tbody>
</table>

Date of Accident: ___________ Time: _____ AM _____ PM Supervising Employee ___________

<table>
<thead>
<tr>
<th>Claimant’s Name</th>
<th>Last Name</th>
<th>First Name</th>
<th>Middle Initial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Claimant’s Address</td>
<td>City</td>
<td>State</td>
<td>ZIP Code</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Claimant’s SS #</th>
<th>Home Phone Number (___)</th>
<th>Date of Birth</th>
<th>Sex</th>
<th>Grade</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parent’s Name (if student)</td>
<td>Work Phone Number (___)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Nature of Injury</th>
<th>Place of Accident</th>
<th>Body Part Injured</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scratch</td>
<td>Classroom</td>
<td>Ankle</td>
</tr>
<tr>
<td>Fracture</td>
<td>Gymnasium</td>
<td>Foot</td>
</tr>
<tr>
<td>Bruise</td>
<td>Head</td>
<td>Leg</td>
</tr>
<tr>
<td>Burn</td>
<td>Headway</td>
<td>Back</td>
</tr>
<tr>
<td>Dislocation</td>
<td>Sprain/Strain</td>
<td>Foot</td>
</tr>
<tr>
<td>Other</td>
<td>Classroom</td>
<td>Leg</td>
</tr>
<tr>
<td>Bite</td>
<td>Gymnasium</td>
<td>Foot</td>
</tr>
<tr>
<td>Sprain/Strain</td>
<td>Hallway</td>
<td>Back</td>
</tr>
<tr>
<td>Cut/Puncture</td>
<td>Sprain/Strain</td>
<td>Finger</td>
</tr>
<tr>
<td>Other</td>
<td>Classroom</td>
<td>Teeth</td>
</tr>
</tbody>
</table>

Describe accident and injury in detail (attach additional description as necessary): ____________________________________________________________________________________________

Were efforts made to contact the parent/guardian about the accident? ☐ Yes ☐ No

Was first aid administered? ☐ Yes ☐ No By whom? ________________________________

Was the student ☐ Sent home ☐ Sent to physician ☐ Sent to hospital

Is student covered by Student Accident Insurance? ☐ Yes ☐ No If yes, please list Company Name, address and phone number _______________________________________________________

If medical or hospital treatment was required, please complete the following information. (Attach a copy of medical bills, if available.)

Name and address of doctor or hospital ____________________________________________

Witnesses (Name, Address & Phone) ______________________________________________

__________________________________________________________ ____________

Signature/Name of Person Completing the Report Date

Page 1 of 1
Beaverhead County High School

STUDENTS

Removal of Student During School Day

The Board recognizes its responsibility for the proper care of students during a school day. In accordance with District procedures, only a duly authorized person may remove a student from school grounds, any school building, or school function during a school day. A person seeking to remove a student from school must present evidence satisfactory to the vice principal/activities director of having proper authority to remove the student. A teacher should not excuse a student from class to confer with anyone, unless a request is approved by the administration. The Superintendent/Principal will establish procedures for removal of a student during a school day.

Policy History:
Adopted on: 6/11/07
Revised on:
Schools must exercise a high order of responsibility for the care of students while in school. The removal of a student during the school day may be authorized in accordance with the following procedures:

1. Law enforcement officers, upon proper identification, may remove a student from school as provided in Policies 4410 and 4411.

2. Any other agencies must have a written administrative or court order directing the District to give custody to them. However, employees of the Department of Public Health and Human Services may take custody of a student under provisions of § 41-3-301, MCA, without a court order. Proper identification is required before the student shall be released.

3. A student shall be released to the custodial parent. When in doubt as to custodial rights, school enrollment records must be relied upon, as the parents (or guardians) have the burden of furnishing schools with accurate, up-to-date information.

4. The school should always check with the custodial parent before releasing the student to a non-custodial parent.

5. Prior written authorization from the custodial parent or guardian is required before releasing a student into someone else’s custody, unless an emergency situation justifies a waiver.

6. Police should be called if a visitor becomes disruptive or abusive.

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

Procedure History:
Promulgated on: 6/11/07
Revised on:
Beaverhead County High School

STUDENTS

School-Sponsored Student Activities

1. Student Organizations:
   a. The Superintendent/Principal shall have final control over the activities of all student organizations. Secret or clandestine organizations or groups will not be permitted.
   b. All student organizations shall be chartered and their activities permitted through the student council.
   c. No student organization shall exist, no activity carried on, nor any money collected without prior consent of the student council.
   d. All student organizations and/or activities shall have a faculty sponsor who shall be responsible for the group.

2. Social Events
   a. Social events must have prior approval of the administration.
   b. Social events must be held in school facilities unless approved by the Board.
   c. Social events must be chaperoned at all times.
   d. Attendance at high school social events and dances shall be limited to high school students, unless prior permission is received from the vice principal/activities director.

3. Extracurricular Activities
   a. Academic and behavior eligibility rules are established by MHSA rules and District policy.
   b. Any student convicted of a criminal offense may, at the discretion of school officials, become ineligible for such a period of time as the school officials may decide.
   c. In establishing an interscholastic program, the Board directs the administration to:
      i. Open all sports to all students enrolled in the District, with an equal opportunity for participation.
      ii. Recommend sports activities based on interest inventories completed by the students.

Cross Reference: Policy 3233

Policy History:
Adopted on: 6/11/07
Reviewed on:
Revised on: 8/11/14
The following competitive Montana High School Association-sanctioned activities are provided at Beaverhead County High School: Football, Basketball, Cross Country, Volleyball, Wrestling, Track, Tennis, Golf, Music, Speech and Drama.

Activities not governed by MHSA but subject to the terms of this policy include but are not limited to: extracurricular field trips, attendance at dances, participation in school plays, participation in student organizations and their activities.

Academic eligibility for participation in activities is achieved by passing five (5) solid subjects the preceding semester (a “solid subject” is a class that meets five (5) days/week), except for seniors fully enrolled in the DAWG Program, whose eligibility will consist of passing four (4) solid subjects, which is in accordance with the Montana High School Association. Students wishing to enroll in the DAWG Program must formally apply and be approved by administration to be eligible for the academic waiver. All other eligibility qualifications follow MHSA rules.

Coaches of various sports and directors of other activities may have specific regulations concerning their sport/activity. Correspondence coursework, under the guidelines of Policy 2167, will be allowed for one (1) solid subject area should a student become academically ineligible for participation in extracurricular activities. Once the coursework is complete, and written documentation of a passing grade is produced to administration, the student will immediately become academically eligible for extracurricular participation.

A student interested in a particular activity may try out by reporting to the coach or sponsor of that activity, when notice is issued.

NO STUDENT WILL BE ALLOWED TO PARTICIPATE IN EXTRACURRICULAR ACTIVITIES, UNTIL THE STUDENT COMPLIES WITH THE FOLLOWING:

1. For athletics, schedule a physical and turn in the completed form to the coach.
2. For athletics, turn in a signed Medical Consent Form (3512F2) to the coach.
3. For MHSA activities, purchase an Activity Card from the office.
4. All other students return Handbook Signoff Form to the office or the first-(1st)-semester English teacher.
5. Acknowledgement of Risk form.
6. View warning video and sign release.

General Regulations

1. Participants must travel to and from contests in transportation provided by the school.
   The only exceptions are:
a. Injury/illness to a participant, which requires alternate transportation.

b. Prior arrangement in writing between the participant’s parent/guardian and the AD/administration.

2. Athletes/participants must adhere to the following curfews during their season:

a. Night before game or meet: 10:00 p.m.

b. Weekends: 12:00 midnight

c. Sundays: 10:00 p.m.

d. Weekdays: 10:00 p.m.

e. After games: thirty (30) minutes

f. Students must be in school the half (½) day preceding an activity in order to participate in practice or competition. An unavoidable absence from school, such as a medical appointment, voids the preceding attendance requirement. **Student participation in activities on Saturday is not determined by Friday attendance in school.**

g. Students participating in activities on weeknights are expected to attend ALL classes the following day. Failure to do so will result in the participant being declared ineligible for participation in all or part of the next scheduled competition or activity. Medical appointments will void this requirement.

**Alcohol/Drugs**

1. No use or possession of alcoholic beverages.

2. No use or possession of illegal drugs.

3. No remaining at a location where illegal drugs or alcohol are being used or are in possession of persons under the age of twenty-one (21), or where evidence of such activity is present.

**NOTE 1:** For the purpose of this policy, an “illegal drug” is defined by law as a “controlled substance” or “dangerous drug.” This includes prescription medication not prescribed for the person in possession of the substance, as well as possession of drug paraphernalia.
NOTE 2: Discretion will be used by school authorities in enforcing rule 3. A student WILL NOT be found in violation of rule 3 if with their parent/guardian, and their parent/guardian possesses or consumes alcohol or is at an establishment which sells alcohol, and it can reasonably be assumed that the staff of the establishment does not sell alcohol to underage persons, and no underage drinkers are present. However, the presence of students at locations where alcohol is possessed or being consumed by underage persons will be subject to this policy regardless of the presence of adults. Other situations which arise under this policy will be considered on an individual basis.

NOTE 3: The term “no remaining at” means that students MUST make every effort to leave a location where underage persons are in possession of or are consuming drugs or alcohol, or where evidence of such activity is present. The Board has established this portion of the policy to deter student athletic/activity participants from being present where individuals are in possession of or consuming dangerous drugs, and/or individuals under the age of twenty-one (21) are in possession of and/or consuming alcohol.

DISCIPLINARY ACTION

Violations confirmed either by admission of guilt (self-reporting) or school officials’ investigations will result in:

FIRST VIOLATION: Suspension from all activities, offices, and organizations for a period of twenty-two (22) calendar days or one-third (1/3) of the regular season scheduled games – whichever is longer – when the violation occurs during the season. If the suspension is conclusive of the last regular season contest, the student is dismissed from the team. If the violation occurs out of the season, the suspension is twenty-two (22) days. If the offense occurs during the spring, the suspension will be continued the following fall semester. The fall semester will be considered to begin on the first (1st) day of practice for fall activities. Students will be held accountable for their actions beginning on this date through the last day of school.

SECOND VIOLATION: Suspension from all activities, offices, and organizations for a period of forty-five (45) calendar days and dismissal from the team or activity if the violation occurs during the season. If the violation occurs out of the season, the suspension is forty-five (45) days. If the offense occurs during the spring, the suspension will be continued the following fall semester. The fall semester will be considered to begin on the first (1st) day of practice for fall activities, and all registered, enrolled, and pre-enrolled students will be held accountable for their actions beginning on this date through the last day of school. In addition to the previously mentioned sanctions, the student, at the student’s expense, must receive an assessment for chemical dependency through the Southwest Montana Chemical Dependency Program and follow treatment recommendations made by the chemical dependency counselor.
THIRD VIOLATION: **Suspension from all activities for the remainder of the student’s high school career.** A student may be reinstated by agreeing to further assessment for chemical dependency, at the student’s expense, and following treatment recommendations made by the chemical dependency counselor. The student must provide to the vice principal/activities director the results of the assessment and a record of an ongoing or completed treatment program. The vice principal/activities director will then meet with the student and the student’s parents/guardian to determine the appropriate action. **Students deemed eligible for reinstatement will be suspended a minimum of ninety (90) days. If the offense occurs during the spring, the ninety-(90)-day suspension will be continued the following fall semester.**

DUE PROCESS: A parent/guardian or student who is aggrieved by the imposition of discipline under this policy shall have the right to an appeal to the Superintendent/Principal. The appeal must be requested no more than three (3) days after notice of the violation and disciplinary consequence. At the appeal the student and parent/guardian shall be subject to questioning by the Superintendent/Principal and shall be entitled to question staff involved in the matter appealed. If the parent/guardian wishes to appeal the decision of the Superintendent/Principal, the parent/guardian must request an appeal before the Board within one (1) day of the decision by the Superintendent/Principal.

**Conduct**

1. NO unsportsmanlike conduct toward an opponent or official or use of profanity during a practice or contest.
2. Other team rules as explained by the coach/sponsor must be adhered to.
3. Overall attitude toward programs and the rules and regulations of the programs may be a key factor to warrant dismissal from a program.
4. Use of tobacco in any form during school or school activities is forbidden.
5. No stealing or malicious destruction of public or private equipment or other property.

**DISCIPLINARY ACTION**

An infraction of conduct rules by a student, which is determined by the coach/advisor to be detrimental to the program, may result in extra workouts and/or suspension.

Rumors are not grounds for disciplinary action. However, rumors will be investigated and disciplinary action will be considered on report of a violation to the coach/advisor or vice principal/activities director. No student should be reported, unless the student can be identified and a valid report of the circumstances given.
It is the responsibility of the coach/advisor or vice principal/activities director to determine whether there are grounds for disciplinary action. Before any suspension shall take effect, the student will have an opportunity to explain or justify their actions. If after such conference the coach/advisor or vice principal/activities director determines that a suspension is justified, the student and parents shall be notified of the suspension.

Students have a right to due process, and they or their parents may request an appeal hearing with the Superintendent/Principal, if they do not agree with the ruling.

Felony Offense

Any person involved in extracurricular activities, who is convicted of or pleads no contest to a felony, will be declared ineligible for activities, offices, and organizations for the remainder of their high school career. A student declared ineligible under this policy retains due process rights and is entitled to a hearing before the Board, at which time the Board may decide to modify the declaration of ineligibility.

Policy History:
Adopted on: 8/10/98
Revised on: 5/8/00; 10/14/02; 7/7/03; 6/13/05; 6/11/07
EXTRACURRICULAR PARTICIPATION RELEASE FORM

The following activity has been scheduled for _________________________ (date):
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________

The students will be escorted by: _________________________________________________
____________________________________________________________________________

The group will leave at ________________________ and return at ________________________.
Transportation will be provided by: □ Student’s parents or guardians   □ School District

As a parent/guardian I understand that the school and the staff will do everything possible to
prevent any accidents over which they have control. However, I fully understand that
participation in extracurricular activities involves inherent risks to students regardless of all
feasible safety measures which may be taken by the District. In consideration of the District’s
agreement to allow my child to participate in the referenced activity, I agree to accept
responsibility for any loss, damage, or injury to my child which occurs during my child’s
participation in or travel to or from this activity, which is not the result of fraud, willful injury to
a person or property, or willful or negligent violation of a law by a trustee, employee, or agent of
Beaverhead County High School.

Permission is hereby granted to the attending physician to proceed with any medical or minor
surgical treatment, x-ray examination, and immunization for the above-named student. In the
event of serious illness, need for major surgery, or significant accidental injury, I understand that
an attempt will be made by the attending physician to contact me in the most expeditious manner
possible. If said physician is not able to communicate with me, the treatment necessary for the
best interest of the above-named student may be given.

In order for your child to participate in this activity, the following information must be
completed and returned prior to the activity. Thank you for your assistance in this matter.

Student Name: _________________________________________________________________

__________________________________________ ______________________________
Parent/Guardian Signature Date

Phone: _______________________________________________________________________

Home Work Emergency

Name of Physician: ________________________________ Phone: _____________________
Allergies and Other Pertinent Medical Information: __________________________________
MEDICAL CONSENT FORM

Athlete: _____________________________________________________________

THIS FORM IS TO BE USED FOR ALL MHSA-APPROVED SPORTS IN WHICH THE
ABOVE STUDENT PARTICIPATES DURING THE ________________ ACADEMIC YEAR.

Permission is hereby granted to the attending physician to proceed with any medical or minor
surgical treatment, x-ray examination, and immunization for the above-named student. In the
event of serious illness, need for major surgery, or significant accidental injury, I understand that
an attempt will be made by the attending physician to contact me in the most expeditious manner
possible. If said physician is not able to communicate with me, the treatment necessary for the
best interest of the above-named student may be given.

In the event an emergency arises during a practice session, I understand that an effort will be
made to contact me as soon as possible. Permission is also granted to the athletic trainer to
provide needed emergency treatment to the above-named student prior to the student’s admission
into a medical facility.

__________________________________________ ______________________________
Parent/Guardian Signature Date

Phone: ___________________________________________________________________

 Name of Physician: ________________________________ Phone: _________________

Allergies and Other Pertinent Medical Information: ____________________________________
______________________________________________________________________________
______________________________________________________________________________

PARENTS AND STUDENTS: It is important that all forms are complete and returned to your
couch prior to the first (1st) day of practice. Students WILL NOT be allowed to practice without:

1. A signed medical consent form;

2. A completed physical form signed by the physician AND the back completed by parent
and athlete.
EXTRACURRICULAR ACTIVITIES
RELEASE OF SCHOOL-SUPERVISION REQUEST

THIS FORM IS TO BE USED, WHEN A STUDENT IS PARTICIPATING IN A SCHOOL-SANCTIONED OUT-OF-DISTRICT ACTIVITY, AND IT IS NECESSARY TO RELEASE THE STUDENT TO SOMEONE OTHER THAN THE STUDENT’S PARENT OR LEGAL GUARDIAN.

PARENT/GUARDIAN MUST STATE THE NAME OF THE RESPONSIBLE ADULT WHO IS TO ASSUME RESPONSIBILITY FOR THEIR STUDENT.

Please complete the following information:

Student Name: _________________________________________________________________

School-Sanctioned Activity: ______________________________________________________

Location of Activity: ____________________________________________________________

Reason for Request: _____________________________________________________________

______________________________________________________________________________

The release of supervision will begin at _________ __M on ____________________________

Time Date

The student is to be released to ____________________________________________________

Name of Responsible Adult

I ABSOLVE BEAVERHEAD COUNTY HIGH SCHOOL FROM ANY LEGAL LIABILITY RELATED TO THE RELEASE OF THIS STUDENT TO THE ABOVE-NAMED INDIVIDUAL.

Signed: _______________________________________________________________________

Name: _______________________________________________________________________

Address: ______________________________________________________________________

Phone No.: ________________________________ Date: _________________________

PLEASE PRINT

Please return this form to your student’s teacher/coach or the vice principal/activities director two (2) days before the trip. Other cases will be considered on an emergency basis. Thank you for your cooperation in this matter.
Within the concept of free public education, the District will provide an educational program for students as free of costs as possible.

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

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

The District holds a student responsible for the cost of replacing materials or property that are lost or damaged because of negligence. The student and parent shall be notified regarding the nature of violation or damage, how restitution may be made, and how an appeal may be instituted. The District may withhold a student’s grades or diploma until restitution is made. The District may not refuse to transfer files because a student owes fines or fees. A school district may withhold the grades, diploma, or transcripts of a pupil who is responsible for the cost of school materials or the loss or damage of school property until the pupil or the pupil's parent or guardian satisfies the obligation.

A school district that decides to withhold a pupil's grades, diploma, or transcripts from the pupil and the pupil's parent or guardian pursuant to subsection (4)(a) shall:
(i) upon receiving notice that the pupil has transferred to another school district in the state, notify the pupil's parent or guardian in writing that the school district to which the pupil has transferred will be requested to withhold the pupil's grades, diploma, or transcripts until any obligation has been satisfied;
(ii) forward appropriate grades or transcripts to the school to which the pupil has transferred;
(iii) at the same time, notify the school district of any financial obligation of the pupil and request the withholding of the pupil's grades, diploma, or transcripts until any obligations are met;
(iv) when the pupil or the pupil's parent or guardian satisfies the obligation, inform the school district to which the pupil has transferred;

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

Legal reference: § 20-1-213 (3), MCA Transfer of school records

§ 20-5-201(4), MCA Duties and sanctions

§ 20-7-601, MCA Free textbook provisions

§ 20-9-214, MCA Fees

Policy History:
Adopted on:
Reviewed on:
Revised on: 10/14/02; 6/11/07, 8/11/14
Beaverhead County High School

STUDENTS

Student Fund-Raising Activities

The Board acknowledges that the solicitations of funds from students, staff, and citizens must be limited since students are a captive audience and since solicitation can disrupt the program of the schools. Solicitation and collection of money by students for any purpose, including the collection of money by students in exchange for tickets, papers, magazine subscriptions, or for any other goods or services for the benefit of an approved school organization, may be permitted by the Superintendent/Principal, providing that the instructional program is not adversely affected.

Policy History:
Adopted on: 6/11/07
Revised on:
STUDENTS

Student Records

School student records are confidential, and information from them will not be released other than as provided by law. State and federal laws grant students and parents certain rights, including the right to inspect, copy, and challenge school records.

The District will ensure information contained in student records is current, accurate, clear, and relevant. All information maintained concerning a student receiving special education services will be directly related to the provision of services to that child. The District may release directory information as permitted by law, but parents will have the right to object to release of information regarding their child. Military recruiters and institutions of higher education may request and receive the names, addresses, and telephone numbers of all high school students, unless the parent(s) notifies the school not to release this information.

The Superintendent/Principal will implement this policy and state and federal law with administrative procedures. The Superintendent/Principal or designee will inform staff members of this policy and inform students and their parents of it, as well as of their rights regarding student school records.

Each student’s permanent file, as defined by the board of public education, must be permanently kept in a secure location. Other student records must be maintained and destroyed as provided in 20-1-212, MCA.

  § 20-1-212, MCA Destruction of records by school officer.
  § 20-5-201, MCA Duties and sanctions
  § 40-4-225, MCA Access to records by parent
  10.55.909, ARM Student Records
  No Child Left Behind Act of 2001, P.L. 107-334

Policy History:
Adopted on: 8/11/97
Reviewed on:
Revised on: 2/10/03; 6/11/07, 08/12/2013
Notification to Parents and Students of Rights Concerning a Student’s School Records

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

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

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

The cumulative record may include:

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

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

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

Students less than eighteen (18) years of age have the right to inspect and copy their permanent record. Parents/guardians or students should submit to the vice principal/activities director or appropriate school official a written request identifying the record(s) they wish to inspect. The vice principal/activities director will make arrangements for access and notify the parent(s)/guardian(s) or eligible student of the time and place the records may be inspected. The District charges a nominal fee for copying, but no one will be denied their right to copies of their records for inability to pay this cost.
The rights contained in this section are denied to any person against whom an order of protection has been entered concerning a student.

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

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

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

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

Disclosure is permitted without consent to school officials with legitimate educational or administrative interests. A school official is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board; a person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent(s)/guardian(s) or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest, if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the District discloses education records, without consent, to officials of another school district in which a student has enrolled or intends to enroll, as well as to any person as specifically required by state or federal law. Before information is released to individuals described in this paragraph, the parent(s)/guardian(s) will receive written notice of the nature and substance of the information and an opportunity to inspect, copy, and challenge such records. The right to challenge school student records does not apply to: (1) academic grades of their child, and (2) references to expulsions or out-of-school suspensions, if the challenge is made at the time the student’s school student records are forwarded to another school to which the student is transferring.
Disclosure is also permitted without consent to: any person for research, statistical reporting, or planning, provided that no student or parent(s)/guardian(s) can be identified; any person named in a court order; and appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons.

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

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

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

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

*Any parent(s)/guardian(s) or eligible student may prohibit the release of any or all of the above information by delivering written objection to the vice principal/activities director within ten (10) days of the date of this notice. No directory information will be released within this time period, unless the parent(s)/guardian(s) or eligible student are specifically informed otherwise.*

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

Pursuant to federal law, the District is required to release the names, addresses, and telephone numbers of all high school students to military recruiters and institutions of higher education upon request.
Parent(s)/guardian(s) or eligible students may request that the District not release this information, and the District will comply with the request.

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

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

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

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

_______________________
Date

Dear Parent/Eligible Student:

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

Student’s Name

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

- Student’s name
- Address
- Telephone listing
- Electronic mail address
- Photograph (including electronic version)
- Date and place of birth
- Major field of study
- Dates of attendance
- Grade level

- Enrollment status (e.g., undergraduate or graduate; full-time or part-time)
- Participation in officially recognized activities and sports
- Weight and height of members of athletic teams
- Degrees
- Honors and awards received
- Most recent educational agency or institution attended

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

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

NOTE: If a student’s name, grade level, or photograph is to be withheld, the student will not be included in the school’s yearbook, program events, or other such publications.

_______________________  __________________
Parent/Eligible Student’s Signature  Date
Student Records

Maintenance of School Student Records

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

The permanent record will include:

- Basic identifying information
- Academic work completed (transcripts)
- Level of achievement (grades, standardized achievement tests)
- Immunization records (per § 20-5-506, MCA)
- Attendance record
- Statewide student identifier assigned by the Office of Public Instruction

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

The cumulative record may include:

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

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

The vice principal/activities director will be responsible for maintenance, retention, or destruction of a student’s permanent or cumulative records, in accordance with District procedure established by the Superintendent/Principal.

Access to Student Records

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

2. The parents of a student under eighteen (18) years of age will be entitled to inspect and copy information in the child’s school records. Such requests will be made in writing and directed to the records custodian. A parent of any student is allowed to view the footage but is not permitted to receive a copy unless the parents of the other involved students provide consent. Consent from parents of students in the background is not required. Access to the records will be granted within fifteen (15) days of the District’s receipt of such request.

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

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

Once a student reaches 18 years of age or attends a postsecondary institution, all rights formerly given to parents under FERPA transfer to the student.

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

3. The District may grant access to or release information from student records without prior written consent to school officials with a legitimate educational interest in the information. A school official is a person employed by the District in an administrative, supervisory, academic, or support staff position (including, but not limited to administrators, teachers, counselors, paraprofessionals, coaches, and bus drivers), and the board of trustees. A school official may also include a volunteer or contractor not employed by the District but who performs an educational service or function for which the District would otherwise use its own employees and who is under the direct control of the District with respect to the use and maintenance of personally identifying information from education records, or such other third parties under contract with the District to provide professional services related to the District’s educational mission, including, but not limited to, attorneys and auditors. A school official has a legitimate educational interest in student education information when the official needs the information in order to fulfill his or her professional responsibilities for the District. Access by school officials to student education information will be restricted to that portion of a student’s records necessary for the school official to perform or accomplish their official or professional duties.
4. The District may grant access to or release information from student records without parental consent or notification to any person, for the purpose of research, statistical reporting, or planning, provided that no student or parent can be identified from the information released, and the person to whom the information is released signs an affidavit agreeing to comply with all applicable statutes and rules pertaining to school student records.

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

6. The District will grant access to or release information from a student’s records pursuant to a court order, upon receipt of such order, of its terms, the nature and substance of the information proposed to be released, and an opportunity to inspect and copy such records and to challenge their contents.

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

8. The District will grant access to or release information from student records to any person possessing a written, dated consent, signed by the parent or eligible student, with particularity as to whom the records may be released, the information or record to be released, and reason for the release. One (1) copy of the consent form will be kept in the records, and one (1) copy will be mailed to the parent or eligible student by the Superintendent/Principal. Whenever the District requests consent to release certain records, the records custodian will inform the parent or eligible student of the right to limit such consent to specific portions of information in the records.

9. The District may release student records to the superintendent or an official with similar responsibilities in a school in which the student has enrolled or intends to enroll, upon written request from such official. School officials may also include those listed in #3 above.

10. Prior to release of any records or information under items 5, 6, 7, and 8, above, the District will provide prompt written notice to the parents or eligible student of this intended action. This notification will include a statement concerning the nature and substance of the records to be released and the right to inspect, copy, and challenge the contents.

11. The District may release student records or information in connection with an emergency, without parental consent, if the knowledge of such information is necessary to protect the health or safety of the student or other persons. The records custodian will make this decision, taking into consideration the nature of the emergency, the seriousness of the threat to the health and safety of the student or other persons, the need for such records to meet the emergency, and whether the persons to whom such records are released are in a position to deal with the emergency. The District will notify the parents or eligible student, as soon as possible, of the information released, date of the release, the person, agency, or organization to whom the release was made, and the purpose of the release.

12. The District may disclose, without parental consent, student records or information to the youth court and law enforcement authorities, pertaining to violations of the Montana Youth Court Act or criminal laws by the student.
13. The District will comply with an *ex parte* order requiring it to permit the U.S. Attorney
General or designee to have access to a student’s school records without notice to or consent of
the student’s parent(s)/guardian(s).

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

15. A record of all releases of information from student records (including all instances of access
granted, whether or not records were copied) will be kept and maintained as part of such records.

This record will be maintained for the life of the student record and will be accessible only to the
parent or eligible student, records custodian, or other person. The record of release will include:

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

Directory Information

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

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

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

Military Recruiters/Institutions of Higher Education

Pursuant to federal law, the District is required to release the names, addresses, and telephone
numbers of all high school students to military recruiters and institutions of higher education upon
request. The notification to parents and students concerning school records will inform them of their right
to object to the release of this information.
Student Record Challenges

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

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

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

The parent or eligible student has:

- The right to present evidence and to call witnesses;
- The right to cross-examine witnesses;
- The right to counsel;
- The right to a written statement of any decision and the reasons therefor;

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


§ 20-5-201, MCA Duties and sanctions
§ 40-4-225, MCA Access to records by parent
§ 41-5-215, MCA Youth court and department records – notification of school
10.55.909, ARM Student records

Procedure History:
Promulgated on: 6/11/07
Reviewed on: 12/27/2012, 8/11/14, 02/09/15
Beaverhead County High School

STUDENTS 3606

Transfer of Student Records

The District will forward by mail or by electronic means a certified copy of a permanent or cumulative file of any student and a file of special education records of any student to a local educational agency or accredited school in which a student seeks to or intends to enroll within five (5) working days after receipt of a written or electronic request. The files to be forwarded must include education records in a permanent file – that is, name and address of a student, name of parent or legal guardian, date of birth, academic work completed, level of achievement (grades, standardized tests), immunization records, special education records, and any disciplinary actions taken against a student that are educationally related.

When the District cannot transfer records within five (5) days, the District will notify a requestor, in writing or electronically, and will provide reasons why the District is unable to comply with a five-(5)-day time period. The District also will include in that notice the date by which requested records will be transferred. The District will not refuse to transfer records because a student owes fines or fees.

Cross Reference: 3413 Student Immunization
3600 - 3600P Student Records

Legal Reference: § 20-1-213, MCA Transfer of school records

Policy History:
Adopted on: 8/11/97
Revised on: 2/11/03; 6/11/07
Receipt of Confidential Records

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

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

- Counselor
- Special Education Teacher

When the District receives information pursuant to law, the Superintendent/Principal will prevent unauthorized dissemination of that information.

Cross Reference: 3600 - 3600P Student Records

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

Policy History:
Adopted on: 6/11/07
Revised on:
Beaverhead County High School

STUDENTS

Gangs and Gang Activity

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

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

A. One or more criminal acts; or

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

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

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

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

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

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

Policy History:
Adopted on: 6/11/07
Revised on:
STUDENTS

District-Provided Access to Electronic Information, Services, and Networks

General

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

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

Curriculum

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

Acceptable Uses

1. Educational Purposes Only. All use of the District’s electronic network must be: (1) in support of education and/or research, and in furtherance of the District’s stated educational goals; or (2) for a legitimate school business purpose. Use is a privilege, not a right. Students and staff members have no expectation of privacy in any materials that are stored, transmitted, or received via the District’s electronic network or District computers. The District reserves the right to monitor, inspect, copy, review, and store, at any time and without prior notice, any and all usage of the computer network and Internet access and any and all information transmitted or received in connection with such usage.

2. Unacceptable Uses of Network. The following are considered unacceptable uses and constitute a violation of this policy:

A. Uses that violate the law or encourage others to violate the law, including but not limited to transmitting offensive or harassing messages; offering for sale or use any substance the possession or use of which is prohibited by the District’s student discipline policy; viewing, transmitting, or downloading pornographic materials or materials that encourage others to violate the law; intruding into
the networks or computers of others; and downloading or transmitting confidential, trade secret information, or copyrighted materials.

B. Uses that cause harm to others or damage to their property, including but not limited to engaging in defamation (harming another’s reputation by lies); employing another’s password or some other user identifier that misleads message recipients into believing that someone other than you is communicating, or otherwise using his/her access to the network or the Internet; uploading a worm, virus, other harmful form of programming or vandalism; participating in “hacking” activities or any form of unauthorized access to other computers, networks, or other information.

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

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

Warranties/Indemnification

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

Violations

If a student violates this policy, the District will deny the student access or will withdraw access and may subject the student to additional disciplinary action. An administrator or the vice principal/activities director will make all decisions regarding whether or not a user has violated this policy and any related rules or regulations and may deny, revoke, or suspend access at any time, with that decision being final.

Policy History:
Adopted on: 8/13/01
Revised on: 6/11/07
INTERNET ACCESS CONDUCT AGREEMENT

Every student, regardless of age, must read and sign below:

I have read, understand, and agree to abide by the terms of Beaverhead County High School’s policy regarding District-Provided Access to Electronic Information, Services, and Networks (Policy No. 3612). Should I commit any violation or in any way misuse my access to the District’s computer network and/or the Internet, I understand and agree that my access privilege may be revoked and school disciplinary action may be taken against me.

User’s Name (Print): ________________________ Home Phone:________________________
User’s Signature: ___________________________ Date: ______________________________
Address:______________________________________________________________________

Status: Student ____ Staff ____ Patron ____ I am 18 or older ____ I am under 18 ____

If I am signing this policy when I am under 18, I understand that when I turn 18, this policy will continue to be in full force and effect and agree to abide by this policy.

Parent or Legal Guardian. (If applicant is under 18 years of age, a parent/legal guardian must also read and sign this agreement.) As the parent or legal guardian of the above-named student, I have read, understand, and agree that my child shall comply with the terms of the District’s policy regarding District-Provided Access to Electronic Information, Services, and Networks for the student’s access to the District’s computer network and/or the Internet. I understand that access is being provided to the students for educational purposes only. However, I also understand that it is impossible for the school to restrict access to all offensive and controversial materials and understand my child’s responsibility for abiding by the policy. I am, therefore, signing this Agreement and agree to indemnify and hold harmless the District, the trustees, administrators, teachers, and other staff against all claims, damages, losses, and costs, of whatever kind, that may result from my child’s use of or access to such networks or his/her violation of the District’s policy. Further, I accept full responsibility for supervision of my child’s use of his/her access account if and when such access is not in the school setting. I hereby give my child permission to use the building-approved account to access the District’s computer network and the Internet.

Parent/Legal Guardian (Print): _____________________________________________________
Signature: _____________________________________________________________________
Home Phone: ___________________ Address: _____________________________________
Date: _________________________

This Agreement is valid for the _________________ school year only.
Acceptable Use of Electronic Networks

All use of electronic networks shall be consistent with the District’s goal of promoting educational excellence by facilitating resource sharing, innovation, and communication. These procedures do not attempt to state all required or proscribed behaviors by users. However, some specific examples are provided. The failure of any user to follow these procedures will result in the loss of privileges, disciplinary action, and/or appropriate legal action.

Terms and Conditions

1. Acceptable Use – Access to the District’s electronic networks must be: (a) for the purpose of education or research and consistent with the educational objectives of the District; or (b) for legitimate business use.

2. Privileges – The use of the District’s electronic networks is a privilege, not a right, and inappropriate use will result in a cancellation of those privileges. The system administrator (and/or vice principal/activities director) will make all decisions regarding whether or not a user has violated these procedures and may deny, revoke, or suspend access at any time. That decision is final.

3. Unacceptable Use – The user is responsible for his or her actions and activities involving the network. Some examples of unacceptable uses are:

   a. Using the network for any illegal activity, including violation of copyright or other contracts, or transmitting any material in violation of any federal or state law;

   b. Unauthorized downloading of software, regardless of whether it is copyrighted or devirused;

   c. Downloading copyrighted material for other than personal use;

   d. Using the network for private financial or commercial gain;

   e. Wastefully using resources, such as file space;

   f. Hacking or gaining unauthorized access to files, resources, or entities;

   g. Invading the privacy of individuals, which includes the unauthorized disclosure, dissemination, and use of information of a personal nature about anyone;

   h. Using another user’s account or password;
i. Posting material authored or created by another, without his/her consent;

j. Posting anonymous messages;

k. Using the network for commercial or private advertising;

l. Accessing, submitting, posting, publishing, or displaying any defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, harassing, or illegal material; and

m. Using the network while access privileges are suspended or revoked.

4. Network Etiquette – The user is expected to abide by the generally accepted rules of network etiquette. These include but are not limited to the following:

a. Be polite. Do not become abusive in messages to others.

b. Use appropriate language. Do not swear or use vulgarities or any other inappropriate language.

c. Do not reveal personal information, including the addresses or telephone numbers, of students or colleagues.

d. Recognize that electronic mail (e-mail) is not private. People who operate the system have access to all mail. Messages relating to or in support of illegal activities may be reported to the authorities.

e. Do not use the network in any way that would disrupt its use by other users.

f. Consider all communications and information accessible via the network to be private property.

5. No Warranties – The District makes no warranties of any kind, whether expressed or implied, for the service it is providing. The District will not be responsible for any damages the user suffers. This includes loss of data resulting from delays, non-deliveries, missed deliveries, or service interruptions caused by its negligence or the user’s errors or omissions. Use of any information obtained via the Internet is at the user’s own risk. The District specifically denies any responsibility for the accuracy or quality of information obtained through its services.

6. Indemnification – The user agrees to indemnify the District for any losses, costs, or damages, including reasonable attorney fees, incurred by the District, relating to or arising out of any violation of these procedures.
7. Security – Network security is a high priority. If the user can identify a security problem on the Internet, the user must notify the system administrator or vice principal/activities director. Do not demonstrate the problem to other users. Keep your account and password confidential. Do not use another individual’s account without written permission from that individual. Attempts to log on to the Internet as a system administrator will result in cancellation of user privileges. Any user identified as a security risk may be denied access to the network.

8. Vandalism – Vandalism will result in cancellation of privileges, and other disciplinary action. Vandalism is defined as any malicious attempt to harm or destroy data of another user, the Internet, or any other network. This includes but is not limited to uploading or creation of computer viruses.

9. Telephone Charges – The District assumes no responsibility for any unauthorized charges or fees, including telephone charges, long-distance charges, per-minute surcharges, and/or equipment or line costs.

10. Copyright Web Publishing Rules – Copyright law and District policy prohibit the republishing of text or graphics found on the Web or on District Websites or file servers, without explicit written permission.

   a. For each republication (on a Website or file server) of a graphic or text file that was produced externally, there must be a notice at the bottom of the page crediting the original producer and noting how and when permission was granted. If possible, the notice should also include the Web address of the original source.

   b. Students and staff engaged in producing Web pages must provide library media specialists with e-mail or hard copy permissions before the Web pages are published. Printed evidence of the status of “public domain” documents must be provided.

   c. The absence of a copyright notice may not be interpreted as permission to copy the materials. Only the copyright owner may provide the permission. The manager of the Website displaying the material may not be considered a source of permission.

   d. The “fair use” rules governing student reports in classrooms are less stringent and permit limited use of graphics and text.

   e. Student work may only be published if there is written permission from both the parent/guardian and the student.
11. Use of Electronic Mail.

a. The District’s electronic mail system, and its constituent software, hardware, and data files, are owned and controlled by the District. The District provides e-mail to aid staff members in fulfilling their duties and responsibilities and as an education tool.

b. The District reserves the right to access and disclose the contents of any account on its system without prior notice or permission from the account’s user. Unauthorized access by any student or staff member to an electronic mail account is strictly prohibited.

c. Each person should use the same degree of care in drafting an electronic mail message as would be put into a written memorandum or document. Nothing should be transmitted in an e-mail message that would be inappropriate in a letter or memorandum.

d. Electronic messages transmitted via the District’s Internet gateway carry with them an identification of the user’s Internet “domain.” This domain name is a registered domain name and identifies the author as being with the District. Great care should be taken, therefore, in the composition of such messages and how such messages might reflect on the name and reputation of this District. Users will be held personally responsible for the content of any and all electronic mail messages transmitted to external recipients.

e. Any message received from an unknown sender via the Internet should either be immediately deleted or forwarded to the system administrator. Downloading any file attached to any Internet-based message is prohibited, unless the user is certain of that message’s authenticity and the nature of the file so transmitted.

f. Use of the District’s electronic mail system constitutes consent to these regulations.

Internet Safety

1. Internet access is limited to only those “acceptable uses,” as detailed in these procedures. Internet safety is almost assured if users will not engage in “unacceptable uses,” as detailed in these procedures, and will otherwise follow these procedures.

2. Staff members shall supervise students while students are using District Internet access, to ensure that the students abide by the Terms and Conditions for Internet access, as contained in these procedures.
3. Each District computer with Internet access has a filtering device that blocks entry to visual depictions that are: (1) obscene; (2) pornographic; or (3) harmful or inappropriate for students, as defined by the Children’s Internet Protection Act and determined by the Superintendent or designee.

4. The system administrator and vice principal/activities director shall monitor student Internet access.

Legal Reference: Children’s Internet Protection Act, P.L. 106-554
47 U.S.C. § 254(h) and (l)

Procedure History:
Promulgated on: 8/13/01
Revised: 6/11/07
Cell Phones and Other Electronic Equipment

Student possession and use of cellular phones, pagers, and other electronic signaling devices on school grounds, at school-sponsored activities, and while under the supervision and control of District employees is a privilege which will be permitted only under the circumstances described herein. At no time will any student operate a cell phone or other electronic device with video capabilities in a locker room, bathroom, or other location where such operation may violate the privacy right of another person.

Students may use cellular phones, pagers, and other electronic signaling devices on campus before school begins and after school ends. Students in grades 9-12 may also use such devices during the lunch period. These devices must be kept out of sight and turned off during the instructional day. Unauthorized use of such devices disrupts the instructional program and distracts from the learning environment. Therefore, unauthorized use is grounds for confiscation of the device by school officials, including classroom teachers. Confiscated devices will be returned to the parent or guardian. Repeated unauthorized use of such devices will result in disciplinary action.

Policy History:
Adopted on: 6/11/07
Revised on:
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Beaverhead County High School

COMMUNITY RELATIONS

Goals

The Board, through the leadership of the Superintendent/Principal and with the assistance of the total staff, will seek to enhance the District’s community relations by striving to achieve the following goals:

1. To encourage and enhance communications, understanding, trust, and mutual support between the District and the people it serves;

2. To increase both the quality and quantity of public participation in school affairs, activities, and programs;

3. To strengthen and improve relations and interactions among staff, trustees, citizens, parents, and students;

4. To promote understanding and cooperation between the schools and community groups.

Legal Reference: 10.55.701, ARM Board of Trustees

10.55.801, ARM School Climate

Policy History:
Adopted on: 6/11/07
Revised on:
The District will strive to maintain effective two-way communications with the public to enable the Board and staff to interpret schools needs to the community and provide a means for citizens to express their needs and expectations to the Board and staff.

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

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

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

Policy History:
Adopted on: 6/11/07
Revised on:
School-Support Organizations

The Board recognizes that parent, teacher, and student organizations are an invaluable resource to District schools and supports their formation and vitality. While parent, teacher, and student organizations have no administrative authority and cannot determine District policy, their suggestions and assistance are always welcome. Membership in these organizations will be open and unrestricted.

Parent organizations and booster clubs are recognized by the School Board and permitted to use the District’s name, a District school’s name, or a District school’s team name, or any logo attributable to the District provided they first receive the Superintendent or designee’s express written consent. Consent to use one of the above-mentioned names or logos will generally be granted if the organization or club has by-laws containing the following:

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

2. The rules and procedures under which it operates.

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

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

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

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

7. A recognition that money given to a school cannot be earmarked for any particular expense. Booster clubs may make recommendations, but cash or other valuable consideration must be given to the District to use at its discretion. The School Board’s legal obligation to comply with Title IX by providing equal athletic opportunity for members of both genders will supersede an organization or club’s recommendation.  

Permission to use one of the above-mentioned names or logos may be rescinded at any time and does not constitute permission to act as the District’s representative. At no time does the District accept responsibility for the actions of any parent organization or booster club regardless of whether it was

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1 An alternative follows: An agreement not to engage in discrimination based on someone’s innate characteristics or membership in a suspect classification.

2 Booster clubs are understandably selective in their support. However, by accepting booster club assistance that creates vast gender differences, a school board may face claims that it has violated Title IX. Title IX’s focus is on equal funding opportunities, equal facility availability, similar travel and transportation treatment, comparable coaching, and comparable publicity (34 C.F.R. Part 106).
recognized and/or permitted to use any of the above-mentioned names or logos. The Superintendent shall designate an administrative staff member to serve as the liaison to parent organizations or booster clubs. The liaison will serve as a resource person and provide information about school programs, resources, policies, problems, concerns, and emerging issues. Building staff will be encouraged to participate in the organizations.

**Fund-Raising by School Support Groups**

Fund-raising by school support groups is considered a usual and desirable part of the function of such groups. Specific fund-raising activities must be approved in advance by the Superintendent/Principal.

The Superintendent/Principal must be consulted before any expenditure of such funds. All such funds raised by school adjunct groups are to be used for direct or indirect support of school programs. Equipment purchased by support groups and donated to the schools becomes the property of the District and may be used or disposed of in accordance with District policy and state law.

**Policy History:**

Adopted on: 6/11/07
Revised on: 3/10/08

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3 Booster clubs present potential liabilities to a school district beyond loss of funds because they seldom are properly organized (they generally are not incorporated or otherwise legally recognized), carry no insurance, raise and handle large sums, and club members hold themselves out as agents of the school (after all, no funds could be raised but for the school connection). A disclaimer, such as the one presented here, may not be sufficient. A district may take several actions, after discussion with its attorney, to minimize liability, such as adding a requirement to item 6 above that the club: (1) operate under the school’s authority (activity accounts); or (2) be properly organized and demonstrate fiscal responsibility by being a 501(c)(3) organization, obtaining a bond, and/or arranging regular audits. Ultimately, the best way to minimize liability is to be sure that the district’s errors and omissions insurance covers parent organizations and booster clubs.
Visitors to Schools

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

Cross Reference: 4313 Disruption of School Operations

Policy History:
Adopted on: 6/11/07
Revised on:
Public Complaints and Suggestions

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

Suggestions shall be submitted in writing to the appropriate-level staff member or District administrator. Each suggestion shall be considered on its merits.

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

Cross Reference: 1700 Uniform Complaint Procedure

Policy History:
Adopted on: 6/11/07
Revised on:
Beaverhead County High School

COMMUNITY RELATIONS

Disruption of School Operations

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

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

Cross Reference: 4301 Visitors to Schools

Legal Reference:

§ 20-1-206, MCA Disturbance of school - penalty
§ 20-5-201, MCA Duties and sanctions
§ 45-8-101, MCA Disorderly conduct

Policy History:

Adopted on: 6/11/07
Spectator Conduct and Sportsmanship for Athletic and Co-Curricular Events

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

- Using vulgar or obscene language or gestures;
- Possessing or being under the influence of any alcoholic beverage or illegal substance;
- Possessing a weapon;
- Fighting or otherwise striking or threatening another person;
- Failing to obey instructions of a security officer or District employee; and
- Engaging in any illegal or disruptive activity.

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

1. Date, time, and place of a Board hearing;
2. Description of the unsportsmanlike conduct; and
3. Proposed time period admission to school events will be denied.

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

Policy History
Adopted on: 6/11/07
Revised on:
Accommodating Individuals With Disabilities

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

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

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

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

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

An individual with a disability should notify the Superintendent/Principal or the vice principal/activities director if they have a disability which will require special assistance or services and what services are required. This notification should occur as far as possible before the school-sponsored function, program, or meeting.

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

Cross Reference: 1700 Uniform Complaint Procedure


Policy History:
Adopted on: 6/11/07
Revised on:
Contact With Students

Students are entrusted to the schools for educational purposes. Although educational purposes encompass a broad range of experiences, school officials must not assume license to allow unapproved contact with students by persons not employed by the District for educational purposes. Teachers may arrange for guest speakers on appropriate topics relative to the curriculum. The vice principal/activities director may approve school assemblies on specific educational topics of interest and relevance to the school program. The District normally does not permit other types of contact by non-school personnel.

The District will not allow access to the schools by outside organizations desiring to use the captive audience in a school for information, sales material, or special interest purposes.

Policy History:
Adopted on: 6/11/07
Revised on:
Community Use of School Facilities

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

Student and school-related organizations shall be granted the use of school facilities at no cost. Other organizations granted the use of school facilities shall pay fees and costs. The Superintendent/Principal will develop procedures to manage community use of school facilities, which will be reviewed and approved by the Board. Use of school facilities requires the Superintendent/Principal’s approval and is subject to the procedures.

The vice principal/activities director will approve and schedule various uses of school facilities. A master calendar will be kept in the office for scheduling dates to avoid conflicts during the school year. Should a conflict arise, the District reserves the right to cancel an approved request when it is determined that the facilities are needed for school purposes. Requests for use of school facilities must be submitted to the vice principal/activities director at least three (3) days before an event is scheduled.

Legal Reference: § 20-7-805, MCA Recreational use of school facilities secondary
Lamb’s Chapel v. Center Moriches Union Free School Dist., 113 S.Ct. 141

Policy History:
Adopted on: 6/11/07
Revised on:
Use of School Facilities

Time Limitation

It is necessary that use of any school area be limited to short periods of time. Any intended use for more than two (2) days at any time will be subject to special consideration by the Board.

Arrangements

Arrangements for use of facilities must be made through proper channels, as directed by the vice principal/activities director. The use of classrooms, Industrial Arts Shop, and the Vo-Ag Shop must have prior approval of the Superintendent/Principal.

Supervision

1. All activities, including practices and rehearsals, must be adequately supervised at all times. Children and adults are to confine themselves to the rented area and not access other areas of the building.

2. If police supervision is anticipated or advisable for the planned activity, arrangements for such protection must be made by the party(ies) requesting use of facilities.

District Provides Personnel

The District will provide personnel for proper operation and maintenance of facilities used, including custodial services. A charge established by the Board will be made for the services of any personnel.

Adherence to Rules, Time, Etc.

Stipulations made by the building supervisor regarding closing buildings, removing decorations and displays, use of halls, restrooms, etc., must be carefully followed.

Use or Loan of Special Equipment

Special or extra equipment needed must be requested in advance and must be used within school property. Special arrangements must be made with the Superintendent/Principal or designee. Extra compensation may be required for employees to operate or supervise special or extra equipment or to transfer it from another building.
Fees

1. All payments will be made to the high school office.

2. Fees will be charged as determined by the vice principal/activities director in consultation with the Superintendent/Principal.

Use of School Property

SPECTATOR USE OF SCHOOL FACILITIES BY INDIVIDUALS AND GROUPS

1. The Board recognizes the importance of community use of facilities/premises by individuals and groups. Entering District buildings/premises as a spectator is a privilege.

2. Individuals or groups entering District buildings or premises will adhere to the following conditions or will be subject to expulsion from the building or premises. Persons entering or remaining on District premises in violation of these conditions may be charged with trespass.

3. CONDITIONS: There shall be NO dangerous drugs or alcoholic beverages as defined by Montana law used or sold in or about school buildings and premises, nor shall disorderly conduct or gambling as defined by Montana law be permitted. In the case of OUTDOOR ATHLETIC FIELDS AND GENERAL PREMISES such as parking lots, individuals walking or those entering via vehicles shall not transport the above items for sale or use on District property.

4. POSTING: All District buildings/premises will be posted at established entrances to inform spectators of District conditions for entrance.

Motorized Equipment Prohibited

Use of motorized equipment such as go-carts, minibikes, motorcycles, snowmobiles, etc., is strictly prohibited on school property except on established roads leading to and from District buildings.

Procedure History:
Promulgated on: 10/14/02; 6/11/07
Use of School Property for Posting Notices

Non-school-related organizations may request permission of the vice principal/activities director to display posters in the area reserved for community posters or to have flyers distributed to students.

Posters and/or flyers must be student oriented and have the sponsoring organization’s name prominently displayed. The District will not permit the posting or distribution of any material that would:

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

No commercial publication shall be posted or distributed unless the purpose is to further a school activity, such as graduation, class pictures, or class rings. No information from any candidates for non-student elective offices shall be posted in or around school district property, or distributed to the students.

If permission is granted to distribute materials, the organization must arrange to have copies delivered to the school. Distribution of the materials will be arranged by administration.

Policy History:
Adopted on: 6/11/07
Reviewed on:
Revised on: 12/27/2012
Beaverhead County High School

COMMUNITY RELATIONS

Conduct on School Property

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

1. Injure or threaten to injure another person;

2. Damage another’s property or that of the District;

3. Violate any provision of the criminal law of the state of Montana or town or county ordinance;

4. Smoke or otherwise use tobacco or nicotine products, and alternative nicotine and vapor products as defined in 16-11-302, MCA, or other similar products;

5. Consume, possess, or distribute alcoholic beverages, illegal drugs, or possess weapons (as defined in Policy 3310) at any time;

6. Impede, delay, or otherwise interfere with the orderly conduct of the District’s educational program or any other activity occurring on school property;

7. Enter upon any portion of school premises at any time for purposes other than those which are lawful and authorized by the Board; or

8. Willfully violate other District rules and regulations.

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

Cross Reference: 3310 Student Discipline *(Possession of a Weapon in a School Building)*


Smoke Free School Act of 1994

16-11-302, MCA Definitions

§ 20-1-220, MCA Use of tobacco product in public school building or on public school property prohibited

§ 20-5-410, MCA Civil penalty

Policy History:
Adopted on: 6/11/07
Reviewed on:
Revised on: 08/10/15
Use of School Buses by Community Organizations

The District realizes that use of school buses by non-educational organizations provides a valuable community service. The following guidelines are set to ensure proper use and accountability, keeping in mind that the first (1st) priority will be for school use:

1. The charge for use of a bus will be the current year per-mile cost.

2. The group/organization will cover all driver expenses, including meals, lodging, and driver stipend (currently Sixty-Five Dollars ($65) per eight-(8)-hour day and One Hundred Five Dollars ($105) for anything over eight (8) hours).

3. The Board reserves the right to approve or not approve any or all bus requests.

4. Out-of-state travel will be allowed by Superintendent approval only.

Legal Reference: § 20-3-324, MCA Powers and duties

Policy History:
Adopted on: 7/1/94
Revised on: 6/20/01; 6/11/07
Public Access to District Records

Within limits of an individual’s right of privacy, the public will be afforded full access to information concerning administration and operations of the District. Public access to District records shall be afforded according to appropriate administrative procedures.

“District records” include any writing, printing, photostating, photographing, etc. (including electronic mail), which has been made or received by the District in connection with the transaction of official business and presented for informative value or as evidence of a transaction, and all other records required by law to be filed with the District. “District records” do not include personal notes and memoranda of staff which remain in the sole possession of the maker and which are not generally accessible or revealed to other persons.

The Superintendent/Principal will serve as the public records coordinator, with responsibility and authority for ensuring compliance with the display, indexing, availability, inspection, and copying requirements of state law and this policy. As coordinator, the Superintendent/Principal will authorize the inspection and copying of District records only in accordance with the criteria set forth in this policy.

In accordance with Title 2, Chapter 6, MCA, the District will make available for public inspection and copying all District records or portions of records, except those containing the following information:

1. Personal information in any file maintained for students. Information in student records will be disclosed only in accordance with requirements of the Family Educational Rights and Privacy Act of 1974 and adopted District policy.

2. Personal information in files maintained for staff, to the extent that disclosure will violate their right to privacy.

3. Test questions, scoring keys, or other examination data used to administer academic tests.

4. The contents of real estate appraisals made for or by the District relative to the acquisition of property, until the project is abandoned or until such time as all of the property has been acquired, but in no event will disclosure be denied for more than three (3) years after appraisal.

5. Preliminary drafts, notes, recommendations, and intra-District memoranda in which opinions are expressed or policies formulated or recommended, except a specific record shall not be exempt when publicly cited by the District in connection with any District action.
6. Records relevant to a controversy to which the District is a party, but which would not be available to another party under the rules of pretrial discovery, for cases pending resolution.

7. Records or portions of records, the disclosure of which would violate personal rights of privacy.

8. Records or portions of records, the disclosure of which would violate governmental interests.

If the District denies any request, in whole or in part, for inspection and copying of records, the District will provide the requesting party with reasons for denial.

If the record requested for inspection and/or copying contains both information exempted from disclosure and non-exempt information, the District shall, to the extent practicable, produce the record with the exempt portion deleted and shall provide written explanation for the deletion.

The District will not provide access to lists of individuals, which the requesting party intends to use for commercial purposes or which the District reasonably believes will be used for commercial purposes if such access is provided. However, the District may provide mailing lists of graduating students to representatives of the U.S. armed forces and the National Guard for purpose of recruitment.

The coordinator is authorized to seek an injunction to prevent disclosure of records otherwise suitable for disclosure, when it is determined reasonable cause exists to believe disclosure would not be in the public interest and would substantially or irreparably damage any person or would substantially or irreparably damage vital governmental functions.

Legal Reference: Title 20, Ch. 6, MCA School districts § 2-6-109, MCA Prohibition on distribution or sale of mailing lists – exceptions – penalty

Policy History:
Adopted on: 6/11/07
Revised on:
Relations With Law Enforcement and Child Protective Agencies

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

Information regarding major violations of the law shall be communicated to the appropriate law enforcement agency.

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

Cross Reference: 4313 Disruption of School Operations

Legal Reference: § 20-1-206, MCA Disturbance of school – penalty

Policy History:
Adopted on: 6/11/07
Revised on:
Investigations and Arrests by Police

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

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

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

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

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

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

F. If the parents are notified and able to attend, they should be allowed to be present at the interview. The administrator should be present at the interview but should not take part in any questioning. The administrator should at all times remain a neutral observer.
Cooperative Programs With Other Districts and Public Agencies

Whenever it appears to the economic, administrative, and/or educational advantage of the District to participate in cooperative programs with other units of local government, the Superintendent/Principal will prepare and present for Board consideration an analysis of each cooperative proposal.

When formal cooperative agreements are developed, such agreements shall comply with requirements of the Interlocal Cooperation Act, with assurances that all parties to the agreement have legal authority to engage in the activities contemplated by the agreement.

The District may enter into interlocal agreements with a unit of the Montana University System, public community college, and/or tribal college, which would allow students enrolled in the 11th and 12th grades to attend and earn credit for classes not available in the District. Tuition and fees, if assessed, will be provided for in the interlocal agreement.

The District may enter into an interlocal agreement providing for the sharing of teachers, specialists, superintendents, or other professional persons licensed under Title 37, MCA. If the District shares a teacher or specialist with another district(s), the District’s share of such teacher’s or specialist’s compensation will be based on the total number of instructional hours expended by the teacher or the specialist in the District.

Legal Reference:

§§ 7-11-101, et seq., MCA Interlocal Cooperation Act

§§ 20-7-451 through 456, MCA Authorization to create full service education cooperatives

§§ 20-7-801, et seq., MCA Public recreation

Policy History:
Adopted on: 6/11/07
Revised on:
Registered Sex Offenders

The State of Montana has determined that perpetrators of certain sex crimes pose a continuing threat to society as a whole even after completion of their criminal sentences. Recognizing that the safety and welfare of students is of paramount importance, Beaverhead County High School District declares that, except in limited circumstances, the School District should be off limits to registered sex offenders.

Employment

Notwithstanding any other Board policy, individuals listed by the State of Montana as registered sex offenders are ineligible for employment in any position within the Beaverhead County High School District. However, the Superintendent shall have discretion consistent with other Board policies to recommend an individual whose name has been expunged from the Sex Offender Registry.

School Off Limits

The District hereby declares that no registered sex offender whose victim was a minor may come on, about, or within 1,000 feet of any District owned buildings or property except as otherwise provided in this policy. If an administrator becomes aware that such a sex offender is on, about, or within 1,000 feet of school property, the administrator shall direct the sex offender to leave the area immediately. The School Board authorizes the administrator to request the assistance of the appropriate law enforcement authorities to secure the removal of any registered sex offender from the area. If a registered sex offender disregards the terms of this policy or the directives of the school administrator, then the Superintendent is authorized to confer with counsel and to pursue such criminal or civil action as may be necessary to enforce compliance with this policy.

This policy shall not be construed to impose any duty upon any administrator or any other employee of the District to review the Sex Offender Registry or to screen individuals coming on, or within 1,000 feet of school property to ascertain whether they are on the Registry. This policy shall only apply when administrators are actually aware that the person in question is on the Sex Offender Registry and that the offender’s victim was a minor.

The provisions of this policy prohibiting a registered sex offender from coming on, about, or within 1,000 feet of school property shall not apply in the event that a sex offender’s name should be expunged from the Registry.
Rights of Parents on the Sex Offender Registry

In the event that a registered sex offender whose victim was a minor has child attending the District, the administrator of the school where the child attends shall be authorized to modify this policy’s restrictions to permit the parent to drop off and pick up the child from school and to come onto campus to attend parent-teacher conferences. However, the parent may not linger on or about school property before or after dropping of his or her child, and the parent is prohibited from being in any part of the school building except the main office.

This policy does not impose a duty upon the administrator of any school or any other employee of the District to review the Sex Offender Registry and the school system’s directory information to ascertain whether a registered sex offender may have a child attending school in the District. The provisions of this policy shall apply only if an administrator actually becomes aware that a parent of a student at the school is a registered sex offender.

To facilitate voluntary compliance with this policy, administrators are encouraged to speak with any affected parents upon learning of their status as registered sex offenders to communicate the restrictions of this policy. At all times, the administrator shall endeavor to protect the privacy of the offender’s child.

In the event of a truly exceptional situation such as graduation, a parent on the Sex Offender Registry may ask the Superintendent for a waiver of this policy to permit the parent to attend these special events. It is the intent of the Board, however, that these special circumstances be truly unusual and infrequent occurrences.

Legal Reference: § 46-23-501, MCA Sexual or Violent Offender Registration Act

Policy History:
Adopted on: 10/13/08
Reviewed on:
Revised on:
1. As required by NCLB § 1111(h)(6)(A): At the beginning of each school year, a district that receives Title I funds shall notify the parents of each student attending any school receiving Title I funds that the parents may request, and the district will provide the parents on request, information regarding the professional qualifications of the student’s classroom teachers, including, at a minimum, the following:
   a. Whether the teacher has met the state qualifications and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.
   b. Whether the teacher is teaching under emergency or other provisional status.
   c. The teacher’s baccalaureate degree major and any other graduate certifications or degrees.
   d. Whether paraprofessionals provide services to the student and, if so, their qualifications.

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

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

Limited English Proficient Students

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

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

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

Academic Assessment and Local Education Agency and School Improvement

1. As required by NCLB § 1116(b)(6): Districts shall promptly provide to parents of each
student enrolled in an elementary school or a secondary school identified for school
improvement under § 1116(b)(1)(E)(I), for corrective action under § 1116(b)(7)(C)(I), or
for restructuring under § 1116(b)(8)(A)(I):
   a. An explanation of what the identification means and how the school compares in
terms of academic achievement to other district schools and the state educational
agency;
   b. The reasons for the identification;
   c. An explanation of what the school identified for school improvement is doing to
address the problem;
   d. An explanation of what the district or state educational agency is doing to help the
school address the achievement problem;
   e. An explanation of how the parents can become involved in addressing the
academic issues that caused the school to be identified for school improvement;
   and
   f. An explanation of the parents’ option to transfer their child to another public
school under paragraphs (1)(E), (5)(A), (7)(C)(i), (8)(A)(i), and subsection
(c)(10)(C)(vii) (with transportation provided by the agency when required by
paragraph (9)) or to obtain supplemental educational services for the child in
accordance with subsection (e).

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

3. As required by NCLB § 1116(e)(2)(A): The district shall provide annual notice to parents
of:
   a. The availability of supplemental education services;
   b. The identity of approved providers of those services within the district or whose
services are reasonably available in neighboring districts; and
   c. A brief description of those services, qualifications, and the demonstrated
effectiveness of each such provider.
Parental Involvement

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

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

Education of Homeless Children and Youths

1. As required by NCLB § 722(e)(3)(C): The district shall provide written notice, at the time any homeless child or youth seeks enrollment in the school and at least twice annually while the child or youth is enrolled in the school, to the parent or guardian of the child or youth (or, in the case of an unaccompanied youth, the youth) that:
   a. Shall be signed by the parent or guardian;
   b. Sets forth the general rights provided under this subtitle;
   c. Specifically states:
      • The choice of schools homeless children and youths are eligible to attend;
      • That no homeless child or youth is required to attend a separate school for homeless children or youths;
      • That homeless children and youths shall be provided comparable services, including transportation services, educational services, and meals through school meals programs;
• That homeless children and youths should not be stigmatized by school personnel;

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

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

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

Persistently Dangerous Schools

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

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

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

3. For those students who accept the offer, complete the transfer.

In addition a district must also:

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

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

(2) In any two years within a three-year period, the school has experienced expulsions for drug, alcohol, weapons or violence that exceed one of the following rates –
   (a) more than five expulsions for a school of less than 250 students,
   (b) more than 10 expulsions for a school of more than 250 students but less than 1000 students, or
   (c) more than 15 expulsions for a school of more than 1,000 students.
1. Develop a corrective action plan; and

2. Implement the plan in a timely manner.

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

Student Privacy

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

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

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

Policy History:
Adopted on: 6/11/07
Revised on:
BEAVERHEAD COUNTY HIGH SCHOOL

R = required

5000 SERIES
PERSONNEL

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*Indicates new policy
Beaverhead County High School

PERSONNEL 5000

Board Goal/Personnel

District staff are invaluable in creating an effective educational program and vibrant learning environment. The Board seeks always to employ highly qualified individuals for all positions in the District. The Board realizes opportunities for staff development should be provided periodically.

The Board expects supervision and evaluation of staff to be conducted in a positive and helpful manner, with the intent of improving staff performance. The Board looks to staff to promote a positive school climate in all educational endeavors, so students may work toward their greatest potential, and the community will be proud of its investment.

Nothing contained in the policies or administrative procedures included herein is intended to limit the legal rights of the Board or its agents except as expressly stated.

Should any provision of Board policy or administrative procedure be held to be illegal by a court of competent jurisdiction, all remaining provisions shall continue in full force and effect.

Policy History:

Adopted on:
Revised on: 8/29/01, 6/11/2007
Accommodating Individuals With Disabilities

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

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

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

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

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

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

An individual with a disability should notify the Superintendent/Principal or vice principal/activities director if they have a disability which will require special assistance or services and what services are required. This notification should occur as far as possible before the school-sponsored function, program, or meeting.

Cross Reference: 1700 Uniform Complaint Procedure


Policy History:
Revised on:
Equal Employment Opportunity and Non-Discrimination

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

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

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

Cross Reference: 1700 Uniform Complaint Procedure

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

Policy History:
Adopted on: 8/11/1997
Sexual Harassment/Sexual Intimidation in the Workplace

The District will do everything in its power to provide employees a work environment free of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communications constituting sexual harassment, as defined and otherwise prohibited by state and federal law. This policy also applies to individuals attending any District-sponsored event, regardless of location.

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

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;

2. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting that individual; or

3. Such conduct has the purpose or effect of substantially interfering with the individual’s work performance or creating an intimidating, hostile, or offensive work environment.

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

Prevention

The District will provide regular in-service education and training for employees, including staff orientation, regarding sexual harassment and intimidation, including:

- Definitions of sexual harassment and intimidation and overview of relevant state and federal laws.
- Identification of harassing behaviors.
- Prevention techniques.
- Coping techniques for self and others.
- Training in positive communication alternatives to harassment.
- Grievance procedures available to employees and students.

A violation of this policy may result in disciplinary action, up to and including discharge. Any person who knowingly makes false accusation regarding sexual harassment will likewise be subject to disciplinary action, up to and including discharge.
An aggrieved person who feels comfortable doing so should directly inform the person engaging in sexually harassing conduct or communication that such conduct or communication is offensive and must stop.

Employees who believe they may have been sexually harassed or intimidated should contact the Title IX Coordinator or an administrator, who will assist them in filing a complaint. An individual with a complaint alleging a violation of this policy shall follow the Uniform Complaint Procedure.

Support Services

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

Notification

Notice of this policy, the prevention plan, and procedures shall be posted in the main office of Beaverhead County High School, including information on how to obtain a copy.

Cross Reference: 1700 Uniform Complaint Procedure

Legal Reference: Title VII of the Civil Rights Act, 42 U.S.C. §§ 2000(e), et seq., 29 C.F.R. § 1604.11
Montana Constitution, Art. X, § 1 - Educational goals and duties § 49-2-101, MCA Human Rights Act

Policy History:
Adopted on: 4/13/92
Revised on: 6/20/01, 6/11/2007
Bullying/Harassment/Intimidation

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

Definitions

1. “Third parties” include but are not limited to coaches, school volunteers, parents, school visitors, service contractors or others engaged in District business, such as employees of businesses or organizations participating in cooperative work programs with the District, and others not directly subject to District control at inter-district and intra-District athletic competitions or other school events.

2. “District” includes District facilities, District premises, and non-District property if the employee is at any District-sponsored, District-approved, or District-related activity or function, such as field trips or athletic events, where the employee is engaged in District business.

3. “Harassment, intimidation, or bullying” means any act that substantially interferes with an employee’s opportunities or work performance, that takes place on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation, or anywhere conduct may reasonably be considered to be a threat or an attempted intimidation of a staff member or an interference with school purposes or an educational function, and that has the effect of:
   a. Physically harming an employee or damaging an employee’s property;
   b. Knowingly placing an employee in reasonable fear of physical harm to the employee or damage to the employee’s property; or
   c. Creating a hostile working environment.

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

Reporting

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

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

Responsibilities

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

Consequences

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

Retaliation and Reprisal

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

Legal Reference: 10.55.701(1)(g), ARM Board of Trustees
10.55.801(1)(d), ARM School Climate

Policy History:
Revised on: 4/07/09
Beaverhead County High School

PERSONNEL

Hiring Process and Criteria

The Superintendent/Principal is responsible for recruiting personnel, in compliance with Board policy, and for making hiring recommendations to the Board. The administration will initially screen applicants for educational support positions. The District will hire highly qualified personnel consistent with budget and staffing requirements and will comply with Board policy and state law on equal employment opportunities and veterans’ preference. All applicants must complete a District application form to be considered for employment.

Every applicant must provide the District with written authorization for a criminal background investigation. The Superintendent/Principal will keep any conviction record confidential as required by law and District policy. Every newly hired employee must complete an Immigration and Naturalization Service form, as required by federal law.

Every newly hired employee must provide the District documentation of the results of a tuberculin skin test done within the year prior to initial employment, along with the name of the tester and the date and type of test administered, unless the person provides written medical documentation that he/she is a known tuberculin reactor.

Certification

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

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

Cross Reference: 5122 Fingerprints and Criminal Background Investigations

Legal Reference: § 20-4-202, MCA Teacher and specialist certification registration
§ 39-29-102, MCA Point preference or alternative preference in initial hiring for certain applicants – substantially equivalent selection procedure
No Child Left Behind Act of 2001 (P.L. 107-110) 37.114.1010, DPHHS Employee of School: Day Care Facility Care Provider

Policy History:
Beaverhead County High School

PERSONNEL

Applicability of Personnel Policies

Except where expressly provided to the contrary, personnel policies apply uniformly to the employed staff of the District. However, where there is a conflict between terms of a collective bargaining agreement and District policy, the law provides that the terms of the collective bargaining agreement shall prevail for staff covered by that agreement.

Board policies will govern when a matter is not specifically provided for in an applicable collective bargaining agreement.

Legal Reference: § 39-31-102, MCA Chapter not a limit on legislative authority

Policy History:
Revised on:
Fingerprints and Criminal Background Investigations

Board policy requires that 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/Principal, shall submit to a name-based and fingerprint criminal background investigation conducted by the appropriate law enforcement agency before consideration of the recommendation for employment or appointment by the Board. The results of the name-based check will be presented to the Board, concurrent with the recommendation for employment or appointment. Any subsequent offer of employment or appointment will be contingent on results of the fingerprint criminal background check, which must be acceptable to the Board, in its sole discretion.

The following applicants for employment, as a condition for employment, will be required, as a condition of any offer of employment, to authorize, in writing, a name-based and fingerprint criminal background investigation:

- A certified teacher seeking full- or part-time employment with the District;
- An educational support personnel employee seeking full- or part-time employment with the District;
- An employee of a person or firm holding a contract with the District, if the employee is assigned to the District;
- A volunteer assigned to work in the District, who has regular unsupervised access to students; and
- Substitute teachers.*

Any requirement of an applicant to submit to a fingerprint background check will be in compliance with the Volunteers for Children Act of 1998 and applicable federal regulations. If an applicant has any prior record of arrest or conviction by any local, state, or federal law enforcement agency for an offense other than a minor traffic violation, the facts must be reviewed by the Superintendent/Principal, who will decide whether the applicant will be declared eligible for appointment or employment. Arrests resolved without conviction will not be considered in the hiring process, unless the charges are pending.

*The requirement to fingerprint non-licensed substitutes may be waived in whole or in part by the trustees, if the substitute has previous teaching or substitute teaching experience in an accredited public school in Montana prior to November 28, 2002.

Legal Reference: § 44-5-301, MCA Dissemination of public criminal justice information
§ 44-5-302, MCA Dissemination of criminal history record
information that is not public criminal justice
information

§ 44-5-303, MCA Dissemination of confidential criminal justice
information

ARM 10.57.113 Substitute Teachers

Public Law 105-251, Volunteers for Children Act

Policy History:
Revised on:
AUTHORIZATION TO RELEASE INFORMATION, INCLUDING CONSENT TO FINGERPRINT BACKGROUND CHECK

To Whom it May Concern:

I, ______________________________, am seeking employment, volunteer assignment, and/or approval to be selected as an on-call substitute with Beaverhead County High School (the District). I hereby expressly authorize release of any and all information of a confidential or privileged nature, including confidential criminal justice information as defined in § 44-5-103(3), MCA, to the staff of the District and its agents.

I have ____ have not ____ been convicted or adjudicated* of any crime in any jurisdiction, besides minor traffic offenses. Attached, if necessary, is a complete description of the circumstances surrounding the crime(s) of which I have been convicted or adjudicated in any jurisdiction. I acknowledge that I have the right to obtain a copy of the fingerprint background check obtained by the District and to challenge its accuracy if necessary. I further acknowledge that my access to children may be denied prior to completion of the fingerprint background check.

*Adjudication – A passing of judgment of a court of law or a decision of a judge.

I hereby release the District and any organization, company, institution, or person furnishing information to the District and its agents as expressly authorized above, from any liability for damages which may result from any dissemination of the information requested, subject to provisions of Title 44, Chapter 5, Part 3, MCA.

All statements and information provided within this application and its attachments, if any, are true and complete. I understand that omission or misrepresentation of material fact may result in refusal of or suspension from employment.

This document is effective until revoked in writing by me.

____________________________________ __________________
SIGNATURE DATE

Print full name: _____________________________________________________________________

Print full address: ___________________________________________________________________

__________________________________________________________________________________

city state zip

Birth Date: _________________ Social Security Number: _______________________________

STATE OF MONTANA )
: ss.
County of _______________ )

On this _____ day of ________________, 200__, before me, a Notary Public for the state of Montana, personally appeared _________________________________, known to me to be the person named in the foregoing Authorization to Release Information, and acknowledged to me that _____ executed the same as _____ free act and deed for the purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year in this certificate first above written.

____________________________________
(name)

NOTARY PUBLIC for the State of Montana
Residing at ____________________, Montana
My commission expires: __________________
Whistle Blowing and Retaliation

When district employees know or have reasonable cause to believe that serious instances of wrongful conduct (e.g., mismanagement of district resources, violations of law and/or abuse of authority) have occurred, they should report such wrongful conduct to the Superintendent or Board Chairperson.

For purposes of this policy, the term “wrongful conduct” shall be defined to include:

- theft of district money, property, or resources;
- misuse of authority for personal gain or other non-district purpose;
- fraud;
- violations of applicable federal and state laws and regulations; and/or
- serious violations of district policy, regulation, and/or procedure.

The Board of Trustees will not tolerate any form of reprisal, retaliation or discrimination against:

- Any employee, or applicant for employment, because he/she opposed any practice that he/she reasonably believed to be made unlawful by federal or state laws prohibiting employment discrimination on the basis of sex, sexual orientation, race, color, national origin, age, religion, height, weight, marital status, handicap or disability.

- Any employee, or applicant for employment, because he/she filed a charge, testified, assisted or participated, in any manner, in an investigation, proceeding or hearing under federal or state laws prohibiting employment discrimination on the basis of sex, sexual orientation, race, color, national origin, age, religion, height, weight, marital status, handicap or disability or because he/she reported a suspected violation of such laws according to this policy; or,

- Any employee or applicant because he/she reported, or was about to report, a suspected violation of any federal, state or local law or regulation to a public body (unless the employee knew that the report was false) or because he/she was requested by a public body to participate in an investigation, hearing or inquiry held by that public body or a court.

An employee or applicant for employment who believes that he/she has suffered reprisal, retaliation or discrimination in violation of this policy shall report the incident(s) to the Superintendent or his/her designee. The Board of Trustees guarantees that no employee or applicant for employment who makes such a report will suffer any form of reprisal, retaliation or discrimination for making the report. Individuals are forbidden from preventing or interfering with whistle blowers who make good faith disclosures of misconduct.

The Board or its agents will not discharge, discipline or otherwise penalize any employee because the employee or someone acting on the employee’s behalf, reports, verbally or in writing, a violation or suspected violation of any state or federal law or regulation or any town/city ordinance or regulation to a
public body, or because an employee is requested by a public body to participate in an investigation, hearing or inquiry held by that public body, or a court action. Further, the Board or its agents will not discharge, discipline or otherwise penalize any employee because the employee, or a person acting on his/her behalf, reports, verbally or in writing, to a public body, as defined in the statutes, concerning unethical practices, mismanagement or abuse of authority by the employer. This section does not apply when an employee knowingly makes a false report.

The District will exercise reasonable efforts to:

- investigate any complaints of retaliation or interference made by whistle blowers;
- take immediate steps to stop any alleged retaliation; and
- discipline any person associated with the District found to have retaliated against or interfered with a whistle blower.

The Board of Trustees considers violations of this policy to be a major offense that will result in disciplinary action, up to and including termination, against the offender, regardless of the offender’s position within the District.

The Board shall make this policy available to its staff by posting it on its website with its other District policies.

Legal References:

- Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e-3(a)
- Age Discrimination in Employment Act, 29 U.S.C. §623 (d)
- Americans with Disabilities Act, 42 U.S.C. §12203(a) and (b)
- Occupational Safety and Health Act, 29 U.S.C. §6660(c)
- Family and Medical Leave Act, 29 U.S.C. §2615
- National Labor Relations Act, 29 U.S.C. §158(a)
Through its overall safety program and various policies pertaining to school personnel, the Board will promote the safety of employees during working hours and assist them in the maintenance of good health. The Board will encourage all its employees to maintain optimum health through the practice of good health habits.

The Board may require physical examinations of its employees, under circumstances defined below. The District will maintain results of physical examinations in medical files separate from the employee’s personnel file and will release them only as permitted by law.

The District participates in a Pre-Placement Physical Program for all custodial and maintenance personnel and other positions deemed inclusive of this policy as determined by specific Board action. Subsequent to a conditional offer of employment in a position for which the District may require participation in a pre-placement physical, but before commencement of work, the District may require an applicant to have a medical examination and to meet any other health requirements which may be imposed by the state. The District may condition an offer of employment on the results of such examination, if all employees who received a conditional offer of employment in the applicable job category are subject to such examination. The report shall certify the employee’s ability to perform the job-related functions of the position for which the employee is being considered. Such examination shall be used only to determine whether the applicant is able to perform with reasonable accommodation job-related functions.

All bus drivers, whether full-time, regular part-time, or temporary part-time, are required by state law to have a satisfactory medical examination before employment.

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

Confidentiality

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

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

Legal Reference:
29 U.S.C. 794, Section 504 of the Rehabilitation Act
29 CFR, Section 1630.14(c)(1)(2)(3)
42 U.S.C. 12101, et seq. Americans with Disabilities Act
Title 49, Chapter 2, MCA Illegal Discrimination
Title 49, Chapter 4, MCA Rights of Persons with Disabilities
§ 20-10-103(4), MCA School bus driver qualifications
ARM 16.28.1005 Employee of School – Day Care Facility
ARM 37.111.825 Care Provider
ARM 37.111.825 Health Supervision and Maintenance

Policy History:
Classified Employment and Assignment

Each classified employee will be employed under a written contract of a specified term, of a beginning and ending date, within the meaning of § 39-2-912, MCA after the employee has satisfied the requisite probationary period of six (6) months. Should the employee satisfy the probationary period, such employees shall have no expectation of continued employment beyond the current contract term.

The District reserves the right to change employment conditions affecting an employee’s duties, assignment, supervisor, or grade.

The Board will determine salary and wages for classified personnel.

Legal Reference: § 39-2-904, MCA Elements of wrongful discharge – presumptive probationary period

Hunter v. City of Great Falls (2002), 2002 MT 331

Policy History:
Revised on:
Beaverhead County High School

PERSONNEL

Assignments, Reassignments, Transfers

The Superintendent/Principal may assign, reassign, and/or transfer positions and duties of all staff. Teachers will be assigned at the levels and in the subjects for which they are licensed and endorsed, or for which they are enrolled in an internship as defined in ARM 10.55.602 and meet the requirements of ARM 10.55.607. The Superintendent/Principal will provide for a system of assignment, reassignment, and transfer of classified staff, including voluntary transfers and promotions. Nothing in this policy prevents reassignment of a staff member during a school year.

Classified Staff

The District retains the right of assignment, reassignment, and transfer. Written notice of reassignment or involuntary transfer will be given to the employee. The staff member will be given opportunity to discuss the proposed transfer or reassignment with the Superintendent/Principal.

Teaching

Notice of their teaching assignments relative to grade level, building, and subject area will be given to teachers before the beginning of the school year. All District employees assigned extracurricular activities as a contract obligation must honor this obligation as a condition of employment unless released from this responsibility by the Board.

Provisions governing vacancies, promotions, and voluntary or involuntary transfers may be found in negotiated agreements or employee handbooks.

Legal Reference:  
§ 20-4-402, MCA Duties of District Superintendent or County High School Principal  
ARM 10.55.602 Definition of Internship  
ARM 10.55.607 Internships

Policy History:  
Reviewed on:  
Revised on: 8/11/14
When the District determines that a vacancy exists, that vacancy may be posted in the school building or, during the summer, outside the office.

Vacancies may be advertised in-District only or they may be advertised in-District and through job service, Career Services at a college or university, local public advertising, and, where appropriate and if time permits, through a broader regional and/or national basis. A vacancy need not be advertised, as determined by the Superintendent/Principal.

Policy History:
Beaverhead County High School

PERSONNEL

Work Day

Length of Work Day - Certified Staff

The teacher work day shall be from 8:00 a.m. until 3:40 p.m. Teachers shall be in the building and available to students during this time, with the exception of the lunch period. Faculty members needing to leave the building during the school day should sign out in the main office prior to leaving, and should sign in upon their return. Teachers should be in or near their classroom five minutes before the beginning of their first class.

Length of Work Day - Classified Staff

The length of a work day for classified staff is governed by the number of hours for which the employee is assigned. A “full-time” employee shall be considered to be an eight-(8)-hour-per-day/forty-(40)-hour-per-week employee. The work day is exclusive of lunch but inclusive of breaks unless otherwise and specifically provided for by an individual contract. Supervisors will establish schedules. Normal office hours in the District will be 8:00 a.m. to 4:00 p.m.

Legal Reference: 29 USC 201 to 219 Fair Labor Standards Act of 1985
29 CFR 516, et seq. FLSA Regulations
§ 39-3-405, MCA Overtime compensation
§ 39-4-107, MCA State and municipal governments, school districts, mines, mills, and smelters
10.65.103(2), ARM Program of Approved Pupil Instruction-Related Days
24.16.102, et seq., ARM Wages and Hours

Policy History:
Revised on:
Evaluation of Non-Administrative Staff

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

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

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

Policy History:
Reviewed on:
Revised on: 8/11/14
Beaverhead County High School

PERSONNEL

Personal Conduct

Employees are expected to maintain high standards of honesty, integrity, and impartiality in the conduct of District business.

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

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

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

Legal Reference: § 20-1-201, MCA School officers not to act as agents

Policy History:
Adopted on:
The Board recognizes its employees’ rights of citizenship, including but not limited to engaging in political activities. A District employee may seek an elective office, provided the employee does not campaign on school property during working hours, and provided all other legal requirements are met. The District assumes no obligation beyond making such opportunities available. An employee elected to office is entitled to take a leave of absence without pay, in accordance with the provisions of § 2-18-620, MCA.

No person, in or on District property, may attempt to coerce, command, or require a public employee to support or oppose any political committee, the nomination or election of any person to public office, or the passage of a ballot issue.

No District employee may solicit support for or in opposition to any political committee, the nomination or election of any person to public office, or the passage of a ballot issue, while on the job or in or on District property.

Nothing in this policy is intended to restrict the right of District employees to express their personal political views.

Legal Reference: 5 USC 7321, et seq. Hatch Act
§ 2-18-620, MCA Mandatory leave of absence for employees holding public office – return requirements
§ 13-35-226, MCA Unlawful acts of employers and employees

Policy History:
Revised on:
Beaverhead County High School

PERSONNEL 5226

page 1 of 2

Drug-Free Workplace

All District workplaces are drug- and alcohol-free. All employees are prohibited from:

- Unlawfully manufacturing, dispensing, distributing, possessing, using, or being under the influence of a controlled substance while on District premises or while performing work for the District, including employees possessing a “medical marijuana” card.
- Distributing, consuming, using, possessing, or being under the influence of alcohol while on District premises or while performing work for the District.

For purposes of this policy, a controlled substance is one that is:

- Not legally obtainable;
- Being used in a manner other than as prescribed;
- Legally obtainable but has not been legally obtained; or
- Referenced in federal or state controlled-substance acts.

For purposes of this policy, workplace is any place work is performed, including a school building or other school premises; a school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; off school property during any school-sponsored or school-approved activity, event, or function, such as a field trip or athletic event, where students are under District jurisdiction.

As a condition of employment, each employee will:

- Abide by the terms of the District policy respecting a drug- and alcohol-free workplace; and
- Notify his or her supervisor of his or her conviction under any criminal drug statute, for a violation occurring on District premises or while performing work for the District, no later than five (5) days after such conviction.

In order to make employees aware of dangers of drug and alcohol abuse, the District will endeavor to:

- Provide each employee with a copy of the District drug- and alcohol-free workplace policy;
- Post notice of the District drug- and alcohol-free workplace policy in a place where other information for employees is posted;
- Enlist the aid of community and state agencies with drug and alcohol informational and rehabilitation programs, to provide information to District employees; and
- Inform employees of available drug and alcohol counseling, rehabilitation, reentry, and any employee-assistance programs.
District Action Upon Violation of Policy

An employee who violates this policy may be subject to disciplinary action, including termination. Alternatively, the Board may require an employee to successfully complete an appropriate drug- or alcohol-abuse, employee-assistance rehabilitation program.

The Board will take disciplinary action with respect to an employee convicted of a drug offense in the workplace, within thirty (30) days of receiving notice of a conviction.

Should District employees be engaged in the performance of work under a federal contract or grant, or under a state contract or grant, the Superintendent/Principal will notify the appropriate state or federal agency from which the District receives contract or grant moneys of an employee’s conviction, within ten (10) days after receiving notice of the conviction.

Legal Reference: 41 USC 702, 703, 706 Drug Free Workplace Requirements
§ 50-46-205(2)(b), MCA Limitations of Medical Marijuana Act

Policy History:
Revised on: 1/14/08, 11/08/10
Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers

The District will adhere to federal law and regulations requiring a drug and alcohol testing program for school bus and commercial vehicle drivers.

The program will comply with requirements of the Code of Federal Regulations, Title 49, §§ 382, et seq. The Superintendent/Principal will adopt and enact regulations consistent with federal regulations, defining the circumstances and procedures for testing.

49 C.F.R. Parts 40 (Procedures for Transportation Workplace Drug and Alcohol Testing Programs), 382 (Controlled substance and alcohol use and testing), and 395 (Hours of service of drivers)

Policy History:
Revised on:
Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers

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

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

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

Pre-Employment Tests

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

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

The tests shall be required of an applicant only after he/she has been offered the position. Exceptions may be made for drivers who have had the alcohol test required by law within the previous six (6) months and participated in the drug testing program required by law within the previous thirty (30) days, provided that the District has been able to make all verifications required by law.

Post-Accident Tests

Alcohol and controlled substance tests shall be conducted as soon after an accident as practicable on any driver:

1. Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved loss of human life; or

2. Who receives a citation under state or local law, for a moving traffic violation arising from the accident.

Drivers shall make themselves readily available for testing, absent the need for immediate
medical attention.

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

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

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

Random Tests

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

Reasonable Suspicion Tests

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

Alcohol tests are authorized for reasonable suspicion only if the required observations are made during, just before, or just after the period of the work day when the driver must comply with alcohol prohibitions. An alcohol test may not be conducted by the person who determines that reasonable suspicion exists to conduct such a test. If an alcohol test is not administered within two (2) hours of a determination of reasonable suspicion, the District shall prepare and maintain a record explaining why this was not done. Attempts to conduct alcohol tests shall terminate after eight (8) hours.

A supervisor or District official who makes observations leading to a controlled substance reasonable suspicion test shall make a written record of his/her observations within twenty-four
(24) hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

Enforcement

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

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

A driver who violates District prohibitions related to drugs and alcohol shall receive from the District the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs available to evaluate and resolve drug and alcohol-related problems. The employee shall be evaluated by a substance abuse professional who shall determine what help, if any, the driver needs in resolving such a problem. Any substance abuse professional who determines that a driver needs assistance shall not refer the driver to a private practice, person, or organization in which he/she has a financial interest, except under circumstances allowed by law.

An employee identified as needing help in resolving a drug or alcohol problem shall be evaluated by a substance abuse professional to determine that he/she has properly followed the prescribed rehabilitation program and shall be subject to unannounced follow-up tests after returning to duty.

Return-to-Duty Tests

A drug or alcohol test shall be conducted when a driver who has violated the District’s drug or alcohol prohibition returns to performing safety-sensitive duties.

Employees whose conduct involved drugs cannot return to duty in a safety-sensitive function until the return-to-duty drug test produces a verified negative result.

Employees whose conduct involved alcohol cannot return to duty in a safety-sensitive function until the return-to-duty alcohol test produces a verified result that meets federal and District standards.

Follow-Up Tests

A driver who violates the District’s drug or alcohol prohibition and is subsequently identified by a substance abuse professional as needing assistance in resolving a drug or alcohol problem shall be subject to unannounced follow-up testing as directed by the substance abuse professional in accordance with law. Follow-up alcohol testing shall be conducted just before, during, or just
after the time when the driver is performing safety-sensitive functions.

Records

Employee drug and alcohol test results and records shall be maintained under strict confidentiality and released only in accordance with law. Upon written request, a driver shall receive copies of any records pertaining to his/her use of drugs or alcohol, including any records pertaining to his/her drug or alcohol tests. Records shall be made available to a subsequent employer or other identified persons only as expressly requested in writing by the driver.

Notifications

Each driver shall receive educational materials that explain the requirements of the Code of Federal Regulations, Title 49, Part 382, together with a copy of the District’s policy and regulations for meeting these requirements. Representatives of employee organizations shall be notified of the availability of this information. The information shall identify:

1. The person designated by the District to answer driver questions about the materials;
2. The categories of drivers who are subject to the Code of Federal Regulations, Title 49, Part 382;
3. Sufficient information about the safety-sensitive functions performed by drivers to make clear what period of the work day the driver is required to comply with Part 382;
4. Specific information concerning driver conduct that is prohibited by Part 382;
5. The circumstances under which a driver will be tested for drugs and/or alcohol under Part 382;
6. The procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of test results, and ensure that test results are attributed to the correct driver;
7. The requirement that a driver submit to drug and alcohol tests administered in accordance with Part 382;
8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences;
9. The consequences for drivers found to have violated the drug and alcohol prohibitions of Part 382, including the requirement that the driver be removed immediately from safety-sensitive functions and the procedures for referral, evaluation, and treatment;
10. The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04; and

11. Information concerning the effects of drugs and alcohol on an individual’s health, work, and personal life; signs and symptoms of a drug or alcohol problem (the driver’s or a coworker’s); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to an employee assistance program, and/or referral to management.

Drivers shall also receive information about legal requirements, District policies, and disciplinary consequences related to the use of alcohol and drugs.

Each driver shall sign a statement certifying that he/she has received a copy of the above materials.

Before any driver operates a commercial motor vehicle, the District shall provide him/her with post-accident procedures that will make it possible to comply with post-accident testing requirements.

Before drug and alcohol tests are performed, the District shall inform drivers that the tests are given pursuant to the Code of Federal Regulations, Title 49, Part 382. This notice shall be provided only after the compliance date specified in law.

The District shall notify a driver of the results of a pre-employment drug test if the driver requests such results within sixty (60) calendar days of being notified of the disposition of his/her employment application.

The District shall notify a driver of the results of random, reasonable suspicion, and post-accident drug tests if the test results are verified positive. The District shall also tell the driver which controlled substance(s) were verified as positive.

Drivers shall inform their supervisors if at any time they are using a controlled substance which their physician has prescribed for therapeutic purposes. Such a substance may be used only if the physician has advised the driver that it will not adversely affect his/her ability to safely operate a commercial motor vehicle.

Procedure History:
Revised on:
All District personnel will be advised of routine procedures to follow in handling body fluids. These procedures, developed in consultation with public health and medical personnel, will provide simple and effective precautions against transmission of diseases to persons exposed to the blood or body fluids of another. The procedures will follow standard health and safety practices. No distinction will be made between body fluids from individuals with a known disease or infection and from individuals without symptoms or with an undiagnosed disease.

The District will provide training on procedures as needed. Appropriate supplies will be available to all personnel, including those involved in transportation and custodial services.

Policy History:
Revised on:
PERSONNEL

Personnel Records

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

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

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

Personnel records must be kept for 10 years after termination.

Cross Reference: 4340 Public Access to District Records

Legal Reference: Admin. R. Mont. 10.55.701(5) Board of Trustees
No Child Left Behind Act of 2001, (Public Law 107-334) § 20-1-212(2), MCA Destruction of records by school officer.

Policy History:
Reviewed on:
Revised on: 08/12/2013
The District shall maintain a cumulative personnel file in the administrative office for each of its employees, as required by the Office of Public Instruction and current personnel policies. These records are not to leave the administrative office except as specifically authorized by the Superintendent/Principal, and then only by signed receipt. Payroll records are maintained separately.

Contents of Personnel Files

A personnel file may contain but is not limited to transcripts from colleges or universities, information allowed by statute, a record of previous employment (other than college placement papers for periods beyond active candidacy for a position), evaluations, copies of contracts, and copies of letters of recommendation requested by an employee. All material in the personnel file must be related to the employee’s work, position, salary, or employment status in the District. All documents, communications, and records dealing with the processing of a grievance shall be filed separately from the personnel files of the participants.

No material derogatory to an employee’s conduct, service, character, or personality shall be placed in the file, unless such placement is authorized by the Superintendent/Principal, as indicated by the Superintendent/Principal’s initials, and unless the employee has had adequate opportunity to read the material. For the latter purpose, the Superintendent/Principal shall take reasonable steps to obtain the employee’s initials or signature verifying the employee has received a copy of the material. If the employee refuses to sign the document indicating they have had an opportunity to read it, the Superintendent/Principal will place an addendum to the document, noting that the employee was given a copy but refused to sign. The Superintendent/Principal will date and sign the addendum.

Disposition of Personnel Files

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

Record-Keeping Requirements Under the Fair Labor Standards Act

1. Records required for ALL employees:
   A. Name in full (same name as used for Social Security);
   B. Employee’s home address, including zip code;
   C. Date of birth if under the age of nineteen (19);
2. Additional records required for non-exempt employees:

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

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

Legal Reference: 29 USC 201, et seq. Fair Labor Standards Act
§§ 2-6-101, et seq., MCA Public Records
24.9.805, ARM Employment Records

Procedure History:
Revised on:
Abused and Neglected Child Reporting

A District employee who has reasonable cause to suspect that a student may be an abused or neglected child shall report such a case to the Montana Department of Public Health and Human Services and notify the Superintendent/Principal or vice principal/activities director that a report has been made. An employee does not discharge the obligation to personally report by notifying the Superintendent/Principal or vice principal/activities director.

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

When a District employee makes a report, the DPHHS may share information with that individual or others as stated in 41-3-201(5). Individuals who receive information pursuant to the above named subsection (5) shall maintain the confidentiality of the information as required in 41-3-205.

Legal Reference: § 41-3-201, MCA Reports
§ 41-3-202, MCA Action on reporting
§ 41-3-203, MCA Immunity from liability
§ 41-3-205, MCA Confidentiality – disclosure exceptions
§ 41-3-207, MCA Penalty for failure to report

Policy History:
Reviewed on:
Revised on: 08/12/2013
Beaverhead County High School

PERSONNEL

Beaverhead County High School
Report of Suspected Child Abuse or Neglect
Hot Line Number – 866-820-5437

Original to: Department of Public Health and Human Services
Copy to: Administration

From: ______________________________
Title: ______________________________

School: _____________________________
Phone: _____________________________

Persons contacted: □ Vice Principal/Activities Director □ Teacher □ School Nurse
□ Other ______________________________

Name of Minor: ____________________________ Date of Birth: ________________

Address: ____________________________ Phone: ____________________________

Date of Report: ________________ Attendance Pattern: _______________________________

Father: ________________ Address: ____________________________ Phone: __________

Mother: ________________ Address: ____________________________ Phone: __________

Guardian or Stepparent: ________________ Address: ____________________________ Phone: __________

Any suspicion of injury/neglect to other family members: ______________________________

Nature and extent of the child’s injuries, including any evidence of previous injuries, and any other information which may be helpful in showing abuse or neglect, including all acts which lead you to believe the child has been abused or neglected: ______________________________

Previous action taken, if any: ______________________________

Follow-up by Department of Public Health and Human Services (DPHHS to complete and return copy to the Administration):

Date Received: ________________ Date of Investigation: ________________
Video/Audio Surveillance – Employees

The Board authorizes use of video/audio monitoring devices on District property, to ensure the health, welfare, and safety of employees, students, and visitors to District property and to safeguard District facilities and equipment. Video/audio monitoring devices may be used in locations deemed appropriate by the Superintendent/Principal. Camera locations are hallways, stairwells, and outside locations.

The District shall notify employees, students, and the public, through student/parent and employee handbooks, that video/audio surveillance may occur on District property.

Employees who violate Board policies, administrative regulations, building rules, or law shall be subject to appropriate disciplinary action. Other persons may be referred to law enforcement agencies.

Video/audio recordings of violations of Board policies, administrative regulations, building rules, or law may become part of an employee’s personnel record. The District shall comply with applicable state and federal laws related to record maintenance and retention.

Policy History:
Adopted on: 5/13/2002
Resolution of Staff Complaints/Problem-Solving

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

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

Each employee is expected to follow established rules of conduct, policies, and practices. Should an employee disagree with a policy or practice, the employee can express his or her disagreement through the District’s grievance procedure. A grievance is a claim by an employee alleging a violation, misinterpretation, or misapplication of provisions of an appropriate collective bargaining agreement or of District policies and procedures. A grievance must cite the specific language allegedly violated, misinterpreted, or misapplied and identify a suitable remedy. No employee shall be penalized, formally or informally, for voicing a disagreement with the District in a reasonable, businesslike manner or for using the grievance procedure. An employee filing a grievance under a collective bargaining agreement is required to follow the grievance procedure for that particular agreement.

All documents, communications, and records dealing with processing a grievance shall be maintained in a separate file and shall not be kept in the personnel file of the aggrieved.

Cross Reference: 1700 Uniform Complaint Procedure

Policy History:
Adopted on: 5/11/98
Non-Renewal of Employment/Dismissal From Employment

The Board, after receiving the recommendations of the Superintendent/Principal, will determine the non-renewal or termination of certified and classified staff, in conformity with state statutes and applicable District policy.

Cross Reference: 5140 Classified Employment and Assignment

Legal Reference:
§ 20-4-204, MCA Termination of tenure teacher services
§ 20-4-206, MCA Notification of nontenure teacher reelection – acceptance – termination.
§ 20-4-207, MCA Dismissal of teacher under contract

Policy History:
Adopted on: 5/11/98
Beaverhead County High School

PERSONNEL

Resignations

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

Once the Superintendent [school administrator] has accepted the resignation it may not be withdrawn by the employee. The resignation and its acceptance should be reported as information to the Board at the next regular or special meeting.


Policy History:
Reviewed on:
Revised on: 11/12/2007, 08/12/2013
PERSONNEL

Retirement Programs for Employees

All District employees shall participate in retirement programs under the Federal Social Security Act and either the Teachers’ Retirement System or the Public Employees’ Retirement System in accordance with state retirement regulations.

Certified employees who intend to retire at the end of the current school year should notify the Superintendent in writing prior to April 1 of that year.

Those employees intending to retire, who are not contractually obligated to complete the school year, should notify the Superintendent as early as possible and no less than sixty (60) days before their retirement date.

The relevant and most current negotiated agreements for all categories of employees shall specify severance stipends and other retirement conditions and benefits.

The District will contribute to the PERS whenever a classified employee is employed for more than the equivalent of one hundred twenty (120) full days (960 hours) in any one (1) fiscal year. Part-time employees who are employed for less than 960 hours in a fiscal year may elect PERS coverage, at their option and in accordance with § 19-3-412, MCA.

Legal Reference: Title 19, Chapter 1, MCA Social Security
Title 19, Chapter 3, MCA Public Employees’ Retirement System
Title 19, Chapter 20, MCA Teachers’ Retirement

Policy History:
Adopted on:
ACH Direct Deposit Procedures

The Automated Clearing House (ACH) Direct Deposit is designed for direct deposit of Beaverhead County High School employees’ paychecks. Beaverhead County High School will bear the costs incurred for these transactions. Employees wishing to have ACH Direct Deposit will provide routing and account numbers, amounts of deposits, and any other information the Clerk deems necessary. Information provided to the Clerk will be held in strict confidence.

If an employee does not elect to have ACH Direct Deposit, only pretax deductions will be made. All other deductions will be the employee’s responsibility, as well as any costs incurred for a lost paycheck/warrant.

Requests for changes to an employee’s file must be presented in writing to the Clerk no later than the fifteenth (15th) day of the month to be facilitated for that month. The Clerk reserves the right to not facilitate changes to an employee’s file, if further verification from the company is needed to facilitate the changes.

Policy History:

Adopted on: 11/4/02
Beaverhead County High School

PERSONNEL

Payment of Employer Contributions and Interest on Previous Service

A Public Employees’ Retirement System (PERS) member may purchase (1) all or a portion of
the member’s employment with an employer prior to the time the employer entered into a
contract for PERS coverage and (2) all or a portion of the member’s employment for which
optional PERS membership was declined (both of which are known as previous service).

The member must file a written application with the PERS Board to purchase all or a portion of
the employment for service credit and membership service. The application must include salary
information certified by the member’s employer or former employer.

The District has the option to pay, or not to pay, the employer’s contributions due on previous
service and the option to pay, or not to pay, the outstanding interest due on the employer’s
contributions for the previous service.

It is the policy of this District to (pay) (not pay) the employer’s contributions due on previous
service.

It is also the policy of this District to (pay) (not pay) the outstanding interest due on the
employer’s contributions for the previous service.

This policy will be applied indiscriminately to all employees and former employees of this
District.

Legal Reference: §19-3-505, MCA Purchase of previous employment with employer

Policy History:
Adopted on: 11/04/02
Reviewed on:
Revised on: 6/11/07

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Disciplinary Action

District employees who fail to fulfill their job responsibilities or to follow reasonable directions of their supervisors, or who conduct themselves on or off the job in ways that affect their effectiveness on the job, may be subject to discipline. Behavior, conduct, or action that may call for disciplinary action or dismissal includes but is not limited to reasonable job-related grounds based on a failure to satisfactorily perform job duties, disruption of the District’s operation, or other legitimate reasons.

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

The District’s restrictions on students who have brought to, or possess a firearm at, any setting that is under the control and supervision of the school district and a student who has been found to have possessed, used or transferred a weapon on school district property apply to all employees of the District pursuant to Policy 3311.

The Superintendent is authorized to immediately suspend a staff member.

Cross Reference  Policy 3311  Firearms and Weapons

Legal Reference: § 20-3-210, MCA  Controversy appeals and hearings
§ 20-3-324, MCA  Powers and duties
§ 20-4-207, MCA  Dismissal of teacher under contract
§ 39-2-903, MCA  Definitions

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

Policy History:
Revised on: 11/08/10
Beaverhead County High School

PERSONNEL

Reduction in Force

The Board has exclusive authority to determine the appropriate number of employees. A reduction in certified employees may occur as a result of but not be limited to changes in the education program, staff realignment, changes in the size or nature of the student population, financial considerations, or other reasons deemed relevant by the Board.

In the event it should, in the Board’s judgment, be advisable to reduce the number of the teaching staff, teachers shall be retained in order of seniority, determined by length of the latest continuous service in the District in a position for which the teacher is clearly qualified under the rules and regulations of the State Board of Public Education. The certificate endorsement must be on file in the Superintendent/Principal’s office by the first (1st) day of the current teaching contract year.

Cross Reference: 5250 Nonrenewal of Employment/Dismissal From Employment

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

Policy History:
Adopted on: 7/1/94
Revised on: 9/11/00, 6/11/2007
The Board authorizes the use of substitute teachers as necessary to replace teachers who are temporarily absent. The vice principal/activities director and school secretary shall arrange for the substitute to work for the absent teacher. Under no condition is a teacher to select or arrange for a private substitute.

The Board annually establishes a daily rate of pay for substitute teachers. No fringe benefits are given to substitute teachers.

Substitutes for classified positions will be paid by the hour. When a classified employee is called upon to substitute for a teacher, the teacher sub rate shall apply unless the classified rate of pay is higher.

All substitute teachers will be required to undergo fingerprint and background checks. The Board may pass a motion waiving, in whole or in part, this requirement, if the non-licensed substitute has previous teaching or substitute teaching experience in an accredited public school in Montana prior to November 28, 2002.

Policy History:
Revised on:
Leaves of Absence

Sick Leave

Certified employees will be granted sick leave according to terms of their collective bargaining agreement.

Classified employees will be granted sick leave benefits in accordance with § 2-18-618, MCA. For classified staff, “sick leave” is defined as a leave of absence, with pay, for a sickness suffered by an employee or an employee’s immediate family. Sick leave may be used by an employee when they are unable to perform job duties because of:

- A physical or mental illness, injury, or disability;
- Maternity or pregnancy-related disability or treatment, including prenatal care, birth, or medical care for the employee or the employee’s child;
- Parental leave for a permanent employee as provided in § 2-18-606, MCA;
- Quarantine resulting from exposure to a contagious disease;
- Examination or treatment by a licensed health care provider;
- Short-term attendance, in an agency’s discretion to care for a person (who is not the employee or a member of the employee’s immediate family) until other care can reasonably be obtained;
- Necessary care for a spouse, child or parent with a serious health condition, as defined in the Family and Medical Leave Act of 1993; or
- Death or funeral attendance of an immediate family member or, at an agency’s discretion, another person.

Nothing in this policy guarantees approval of the granting of such leave in any instance. The District will judge each request in accordance with this policy and governing collective bargaining agreements.

It is understood that seniority will accumulate while a teacher or employee is utilizing sick leave credits. Seniority will not accumulate, unless an employee is in a paid status. Abuse of sick leave is cause for disciplinary action up to and including termination.

If an absence reaches ten (10) teaching days in any thirty (30) day period, the Superintendent/Principal may require the teacher to present a physician’s statement of physical condition.

Personal and Emergency Leave

Teachers will be granted personal and emergency leave according to terms of the current collective bargaining agreement. Upon recommendation of the Superintendent/Principal, and in accordance with law and District policy, classified staff may be granted personal leave pursuant to the following conditions:
1. Leave will be without pay unless otherwise stated. If leave is to include expenses payable by the District, leave approval will so state.

2. Leave will be granted only in units of half or full days.

3. Notice of at least one (1) week is required for any personal leave of less than one (1) week; notice of one (1) month is required for any personal leave exceeding one (1) week.

4. With approval of the Board, the Superintendent/Principal has the flexibility, in unusual or exceptional circumstances, to grant personal leave to employees not covered by sick or annual leave. The employee will not receive fringe benefits during any personal leave of greater than fifteen (15) days. During the leave, the employee may pay the District’s share of any insurance benefit program in order to maintain those benefits, provided that is acceptable to the insurance carrier. Staff using personal leave will not earn any sick leave or annual leave credits or any other benefits during the approved leave of absence.

Civic Duty Leave

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

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

Legal Reference: 42 USC 2000e Equal Employment Opportunities
§ 2-18-601(10), MCA Definitions
§ 2-18-618, MCA Sick leave
§ 49-2-310, MCA Maternity leave – unlawful acts of employers
§ 49-2-311, MCA Reinstatement to job following pregnancy- related leave of absence

Policy History:
Adopted on: 5/11/98
Conditions for Use of Leave

Certified staff may use sick leave for those instances listed in the current collective bargaining agreement. Classified staff may use sick leave for illness; injury; medical disability; maternity-related disability, including prenatal care, birth, miscarriage, or abortion; quarantine resulting from exposure to contagious disease; medical, dental, or eye examination or treatment; necessary care of or attendance to an immediate family member or, at the District’s discretion, another relative for the above reasons until other attendants can reasonably be obtained, and death or funeral attendance for an immediate family member. Leave without pay may be granted to employees upon the death of persons not included in this list.

Accrual and Use of Sick Leave Credits

Certified employees will accrue and may use their sick leave credits according to the current collective bargaining agreement.

Classified employees serving in positions that are permanent full-time, seasonal full-time, or permanent part-time are eligible to earn sick leave credits, which will accrue from the first day of employment. A classified employee must be employed continuously for a qualifying period of ninety (90) calendar days in order to use sick leave. Unless there is a break in service, an employee only serves the qualifying period once. After a break in service, an employee must again complete the qualifying period to use sick leave. Sick leave may not be taken in advance nor may be taken retroactively. A seasonal classified employee may carry over accrued sick leave credits to the next season if management has a continuing need for the employee or, alternatively, may be paid a lump sum for accrued sick leave credits when the season ends, in accordance with ARM 2.21.141.

Employees, whether classified or certified, simultaneously employed in two (2) or more positions, will accrue sick leave credits in each position according to the number of hours worked or a proration of the contract (in the case of certified) worked. Leave credits will be used only from the position in which the credits were earned and with approval of the supervisor or appropriate authority for that position. Hours in a pay status paid at the regular rate will be used to calculate leave accrual. Sick leave credits will not accrue for those hours exceeding forty (40) hours in a workweek, which are paid as overtime hours or recorded as compensatory time. A full-time employee will not earn less than nor more than the full-time sick leave accrual rate provided classified employees.

When an employee who has not worked the qualifying period for use of sick leave takes an approved continuous leave of absence without pay in excess of fifteen (15) working days, the amount of time an employee is on leave of absence will not count toward completion of the qualifying period. The approved leave of absence exceeding fifteen (15) working days is not a break in service, and the employee will not lose any accrued sick leave credits nor lose credit for...
time earned toward the qualifying period. An approved continuous leave of absence without pay of fifteen (15) working days or less will be counted as time earned toward the ninety-(90)-day qualifying period.

Calculation of Sick Leave Credits

Certified employees will earn sick leave credits at the rate stated in the current collective bargaining agreement.

Full-time classified employees will earn sick leave credits at the rate of twelve (12) working days for each year of service. Sick leave credits will be prorated for part-time employees who have worked the qualifying period. The payroll office will refine this data by keeping records per hour worked.

Sick Leave Banks

Donation of sick leave credits to and use of sick leave credits in the sick leave bank are governed by terms of the current collective bargaining agreement.

Lump-Sum Payment on Termination of Classified Employees

When a classified employee terminates employment with the District, the employee is entitled to cash compensation for one-fourth (¼) of the employee’s accrued and unused sick leave credits, provided the employee has worked the qualifying period. The value of unused sick leave is computed based on the employee’s salary rate at the time of termination.

Industrial Accident

An employee who is injured in an industrial accident may be eligible for workers’ compensation benefits. Use of sick leave must be coordinated with receipt of workers’ compensation benefits on a case-by-case basis, by contacting the Montana Schools Group Workers’ Compensation Risk Retention Program (WCRRP).

Sick Leave Substituted for Annual Leave

A classified employee who qualifies for use of sick leave while taking approved annual vacation leave, may be allowed to substitute accrued sick leave credits for annual leave credits. Medical certification of the illness or disability may be required.

Procedure History:
Revised on:
Military Leave

Pursuant to the Uniformed Services Employment and Reemployment Rights Act (USERRA) and the Montana Military Service Employment Rights, the Superintendent/Principal shall grant military leave to employees for voluntary or involuntary service in the uniformed services of the United States, upon receipt of the required notice. Benefits shall be maintained for these employees as required by law and/or collective bargaining agreements. A service member who returns to the District for work following a period of active duty must be reinstated to the same or similar position and at the same rate of pay unless otherwise provided by law.

Time spent in active military service shall be counted in the same manner as regular employment for purposes of seniority or District service unless otherwise provided in a collective bargaining agreement.

The District will not discriminate in hiring, reemployment, promotion, or benefits based upon membership or service in the uniformed services.

All requests for military leave will be submitted to the Superintendent/Principal, in writing, accompanied by copies of the proper documentation showing the necessity for the military leave request.

When possible, all requests for military leave will be submitted at least one (1) full month in advance of the date military service is to begin.

Persons returning from military leave are asked to give the Superintendent/Principal notice of intent to return, in writing, at least one (1) full month in advance of the return date.


§10-1-1004, MCA Rights under federal law

§10-1-1005, MCA Prohibition against employment discrimination

§10-1-1006, MCA Entitlement to leave of absence

§10-1-1007, MCA Right to return to employment without loss of benefits – exceptions – definition

§10-1-1009, MCA Paid military leave for public employees

Policy History:
Revised on:
Recognizing that breastfeeding is a normal part of daily life for mothers and infants, and that Montana law authorizes mothers to breastfeed their infants where mothers and children are authorized to be, the District will support women who want to continue breastfeeding after returning from maternity leave.

The District shall provide reasonable unpaid break time each day to an employee who needs to express milk for the employee’s child, if breaks are currently allowed. If breaks are not currently allowed, the District shall consider each case and make accommodations as possible. The District is not required to provide break time if to do so would unduly disrupt the District’s operations. Supervisors are encouraged to consider flexible schedules when accommodating employee’s needs.

The District will make reasonable efforts to provide a room or other location, in close proximity to the work area, other than a toilet stall, where an employee can express the employee’s breast milk. The available space will include the provision for lighting and electricity for the pump apparatus. If possible, supervisors will ensure that employees are aware of these workplace accommodations prior to maternity leave.

Legal Reference: Title 39, Chapter 2, Part 2, MCA
In accordance with provisions of the Family Medical Leave Act of 1993 (FMLA), a leave of absence of up to twelve (12) weeks during a twelve-(12)-month period may be granted to an eligible employee for the following reasons: 1) birth of a child; 2) placement of a child for adoption or foster care; 3) a serious health condition which makes the employee unable to perform functions of the job; 4) to care for the employee’s spouse, child, or parent with a serious health condition; 5) because of a qualifying exigency (as the Secretary shall, by regulation, determine) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.

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

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

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

The Board has determined that the twelve-(12)-month period during which an employee may take FMLA leave is twelve (12) months forward from the date of a particular employee’s first FMLA leave.

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

Legal Reference: 29 CFR 825, 29 USC 2601, et seq. - Family and Medical Leave Act of 1993
§§2-18-601, et seq., MCA Leave Time
§§49-2-301, et seq., MCA Prohibited Discriminatory Practices

Policy History:
Adopted on: 6/11/07
Reviewed on:
Revised on: 10/13/08
Family Medical Leave

Who Is Eligible

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

Benefit

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

Reasons for Taking Leave

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

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

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

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

Substitution of Paid Leave

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

a. Accumulated sick/personal leave will be utilized concurrently with any FMLA leave that is taken for a serious health reason as described in (b) or (c) above.

b. Accumulated vacation/personal leave will be utilized concurrently with any FMLA leave that is taken for a family reason as described in (a) above.

c. Accumulated sick leave will be utilized concurrently with FMLA leave, whenever the FMLA leave is taken for reasons which qualify for sick leave benefits pursuant to District policy or an applicable collective bargaining agreement.

d. Whenever appropriate workers’ compensation absences shall be designated FMLA leave.

When Both Parents Are District Employees

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

Advance Notice

Employees must provide thirty (30) days advance notice when the leave is “foreseeable.” In
other situations an employee must give notice as soon as practicable. Leave may be allowed in
emergency situations when no advance warning is possible. Inexcusable delays in notifying the
District may result in the delay or denial of leave.

Requests

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

Medical Certification

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

Intermittent/Reduced Leave

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

Insurance

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

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

Recordkeeping

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

Summer Vacation

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

SPECIAL RULES FOR INSTRUCTIONAL EMPLOYEES

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

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

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

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

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

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

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

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

Intermittent or Reduced Leave

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

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

Procedure History:
Revised on:
PERSONNEL

Insurance Benefits for Employees

Newly hired employees are eligible for insurance benefits offered by the District for the particular bargaining unit to which an employee belongs. Other employees will be offered benefits consistent with the District benefit plan, with exceptions noted below:

1. Classified employees who are employed less than half time (that is, who are regularly scheduled to work less than twenty (20) hours per week) will not be eligible for group health insurance and will not be considered to be a member of defined employee insurance benefit groups.

2. Any permanent employee who works half (½) time or more is eligible for group health insurance irrespective of the unit to which the employee belongs. All health insurance premiums will be prorated in the amount of the full contract in terms of full-time equivalency multiplied by the District’s maximum contribution as prescribed by the applicable collective bargaining agreement or Board policy.

A medical examination at the expense of the employee may be required, if the employee elects to join the District health insurance program after initially refusing coverage during the “open season” (*July). An eligible employee wishing to discontinue or change health insurance coverage must initiate the action by contacting the personnel office and completing appropriate forms.

Anniversary dates of the health insurance policies for the District shall be July 1st through June 30th.

Legal Reference: § 2-18-702, MCA Group insurance for public employees and officers
§ 2-18-703, MCA Contributions

Policy History:
Revised on:
Holidays

Holidays for certified staff are dictated in part by the school calendar. Temporary employees will not receive holiday pay. Part-time employees will receive holiday pay on a prorated basis.

The holidays required for classified staff, by § 20-1-305, MCA, are:

1. Independence Day
2. Labor Day
3. Thanksgiving Day
4. Christmas Day
5. New Year’s Day
6. Memorial Day
7. State and national election days when the school building is used as a polling place and conduct of school would interfere with the election process

When an employee, as defined above, is required to work any of these holidays, another day shall be granted in lieu of such holiday, unless the employee elects to be paid for the holiday in addition to the employee’s regular pay for all time worked on the holiday.

When one of the above holidays falls on Sunday, the following Monday will not be a holiday. When one of the above holidays falls on Saturday, the preceding Friday will not be a holiday.

When a holiday occurs during a period in which vacation is being taken by an employee, the holiday will not be charged against the employee’s annual leave.

Legal Reference: § 20-1-305, MCA School holidays

Policy History:
Revised on:
PERSONNEL

Vacations

Classified and 12-month administrative employees will accrue annual vacation leave benefits in accordance with §§ 2-18-611, 2-18-612, 2-18-614 through 2-18-617 and 2-18-621, MCA. Nothing in this policy guarantees approval for granting specific days as annual vacation leave in any instance. The District will judge each request for vacation in accordance with staffing needs.

Employees are not entitled to any vacation leave with pay until they have been continuously employed for a period of six (6) calendar months.

Legal Reference:

§ 2-18-611, MCA Annual vacation leave
§ 2-18-612, MCA Rate earned
§ 2-18-617, MCA Accumulation of leave – cash for unused – transfer

Policy History:
Revised on:
**Vacations**

All classified employees, except those in a temporary status, serving more than six (6) months, are eligible to earn vacation leave credits retroactive to the date of employment. Leave credits may not be advanced nor may leave be taken retroactively. A seasonal employee’s accrued vacation leave credits may be carried over to the next season, if management has a continuing need for the employee, or paid out as a lump-sum payment to the employee when the season ends (generally in June). The employee may request a lump-sum payment at the end of each season.

Vacation is earned according to the following schedule:

**RATE-EARNED SCHEDULE**

<table>
<thead>
<tr>
<th>Years of Employment</th>
<th>Working Days Credit per Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 day - 10 years</td>
<td>15</td>
</tr>
<tr>
<td>10 - 15 years</td>
<td>18</td>
</tr>
<tr>
<td>15 - 20 years</td>
<td>21</td>
</tr>
<tr>
<td>20 years on</td>
<td>24</td>
</tr>
</tbody>
</table>

Time as an elected state, county, or city official, as a school teacher, or as an independent contractor, does not count toward the rate earned. For purposes of this paragraph, an employee of the District or the university system is eligible to have school district or university employment time count toward the rate-earned schedule, if that employee was eligible for annual leave in the position held with the school district or university system.

**Maximum Accrual of Vacation Leave**

All full-time and part-time employees serving in permanent and seasonal positions may accumulate two (2) times the total number of annual leave credits they are eligible to earn per year, according to the rate-earned schedule.

**Sick Leave Bank**

An employee may contribute accumulated vacation leave to the sick leave bank provided for in 2-18-618, MCA. Donation of vacation leave credits to and use of vacation leave credits in the sick leave bank are governed by terms of the current collective bargaining agreement.

**Annual Pay-Out**

The District may, in its sole discretion and/or subject to the terms of a collective bargaining
agreement, provide cash compensation in January of each year for unused vacation leave in lieu of the accumulation of vacation leave.

**Lump-Sum Payment Upon Termination**

An employee who terminates employment for reasons not reflecting discredit on the employee shall be entitled, upon the date of such termination, to cash compensation for unused vacation leave, assuming that the employee has worked the qualifying periods set forth in § 2-18-611, MCA. The District shall not pay accumulated leaves to employees who have not worked the qualifying period.

**Legal Reference:** § 2-18-611 - § 2-18-617, MCA

**Procedure History:**
Revised on:
Overtime for Classified Employees

Non-exempt classified employees who work more than forty (40) hours in a given workweek may receive overtime pay of one and one-half (1½) times the normal hourly rate of all hours worked in excess of forty (40) hours in any workweek. The Superintendent/Principal must approve any overtime work of a classified employee.

Under Montana law and the Federal Fair Labor Standards Act, a classified employee may not volunteer to work without pay in an assignment similar to his or her regular work.

A non-exempt employee who works overtime without authorization may be subject to disciplinary action.

Legal Reference: 29 USC 201, et seq. Fair Labor Standards Act

Policy History:
 Revised on: 2/08/10
Workers’ Compensation Benefits

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

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

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

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

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

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

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

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

Legal Reference: §§ 39-71-101, et seq., MCA Workers’ Compensation Act

Policy History:
Revised on:
Beaverhead County High School

PERSONNEL

Payment of Interest on Employer Contributions for Workers’ Compensation Time

An employee absent because of an employment-related injury entitling the employee to workers’ compensation payments may, upon the employee’s return to service, contribute to the retirement system an amount equal to the contributions that would have been made by the employee to the system on the basis of the employee’s compensation at the commencement of the employee’s absence plus regular interest accruing from one (1) year from the date after the employee returns to service to the date the employee contributes for the period of absence.

The District has the option to pay, or not pay, the interest on the employer’s contribution for the period of absence based on the salary as calculated. If the employer elects not to pay the interest costs, this amount must be paid by the employee.

It is the policy of this District to (pay) (not pay) the interest costs associated with the employer’s contribution.

Legal Reference: §§ 19-3-504, MCA Absence due to illness or injury.

Policy History:
Adopted on: 2/08/10
Reviewed on:
Revised on:
Beaverhead County High School

PERSONNEL

Non-Beaverhead County High School School-Related Employment

Beaverhead County High School realizes that at times employees will be encouraged to apply for a position with a school-related institution in Beaverhead County. In most cases the employment will be related to coaching, with appropriate compensation, and it is more than likely that duties will be required during Beaverhead County High School contract hours. The following policy is designed to address such school-related employment:

1. Faculty employed by an educational institution other than Beaverhead County High School will use accumulated personal leave when applicable, i.e., either a full or a half (½) day missed from the classroom.

2. When personal leave is exhausted, the employee will pay the substitute instructor the hourly rate established by the high school district. Five (5) days are allowed, after personal leave has been exhausted.

3. After the five (5) days of paying the substitute instructor have been exhausted, 1/187th of the employee’s base pay will be deducted from the contract salary. The District will then cover the cost of the substitute teacher.

Policy History:
Adopted on: 10/11/93
Revised on: 6/20/01, 6/11/2007
Teachers’ Aides/Paraeducators

Teachers’ aides/paraeducators, as defined in the appropriate job descriptions, are under the supervision of the Superintendent/Principal and a teacher to whom the Superintendent/Principal may have delegated responsibility for close direction. The nature of the work accomplished by paraeducators will encompass a variety of tasks that may be inclusive of “limited instructional duties.”

Paraeducators are employed by the District mainly to assist the teacher. A paraeducator is an extension of the teacher, who legally has the direct control and supervision of the classroom or playground and responsibility for control and the welfare of the students.

In compliance with applicable legal requirements, the Board shall require all paraeducators with instructional duties, that are newly hired in a Title I school-wide program, to have:

1. Completed at least two (2) years of study at an institution of higher education;
2. Obtained an Associate’s or higher degree; or
3. Met a rigorous standard of quality, and can demonstrate through a formal state or local academic assessment the knowledge of and ability to assist in the instruction of reading, writing, or mathematics or the instruction of readiness of these subjects.

It is the responsibility of the Superintendent/Principal and teacher to provide adequate training for a paraeducator. This training should take into account the unique situations in which a paraeducator works and should be designed to cover the general contingencies that might be expected to pertain to that situation. During the first thirty (30) days of employment, the supervising teacher or administrator shall continue to assess the skills and ability of the paraeducator to assist in reading, writing, and mathematics instruction.

The Superintendent/Principal shall develop and implement procedures for an annual evaluation of teachers’ aides/paraeducators. Evaluation results shall be a factor in future employment decisions.

Legal Reference: Public Law 107-110, No Child Left Behind Act of 2001

Policy History:
Revised on:
Volunteers

The District recognizes the valuable contributions made to the total school program by members of the community who act as volunteers. By law, a volunteer is an individual who:

1. Has not entered into an express or implied compensation agreement with the District;
2. Is excluded from the definition of “employee” under appropriate state and federal statutes;
3. May be paid expenses, reasonable benefits, and/or nominal fees in some situations; and
4. Is not employed by the District in the same or similar capacity for which he/she is volunteering.

District employees who work with volunteers shall clearly explain duties for supervising children in school, on the playground, and on field trips. An appropriate degree of training and/or supervision of each volunteer shall be administered commensurate with the responsibility undertaken.

Volunteers who have unsupervised access to children are subject to the District’s policy mandating background checks.

Chaperones

The Superintendent/Principal may direct that appropriate screening processes be implemented to assure that adult chaperones are suitable and acceptable for accompanying students on field trips or excursions.

When serving as a chaperone for the District, the parent(s)/guardian(s) or other adult volunteers, including employees of the District, assigned to chaperone, shall not use tobacco products in the presence of students, nor shall they consume any alcoholic beverages or use any illicit drug during the duration of their assignment as a chaperone, including during the hours following the end of the day’s activities for students. The chaperone shall not encourage or allow students to participate in any activity that is in violation of district policy during the field trip or excursion, including during the hours following the end of the day’s activities. Chaperones shall be given a copy of these rules and sign a letter of understanding verifying they are aware of and agree to these District rules before being allowed to accompany students on any field trip or excursion.

Any chaperone found to have violated these rules shall not be used again as a chaperone for any District-sponsored field trips or excursions and may be excluded from using District-sponsored transportation for the remainder of the field trip or excursion and be responsible for their own
transportation back home. Employees found to have violated these rules may be subject to
disciplinary action.

Cross Reference: 5122 Fingerprints and Criminal Background Investigations

Policy History:
Revised on:
Beaverhead County High School

PERSONNEL

Student Teachers/Interns

The District recognizes its obligation to assist in the development of members of the teaching profession. The District shall make an effort to cooperate with accredited institutions of higher learning in the education of student teachers and other professionals in training (such as interns) by providing a reasonable number of classroom and other real-life situations each year.

The District and the respective training institutions shall enter into mutually satisfactory agreements whereby the rules, regulations, and guidelines of the practical experiences shall be established.

The administration shall coordinate all requests from cooperating institutions for placement so that excessive concentrations of student teachers and interns shall be avoided. As a general rule:

1. A student teacher shall be assigned to a teacher or other professional who has agreed to cooperate and who has no less than three (3) years of experience in the profession;

2. A supervising professional shall be assigned no more than one (1) student teacher/intern per school year;

3. The supervising professional shall remain responsible for the class;

4. The student teacher shall assume the same conditions of employment as a regular teacher with regard to meeting the health examination requirements, length of school day, supervision of co-curricular activities, staff meetings, and in-service training; and

5. The student teacher shall be subject to the District policy regarding background checks, if the student teacher has unsupervised access to children.

Cross Reference: 5122 Fingerprint and Criminal Background Investigations

Legal Reference: § 20-4-101(2) and (3), MCA System and definitions of teacher and specialist certification – student teacher exception

Policy History:


Revised on:
Employee Electronic Mail and On-Line Services Usage

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

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

The District e-mail and Internet systems are owned by the District and are intended to be used for educational purposes only. While occasional personal use is allowed, employees should have no expectation of privacy when using the electronic mail or Internet systems for any purpose.

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

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

In order to keep district electronic mail and Internet systems secure, users may not leave the terminal “signed on” when unattended and may not leave their password available in an obvious place near the terminal or share their password with anyone except the system administrator. The district reserves the right to bypass individual passwords at any time and to monitor the use of such systems by employees.

Additionally, District records, e-mail/Internet records are subject to disclosure to law enforcement or government officials or to other third parties through subpoena or other process. Consequently, the district retains the right to access stored records in cases where there is reasonable cause to expect wrong-doing or misuse of the system, review, store and disclose all information sent over the district electronic mail systems for any legally permissible reason.
including but not limited to determining whether the information is a public record, whether it contains information discoverable in litigation and to access district information in the employee's absence. E-mail/Internet messages by employees may not necessarily reflect the views of the District.

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

Electronic mail sent or received by the district or the district’s employees may be considered a public record subject to public disclosure or inspection. All district electronic mail and Internet communications may be monitored.

Policy History:
Revised on: 3/01/08
Payment of Wages Upon Termination

When a District employee quits, is laid off, or is discharged, wages owed will be paid on the next regular pay day for the pay period in which the employee left employment or within fifteen (15) days, whichever occurs first.

In the case of an employee discharged for allegations of theft connected to the employee’s work, the District may withhold the value of the theft, provided:

- The employee agrees in writing to the withholding; or
- The District files a report of the theft with law enforcement within seven (7) business days of separation.

If no charges are filed within thirty (30) days of the filing of a report with law enforcement, wages are due within a thirty-(30)-day period.

Legal Reference: § 39-3-205, MCA Payment of wages when employee separated from employment prior to payday – exceptions

Policy History:
Revised on: 10/12/09
Background

Health Insurance Portability and Accountability Act of 1996 (HIPAA)

The District’s group health plan is a Covered Entity under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and its implementing regulations, the Standards for the Privacy of Individually Identifiable Information. In order to comply with HIPAA and its related regulations, the District has implemented the following HIPAA Privacy Policy:

The HIPAA Privacy Rule

HIPAA required the federal government to adopt national standards for electronic health care transactions. At the same time, Congress recognized that advances in electronic technology could erode the privacy of health information and determined there was a need for national privacy standards. As a result HIPAA included provisions which mandated the adoption of federal privacy standards for individually identifiable health information.

The standards found in the Privacy Rule are designed to protect and guard against the misuse of individually identifiable health information, with particular concern regarding employers using an employee’s (or dependent’s) health information from the group health plan to make adverse employment-related decisions. The Privacy Rule states that verbal, written, or electronic information that can be used to connect a person’s name or identity with medical, treatment, or health history information is Protected Health Information (PHI) under the HIPAA Privacy Rule.

Under the HIPAA Privacy Rule:

1. Individuals have a right to access and copy their health record to the extent allowed by HIPAA.

2. Individuals have the right to request an amendment to their health record. The plan may deny an individual’s request under certain circumstances specified in the HIPAA Privacy Rule.

3. Individuals have the right to an accounting of disclosures of their health record for reasons other than treatment, payment, or healthcare operations.

4. PHI, including health, medical, and claims records, can be used and disclosed without authorization for specific, limited purposes (treatment, payment, or operations of the group health plan). A valid authorization from the individual must be provided for use or disclosure for other than those purposes.
5. Safeguards are required to protect the privacy of health information.

6. Covered entities are required to issue a notice of privacy practices to their enrollees.

7. Violators are held accountable with civil and criminal penalties for improper use or disclosure of PHI.

Compliance

The District Clerk has been designated Privacy Officer. The Privacy Officer will oversee all ongoing activities related to the development, implementation, maintenance of, and adherence to the District’s policies and procedures covering the privacy of and access to patient health information in compliance with HIPAA, other applicable federal and state laws, and the District’s privacy practices.

As required for a Covered Entity under HIPAA, the plan has developed these internal privacy policies and procedures to assure that PHI is protected and that access to and use and disclosure of PHI are restricted in a manner consistent with HIPAA’s privacy protections. The policies and procedures recognize routine and recurring disclosures for treatment, payment, and healthcare operations and include physical, electronic, and procedural safeguards to protect PHI. The procedures include safeguards for sending PHI via mail or fax, receiving PHI for plan purposes, and workstation safeguards and procedures for securing and retaining PHI received by the plan. Plan participants are entitled to receive a copy of the plan’s policies and procedures upon request.

Designating a limited number of privacy contacts allows the District to control who is receiving PHI from the contract claims payor for plan operations purposes. The contract claims payor will provide only the minimum PHI necessary for the stated purpose and, as required under the Privacy Rule, will provide PHI only to individuals with a legitimate need to know for plan operations purposes.

The District has distributed a notice of privacy practices to plan participants. The notice informs plan participants of their rights and the District’s privacy practices related to the use and disclosure of PHI. A copy of this notice may be obtained by contacting the Privacy Officer.

The District has reviewed how PHI is used and disclosed by the plan and has limited disclosure of that information to employees who have a legitimate need to know or possess the PHI for healthcare operations and functions. The District will make reasonable efforts to use de-identified information whenever possible in the operations of the plan and will only use the minimum PHI necessary for the stated purpose.

Some of the District’s employees need access to PHI in order to properly perform the functions of their jobs. The District has identified these employees and has given them training in the
important aspects of the HIPAA Privacy Rule, the privacy policy, and procedures. New employees who will have access to PHI will receive training on the HIPAA Privacy Rule and related policies and procedures as soon as reasonably possible after they are employed. Employees who improperly use or disclose PHI or misuse their access to that information may be subject to discipline, as deemed appropriate.

In the event the group health plan must disclose PHI in the course of performing necessary plan operations functions or as required by law or a governmental agency, the District has developed a system to record those disclosures and requests for disclosures. An individual may request a list of disclosures of his or her PHI made by the plan for other than treatment or claims payment purposes. All requests for an accounting of PHI disclosures must be made in writing, and the plan may impose fees for the cost of production of this information. Requests will be responded to within sixty (60) days. If the plan is not able to provide the requested information within sixty (60) days, a written notice of delay will be sent to the requesting individual, with the reasons for the delay and an estimated time for response.

In order to comply with the new privacy regulations, the plan has implemented compliant communication procedures. Except for its use in legitimate healthcare operations, written permission will be required in order for the District to disclose PHI to or discuss it with a third party.

The HIPAA Privacy Rule prohibits the District from disclosing medical information without the patient’s written permission other than for treatment, payment, or healthcare operations purposes. An authorization signed by the patient and designating specified individuals to whom the District may disclose specified medical information must be on file, before the plan can discuss a patient’s medical information with a third party (such as a spouse, parent, group health plan representative, or other individual).

The District has taken the following steps to ensure PHI is safeguarded:

- The District has implemented policies and procedures to designate who has and who does not have authorized access to PHI.
- Documents containing PHI are kept in a restricted/locked area.
- Computer files with PHI are password protected and have firewalls making unauthorized access difficult.
- Copies of PHI will be destroyed when information is no longer needed, unless it is required by law to be retained for a specified period of time.
- The District will act promptly to take reasonable measures to mitigate any harmful effects known to the group health plan, due to a use or disclosure of PHI in violation of the
plan’s policies, procedures, or requirements of the HIPAA Privacy Rule.

- The District will appropriately discipline employees who violate the District’s group health plan’s policies, procedures, or the HIPAA Privacy Rule, up to and including termination of employment if warranted by the circumstances.

The District has received signed assurances from the plan’s business associates that they understand the HIPAA Privacy Rule, applicable regulations, and the Privacy Policy and will safeguard PHI just as the plan would.

The contract claims payor and certain other entities outside the group health plan require access on occasion to PHI, if they are business associates of the group health plan and in that role need to use, exchange, or disclose PHI from the group health plan. The plan requires these entities to sign an agreement stating they understand HIPAA’s privacy requirements and will abide by those rules just as the group health plan does, to protect the PHI to which they have access. For example the plan engages a certified public accountant to audit the plan annually and to make sure payments are made in compliance with the Plan Document. In order for the CPA to complete an audit, the auditor reviews a sample of the claims for accuracy.

The District will ensure health information will not be used in making employment and compensation decisions. The HIPAA Privacy Rule and other applicable laws expressly prohibit an employer from making adverse employment decisions (demotions, terminations, etc.) based on health information received from the group health plan. To the extent possible, the District has separated the plan operations functions from the employment functions and has safeguards in place to prevent PHI from the plan from going to or being used by an employee’s supervisor, manager, or superior to make employment-related decisions.

Complaints

If an employee believes their privacy rights have been violated, they may file a written complaint with the Privacy Officer. No retaliation will occur against the employee for filing a complaint. The contact information for the Privacy Officer is:

District Clerk
Beaverhead County High School
104 N. Pacific
Dillon, MT 59725

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Revised on:
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*Indicates new policy
Goals

The administrative staff’s primary functions are to manage the District and to facilitate the implementation of a quality educational program. It is the goal of the Board that the administrative organization:

1. Provide for efficient and responsible supervision, implementation, evaluation, and improvement of the instructional program, consistent with the policies established by the Board;

2. Provide effective and responsive communication with staff, students, parents, and other citizens; and

3. Foster staff initiative and rapport.

The District’s administrative organization will be designed so that all divisions and departments of the District are part of a single system guided by Board policies implemented through the Superintendent/Principal. The vice principal/activities director and other administrators are expected to administer their facilities in accordance with Board policy and the Superintendent/Principal’s rules and procedures.

Policy History:
Revised on:
Superintendent/Principal

Duties and Authorities

The Superintendent/Principal is the District’s executive officer and is responsible for the administration and management of District schools, in accordance with Board policies and directives and state and federal law. The Superintendent/Principal is authorized to develop administrative procedures to implement Board policy and to delegate duties and responsibilities; however, delegation of a power or duty does not relieve the Superintendent/Principal of responsibility for that which was delegated.

Qualifications and Appointment

The Superintendent will have the experience and skills necessary to work effectively with the Board, District employees, students, and the community. The Superintendent must be appropriately licensed and endorsed in accordance with state statutes and Board of Public Education rules; or considered appropriately assigned if the Superintendent is enrolled in an internship program as defined in ARM 10.55.602 and meets the requirements of ARM 10.55.607 and ARM 10.55.702.

Evaluation

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

Compensation and Benefits

The Board and the Superintendent/Principal will enter into a contract which conforms to this policy and state law. The contract will govern the employment relationship between the Board and the Superintendent/Principal.

Legal Reference: § 20-4-402, MCA Duties of district superintendent or county high school principal
ARM 10.55.602 Definition of Internship
ARM 10.55.607 Internships
ARM 10.55.702 Licensure and Duties of District Administrator – District Superintendent

Policy History:
Reviewed on:
Revised on: 8/11/14
Superintendent/Principal

<table>
<thead>
<tr>
<th>The Board will:</th>
<th>The Superintendent/Principal will:</th>
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<tr>
<td>Select the Superintendent/Principal and delegate to him/her all necessary</td>
<td>Serve as chief executive officer of the District.</td>
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<td>administrative powers.</td>
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<td>Adopt policies for the operations of the school system and review administrative</td>
<td>Recommend policies or policy changes to the Board and develop procedures which</td>
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<td>procedures.</td>
<td>implement Board policy.</td>
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<td>Formulate a statement of goals reflecting the philosophy of the District.</td>
<td>Provide leadership in the development, operation, supervision, and evaluation</td>
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<td></td>
<td>of the educational program.</td>
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<tr>
<td>Approve courses of study.</td>
<td>Recommend courses of study.</td>
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<td>Approve textbooks.</td>
<td>Recommend textbooks.</td>
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<tr>
<td>Approve the annual budget.</td>
<td>Prepare and submit the annual budget.</td>
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<tr>
<td>Employ certificated and classified staff, in its discretion, upon recommendation of the Superintendent/Principal.</td>
<td>Recommend candidates for employment as certificated and classified staff.</td>
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<td>Authorize the allocation of certificated and classified staff.</td>
<td>Recommend staff needs based on student enrollment, direct and assign teachers</td>
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<td>and other employees of the schools under his/her supervision; shall organize,</td>
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<td>reorganize, and arrange the administrative and supervisory staff, including</td>
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<td>instruction and business affairs, as best serves the District, subject to</td>
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<td></td>
<td>the approval of the Board.</td>
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<td>Approve contracts for major construction, remodeling, or maintenance.</td>
<td>Recommend contracts for major construction, remodeling, or maintenance.</td>
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<td>Approve payment of vouchers and payroll.</td>
<td>Recommend payment of vouchers and payroll.</td>
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<tr>
<td>Approve proposed major changes of school plant and facilities.</td>
<td>Prepare reports regarding school plant and facilities needs.</td>
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<td>The Superintendent/Principal will:</td>
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<tr>
<td>Assure that appropriate criteria and processes for evaluating staff are in place.</td>
<td>Establish criteria and processes for evaluating staff.</td>
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<td>Appoint citizens and staff to serve on special Board committees, if necessary.</td>
<td>Recommend formation of <em>ad hoc</em> citizens’ committees.</td>
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<tr>
<td>Conduct regular meetings.</td>
<td>As necessary, attend all Board meetings and all Board and citizen committee meetings, serve as an ex-officio member of all Board committees, and provide administrative recommendations on each item of business considered by each of these groups.</td>
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<tr>
<td>Serve as final arbitrator for staff, citizens, and students.</td>
<td>Inform the Board of appeals and implement any such forthcoming Board decisions.</td>
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<td>Promptly refer to the Superintendent/Principal all criticisms, complaints, and suggestions called to its attention.</td>
<td>Respond and take action on all criticism, complaints, and suggestions, as appropriate.</td>
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<td>Authorize the ongoing professional enrichment of its administrative leader, as feasible.</td>
<td>Undertake consultative work, speaking engagements, writing, lecturing, or other professional duties and obligations.</td>
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<td>Approve appropriate District expenditures recommended by the Superintendent/Principal for the purpose of ongoing District operations.</td>
<td>Diligently investigate and make purchases that benefit the most efficient and functional operation of the District.</td>
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Procedure History:
Promulgated on:  
District Organization

The Superintendent/Principal shall develop an organizational chart indicating the channels of authority and reporting relationships for school personnel. These channels should be followed, and no level should be bypassed, except in unusual circumstances.

The organization of District positions of employment for purposes of supervision, services, leadership, administration of Board policy, and all other operational tasks shall be on a “line and staff” basis. District personnel occupying these positions of employment shall carry out their duties and responsibilities on the basis of line and staff organization.

Policy History:
Revised on:
Transportation Director, District Clerk, Head Maintenance, and Secretary/Registrar will report to the Vice-Principal/Activities Director in the absence of the Superintendent/Principal.
Beaverhead County High School

ADMINISTRATION

Delegation of Authority

Unless otherwise specified, the Superintendent/Principal has the authority to designate a staff member to serve in an official capacity for the implementation of District policies or as his/her personal representative. This authorization will include those responsibilities appropriate for the position as designated or directed by the Superintendent/Principal.

Policy History:
Revised on:
Duties and Qualifications of Administrative Staff Other Than the Superintendent/Principal

Duty and Authority

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

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

Qualifications

All administrative personnel must be appropriately licensed and endorsed in accordance with state statutes and Board of Public Education rules, or be considered appropriately assigned if the administrator is enrolled in an internship as defined in ARM 10.55.602 and meets the requirements of ARM 10.55.607, and must meet other qualifications as specified in their position’s job description.

Administrative Work Year

The administrators’ work year will correspond with the District’s fiscal year, unless otherwise stated in an employment agreement. In addition to legal holidays, the administrators will have vacation periods as approved by the Superintendent/Principal.

Compensation and Benefits

Administrators will receive compensation and benefits as stated in their employment agreements.

Legal Reference:

§ 20-4-401, MCA Appointment and dismissal of district superintendent or county high school principal
§ 20-4-402, MCA Duties of district superintendent or county high school principal
10.55.701, ARM Board of Trustees
ARM 10.55.602 Definition of Internship
ARM 10.55.607 Internships

Policy History:

Reviewed on:
Revised on: 8/11/14
Principals

Principals are the chief administrators of their assigned schools and are responsible for the day-to-day operation of their building. The primary responsibility of Principals is the development and improvement of instruction. The majority of the Principals’ time shall be spent on curriculum and staff development through formal and informal activities, establishing clear lines of communication regarding the school rules, accomplishments, practices, and policies with parents and teachers. Principals are responsible for management of their staff, maintenance of the facility and equipment, administration of the educational program, control of the students attending the school, management of the school’s budget, and communication between the school and the community. Principals will be evaluated in accordance with ARM 10.55.701(4)(a)(b).

Legal Reference: § 20-4-403, MCA Powers and duties of principal
10.55.701, ARM Board of Trustees
10.55.703, ARM Licensure and Duties of School Principal

Policy History:
Reviewed on:
Revised on: 8/11/14
Evaluation of Administrative Staff

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

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

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

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

Legal Reference: 10.55.701, ARM Board of Trustees

Policy History:
Revised on:
Professional Growth and Development

The Board recognizes that training and study for administrators contribute to skill development necessary to better serve the District’s needs.

Administrative staff are encouraged to be members of and participate in professional associations which have as their purposes the upgrading of school administration and the continued improvement of education in general.

Legal Reference: § 20-1-304, MCA Pupil-instruction-related day

Policy History:
Revised on:
7000 SERIES
FINANCIAL MANAGEMENT

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Beaverhead County High School

FINANCIAL MANAGEMENT

Goals

Because educational programs are dependent on adequate funding and the proper management of those funds, District goals can best be attained through efficient fiscal management. As trustee of local, state, and federal funds allocated for use in public education, the Board shall fulfill its responsibility to see that funds are used to achieve the intended purposes.

Because of resource limitations, fiscal concerns often overshadow the educational program. Recognizing this, the District must take specific action to ensure that education remains primary. This concept shall be incorporated into Board operations and into all aspects of District management and operation.

The Board seeks to achieve the following goals in the District’s fiscal management:

1. Engage in advance planning, with staff and community involvement, to develop budgets which will achieve the greatest educational returns in relation to dollars expended.

2. Establish levels of funding which shall provide superior education for District students.

3. Provide timely and appropriate information to staff who have fiscal responsibilities.

4. Establish efficient procedures in all areas of fiscal management.

Legal Reference: Title 20, Chapter 9, MCA Finance

Policy History:
Revised on:
Beaverhead County High School

FINANCIAL MANAGEMENT

Budget and Program Planning

The annual budget is evidence of the Board’s commitment to the objectives of the instruction programs. The budget supports immediate and long-range goals and established priorities within all areas – instructional, noninstructional, and administrative programs.

Before presentation of a proposed budget for adoption, the Superintendent/Principal and business manager will prepare, for the Board’s consideration, recommendations (with supporting documentation) designed to meet the needs of students, within the limits of anticipated revenues.

Program planning and budget development will provide for staff participation and the sharing of information with patrons before any action by the Board.

Policy History:
Revised on:
**FINANCIAL MANAGEMENT**

**Budget Adjustments**

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

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

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

With timely notice of a public meeting, trustees, by majority vote of those present, may declare by resolution that a budget amendment (in addition to the final budget) is necessary. Budget amendments are authorized for specified reasons by § 20-9-161, MCA. The resolution will state the facts of the budget amendment, the estimated amount of funds needed, and the time and place the Board will meet for the purpose of considering and adopting a budget amendment.

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

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

**Policy History:**
- Revised on:
Beaverhead County High School

FINANCIAL MANAGEMENT

Revenues

The District will seek and utilize all available sources of revenue for financing its educational programs, including revenues from non-tax, local, state, and federal sources. The District will properly credit all revenues received to appropriate funds and accounts as specified by federal and state statutes and accounting and reporting regulations for Montana school districts.

The District will collect and deposit all direct receipts of revenues as necessary but at least once monthly. The District will make an effort to collect all revenues due from all sources, including but not limited to rental fees, bus fees, fines, tuition fees, other fees and charges. Uncollectible checks may be turned over to the county attorney for collection.

Legal Reference: Title 20, Chapter 9, MCA Title 10, Chapter 10, ARM

Finance

GASB, Codification of Governmental Accounting and Financial Reporting Standards

Policy History:
Revised on:
FINANCIAL MANAGEMENT

Disposal of School District Property Without a Vote

The Board is authorized to dispose of a site, building, or any other real or personal property of the District, that is or is about to become abandoned, obsolete, undesirable, or unsuitable for school purposes.

To effect proper disposal, the trustees shall pass a resolution stating their decision concerning property disposal. The resolution will not become effective until fourteen (14) days after the resolution is published in a newspaper of general circulation in the District.

Should any taxpayer properly protest the resolution during the fourteen (14) days after the date of publication, the trustees shall submit testimony to the court with jurisdiction.

Once the resolution is effective, or if appealed the decision has been upheld by the court, the trustees shall sell or dispose of the real or personal property in a reasonable manner determined to be in the best interests of the District. Proceeds from the sale of fixed assets can be deposited to the general, debt service, building, or any other appropriate fund.

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

Policy History:
Revised on:
The Board may accept gifts, legacies, and devises subject to the lawful conditions imposed by
the donor. Neither the Board nor the Superintendent/Principal will approve any gifts that are
inappropriate.

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

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

Legal Reference: § 20-6-601, MCA Power to accept gifts
§ 20-7-803, MCA Authority to accept gifts
§ 20-9-212, MCA Duties of county treasurer
§ 20-9-213(4), MCA Duties of trustees
§ 20-9-604, MCA Gifts, legacies, devises, and administration of
endowment fund

Policy History:
Revised on:
Beaverhead County High School

FINANCIAL MANAGEMENT

Budget Implementation and Execution

Once adopted by the Board, the operating budget shall be administered by the Superintendent/Principal’s designees. All actions of the Superintendent/Principal or designees in executing programs and/or activities delineated in that budget are authorized according to these provisions:

1. Expenditure of funds for employment and assignment of staff shall meet legal requirements of the state of Montana and adopted Board policies.

2. Funds held for contingencies may not be expended without Board approval.

3. A listing of warrants describing goods and/or services for which payment has been made must be presented for Board ratification each month.

4. Purchases will be made according to the legal requirements of the state of Montana and adopted Board policy.

Legal Reference: § 20-3-332, MCA Personal immunity and liability of trustees
§ 20-9-213, MCA Duties of trustees

Policy History:
Revised on:
Beaverhead County High School

FINANCIAL MANAGEMENT

Purchasing

Authorization and Control

The Superintendent/Principal is authorized to direct expenditures and purchases within limits of the detailed annual budget for the school year. The Board must approve purchase of capital outlay items, when the aggregate total of a requisition exceeds $25,000 (cannot exceed $80,000), except the Superintendent/Principal shall have the authority to make capital outlay purchases without advance approval when necessary to protect the interests of the District or the health and safety of staff or students. The Superintendent/Principal will establish requisition and purchase order procedures to control and maintain proper accounting of expenditure of funds. Staff who obligate the District without proper authorization may be held personally responsible for payment of such obligations.

Bids and Contracts

Whenever any building furnishing, repairing, or other work for the benefit of the District or purchasing of supplies for the District is necessary, the work done or the purchase made must be by contract if the sum exceeds Eighty Thousand Dollars ($80,000). The District will call for formal bids by issuing public notice as specified in statute. Specifications will be prepared and made available to all vendors interested in submitting a bid. The contract shall be awarded to the lowest responsible bidder, except that the trustees may reject any or all bids. The Board, in making a determination as to which vendor is the lowest responsible bidder, will take into consideration not only the amount of each bid, but will also consider the skill, ability, and integrity of a vendor to do faithful, conscientious work and to promptly fulfill the contract according to its letter and spirit. Bidding requirements do not apply to a registered professional engineer, surveyor, real estate appraiser, or registered architect; a physician, dentist, pharmacist, or other medical, dental, or health care provider; an attorney; a consulting actuary; a private investigator licensed by any jurisdiction; a claims adjuster; or an accountant licensed under Title 37, Chapter 50.

Advertisement for bid must be made once each week for two (2) consecutive weeks, and a second (2nd) publication must be made not less than five (5) nor more than twelve (12) days before consideration of bids.

The Superintendent/Principal will establish bidding and contract-awarding procedures. Bid procedures will be waived only as specified in statute. Any contract required to be let for bid shall contain language to the following effect:

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

Cooperative Purchasing

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

Legal Reference: §§ 18-1-101, et seq., MCA Public Contracts  
§§ 18-1-201, et seq., MCA Bid Security  
§ 20-9-204, MCA Conflicts of interest, letting contracts, and calling for bids  

*Debcon v. City of Glasgow*, 305 Mont. 391 (2001)

Policy History:  
Revised on:
Accounting System Design

The District accounting system will be established to present, with full disclosure, the financial position and results of financial operations of District funds and account groups in conformity with generally accepted accounting principles. The accounting system must be in compliance with accounting system requirements established by legislative action. The accounting system shall be able to demonstrate compliance with finance-related legal and contractual provisions.

Policy History:

Revised on:
Documentation and Approval of Claims

All financial obligations and disbursements must be documented in compliance with statutory provisions and audit guidelines. Documentation will specifically describe acquired goods and/or services, budget appropriations applicable to payment, and required approvals. All purchases, encumbrances and obligations, and disbursements must be approved by the administrator designated with authority, responsibility, and control over budget appropriations. The responsibility for approving these documents cannot be delegated.

The District business office is responsible for developing procedures and forms to be used in the requisition, purchase, and payment of claims.

Policy History:

1. Adopted on:
2. Revised on:
Advertising in Schools/Revenue Enhancement

Revenue enhancement through a variety of District-wide and District-approved marketing activities, including but not limited to advertising, corporate sponsorship, signage in or on District facilities, etc., is a Board-approved venture. The Board may approve such opportunities subject to certain restrictions in keeping with the contemporary standards of good taste.

Advertising will model and promote positive values for District students through proactive educational messages and not be simply traditional advertising of a product. Preferred advertising includes messages encouraging student achievement and establishment of high standards of personal conduct.

All sponsorship contracts will allow the District to terminate the contract on at least an annual basis, if it is determined that it will have an adverse impact on implementation of curriculum or the educational experience of students.

The revenue derived should:

1. Enhance student achievement;
2. Assist in maintenance of existing District athletic and activity programs; and
3. Provide scholarships for students participating in athletic, academic, and activity programs, who demonstrate financial need and merit.

Appropriate opportunities for marketing activities include but are not limited to:

1. Fixed signage.
2. Banners.
3. District-level publications.
4. Television and radio broadcasts.
5. Athletic facilities, including stadiums, high school baseball fields, and high school gymnasiums.
6. District-level projects.
7. Expanded usage of facilities beyond traditional uses (i.e., concerts, rallies, etc.).
8. The interior and exterior of a limited number of District buses, if the advertising is associated with student art selected by the District. The only advertising information allowed will note sponsorship of the student art by the participant. Maintenance for these buses will include but not exceed normal maintenance costs.
9. Individual school publications (when not in conflict with current contracts).

Advertising will not be allowed in classrooms, other than corporate-sponsored curriculum materials approved subject to Board policy.

The following restrictions will be in place when seeking revenue enhancement. Revenue
enhancement activities will not:

1. Promote hostility, disorder, or violence;
2. Attack ethnic, racial, or religious groups;
3. Discriminate, demean, harass, or ridicule any person or group of persons on the basis of gender;
4. Be libelous;
5. Inhibit the functioning of the school and/or District;
6. Promote, favor, or oppose the candidacy of any candidate for election, adoption of any bond/budget issues, or any public question submitted at any general, county, municipal, or school election;
7. Be obscene or pornographic, as defined by prevailing community standards throughout the District;
8. Promote the use of drugs, alcohol, tobacco, firearms, or certain products that create community concerns;
9. Promote any religious or political organization;
10. Use any District or school logo without prior approval.

Cross Reference: 2120 Curriculum Development and Assessment
2309 Library Materials
2311 Instructional Materials

Policy History:
Revised on:
**Beaverhead County High School**

**FINANCIAL MANAGEMENT**

**Personal Reimbursements**

While it is recommended that all purchases of goods or services be made within established purchasing procedures, there may be an occasional need for an employee to make a purchase for the benefit of the District from personal funds. In that event, an employee will be reimbursed for a personal purchase under the following criteria:

1. It is clearly demonstrated that the purchase is of benefit to the District;
2. The purchase was made with the prior approval of an authorized administrator;
3. The item purchased was not available from District resources; and
4. The claim for personal reimbursement is properly accounted for and documented with an invoice or receipt.

The District business office is responsible for developing procedures and forms to be used in processing claims for personal reimbursements.

**Policy History:**


Revised on:
Travel Allowances and Expenses

The use and reimbursement of individual cars for incidental transportation shall be according to the following rules:

1. The District will allow persons traveling on authorized school business to submit a travel authorization form for such travel at the approved state rate when using a private vehicle.

2. All staff travel must be recommended by either the vice principal/activities director or the Superintendent/Principal and approved in advance by the Superintendent/Principal.

3. Meals required by travel will be allowed by the District at a per diem of Ten Dollars ($10) per meal for adults and students.

4. Lodging required by travel will be allowed by the District at a reasonable rate to be determined by the Superintendent/Principal. Receipts for lodging must be turned in to the office immediately on return from travel.

5. The Superintendent/Principal may advance money for travel, in the event the Superintendent/Principal deems it more convenient.

Legal Reference: § 2-18-501, MCA Meals, lodging, and transportation of persons in state service

§ 2-18-502, MCA Computation of meal allowance

§ 2-18-503, MCA Mileage – allowance

Policy History:
Adopted on: 4/10/00
Credit Card Use

The Board of Trustees permits the use of District credit cards by certain school officials and Board members to pay for actual and necessary expenses incurred in the performance of work-related duties for the District. A list of those individuals that will be issued a District credit card will be maintained in the business office and reported to the Board each year at its meeting in August. All credit cards will be pre-approved by the Board and will be in the name of the District.

The District shall establish a credit line not to exceed $5,000 for each card issued and an aggregate credit limit of $25,000 for all cards issued to the District.

Credit cards may only be used for legitimate District business expenditures. The use of credit cards is not intended to circumvent the District’s policy on purchasing.

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

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

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

The Superintendent/Principal shall establish regulations governing the issuance and use of credit cards. Each cardholder shall be apprised of the procedures governing the use of the credit card, and a copy of this policy and accompanying regulations shall be given to each cardholder.

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

Cross Reference: 7320 Purchasing
7335 Personal Reimbursement
7336 Travel Allowances and Expenses

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

Policy History:
Revised on:
The accounts of the District are organized on the basis of funds, each of which is considered to be a separate accounting entity. The operations of each fund are accounted for by providing a separate set of self-balancing accounts. The accounts of the District are maintained on the modified accrual basis of accounting. The following funds are maintained by the District:

<table>
<thead>
<tr>
<th>General Fund</th>
<th>Transportation Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bus Depreciation Fund</td>
<td>Tuition Fund</td>
</tr>
<tr>
<td>Retirement Fund</td>
<td>Miscellaneous Federal Fund</td>
</tr>
<tr>
<td>Adult Education Fund</td>
<td>Traffic Education Fund</td>
</tr>
<tr>
<td>Rental Fund</td>
<td>Sick Leave Reserve Fund</td>
</tr>
<tr>
<td>Technology Fund</td>
<td>Flex Fund</td>
</tr>
<tr>
<td>Trust Fund Non-Expendable</td>
<td>Trust Fund Expendable</td>
</tr>
<tr>
<td>Student Association Fund</td>
<td></td>
</tr>
</tbody>
</table>

Legal Reference: § 20-9-201, MCA Definitions and application

Policy History:
Revised on:
Funding for National Competitions

Beaverhead County High School recognizes that students who compete in academic areas may periodically qualify for national competitions. Organizations recognized under this policy are:

- Business Professionals of America (BPA)
- Family Career Community Leaders of America (FCCLA)
- Future Farmers of America (FFA)

Travel expenses to national competitions can be prohibitive, and the District does not budget on a yearly basis for these events. Consequently the following guidelines are suggested to address the issue of funding for national competitions:

- Each club or organization which has qualifiers for national competition will be allowed Two Hundred Fifty Dollars ($250) per student, not to exceed One Thousand Dollars ($1,000), including the expenses of one (1) coach or sponsor.

- In addition, Beaverhead County High School asks that organizations hold fundraisers rather than making requests to businesses for donations.

Clubs and organizations covered under this policy may apply for this additional funding, only after they have exhausted all of their own funding.

Policy History:
Adopted on: 6/14/99
Extra- and Co-Curricular Funds

The Board is responsible for establishment and management of student extra- and co-curricular funds. The purpose of student extra- and co-curricular funds is to account for revenues and disbursements of those funds raised by students through recognized student body organizations and activities. The funds shall be deposited and expended by check signed by the Clerk and the Superintendent/Principal, in an account maintained by the District in a local bank in Dillon for student extra- and co-curricular funds, called the Beaverhead County High School Student Association Account. The use of the student extra- and co-curricular funds is limited to the benefit of the students. Students will be involved in the decision-making process related to use of the funds.

The Board shall follow the Student Activity Fund Accounting (published by the Montana Association of School Business Officials (MASBO)) in establishing accounting procedures for administration of student extra- and co-curricular funds. The Clerk will serve as the fund administrator and shall keep a control account showing the receipts, expenditures, and balance of each account. An annual audit of the Beaverhead County High School Student Association Account shall be made by the Department of Community Affairs of the State of Montana or an approval audit firm.

Specific procedures are available in the Clerk’s office.

Legal Reference: § 2-7-503, MCA Financial reports and audits of local government entities
§ 20-9-504, MCA Extracurricular fund for pupil functions

Policy History:
Beaverhead County High School

FINANCIAL MANAGEMENT

Financial Reporting and Audits

The Board directs that financial reports of all District funds be prepared in compliance with statutory provisions and generally accepted accounting and financial reporting standards. In addition to reports required for local, state, and federal agencies, financial reports will be prepared monthly and annually and presented to the Board. Financial reports shall reflect financial activity and status of District funds.

Appropriate interim financial statements and reports of financial position, operating results, and other pertinent information will be prepared to facilitate management and control of financial operations.

The Board directs that District audits be conducted in accordance with Montana law. Each audit shall be a comprehensive audit of the affairs of the District and District funds. The audits shall comply with all statutory provisions and generally accepted governmental auditing standards. Each audit may be made every two (2) years and cover the immediately preceding two (2) fiscal years, or it may be conducted annually.

Legal Reference: §§ 2-7-501, et seq., MCA Audits of Political Subdivisions
§ 20-9-212, MCA Duties of county treasurer
§ 20-9-213, MCA Duties of trustees

Policy History:
Revised on:
Property Records

Property and inventory records will be maintained for all land, buildings, and physical property under District control and will be updated annually.

For purposes of this policy, “equipment” means a unit of furniture or furnishings, an instrument, a machine, an apparatus or a set of articles which retains its shape and appearance with use, is nonexpendable, and does not lose its identity when incorporated into a more complex unit. The Superintendent/Principal will ensure inventories of equipment are systematically and accurately recorded and updated annually. Property records of facilities and other fixed assets will be maintained on an ongoing basis. No equipment will be removed for personal or non-school use except in accordance with Board policy.

Property records will show, appropriate to the item recorded, the:

1. Description and identification
2. Manufacturer
3. Date of purchase
4. Initial cost
5. Location
6. Serial number, if available
7. Model number, if available

Equipment may be identified with a permanent tag providing appropriate District and equipment identification.

Cross Reference: 7510 Capitalization Policy for Fixed Assets

Legal Reference: § 20-6-602, MCA Trustees’ power over property
 § 20-6-608, MCA Authority and duty of trustees to insure district property

Policy History:
Revised on:
Capitalization Policy for Fixed Assets

A fixed asset is a property that meets all the following requirements:

1. Must be tangible in nature;
2. Must have a useful life of longer than the current fiscal year; and
3. Must be of significant value.

Fixed assets may be acquired through donation, purchase, or may be self-constructed. The asset value for a donation will be the fair market value at the time of donation. The asset value for purchases will be the initial cost plus the trade-in value of any old asset given up, plus all costs related to placing the asset into operation. The cost of self-constructed assets will include both the cost of materials used and the cost of labor involved in construction of the asset.

The following significant values will be used for different classes of assets:

<table>
<thead>
<tr>
<th>Class of Fixed Asset</th>
<th>Significant Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equipment and machinery</td>
<td>$5000.00 or more</td>
</tr>
<tr>
<td>Buildings - improvements</td>
<td>$5000.00 or more</td>
</tr>
<tr>
<td>Improvements other than to buildings</td>
<td>$5000.00 or more</td>
</tr>
<tr>
<td>Land</td>
<td>Any amount</td>
</tr>
</tbody>
</table>

All capital equipment will be recorded on the Beaverhead County High School equipment inventory and tagged with a control fixed asset number for tracking purposes.

Personal computers, printers, monitors, and video and digital equipment will be recorded on the individual teacher's inventory list but will not be capitalized, unless the individual item costs Five Thousand Dollars ($5,000) or more. Items purchased as upgrades or replacements will be accounted for in the manner of repairs, replacements, or upgrades.

Cross Reference: 7500 Property Records

Policy History:
Adopted on: 5/13/02
Beaverhead County High School

FINANCIAL MANAGEMENT

Independent Investment Accounts

The Board may establish independent investment accounts separate and apart from those funds maintained by the county treasurer. The Board may transfer cash into an independent investment account from any budgeted or non-budgeted funds. A separate account shall be established for each fund from which transfers are made. The principal and any interest earned must be reallocated to the fund from which the deposit was originally made.

The District may either:

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

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

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

Policy History:
Revised on:
Lease-Purchase Agreement

The trustees of a district can lease property with an option to purchase.

Personal property -- the lease cannot be more than seven (7) years.

Real property -- the lease cannot be more than fifteen (15) years.

The terms of the lease must comply with 20-6-625, MCA. If real property is acquired, the trustees shall comply with 20-6-603, MCA.

The trustees of any district may lease buildings or land suitable for school purposes when it is within the best interests of the district to lease the buildings or land from the county, municipality, another district, or any person. The term of the lease may not be for more than fifteen (15) years unless prior approval of the qualified electors of the district is obtained in the manner prescribed by law for school elections, in which case the lease may be for a term approved by the qualified electors, but not exceeding ninety-nine (99) years. Whenever the lease is for a period of time that is longer than the current school fiscal year, the lease requirements for the succeeding school fiscal years shall be an obligation of the final budgets for such years.

Cross Reference: Policy 7251 Disposal of school district property without a vote.

Legal Reference: § 20-6-603, MCA Trustees’ authority to acquire or dispose of sites and buildings – when election required. § 20-6-609, MCA Trustees’ authority to acquire property by lease-purchase agreement. § 20-6-625, MCA Authorization to lease buildings or land for school purposes.

Policy History: Adopted on: 08/10/15 Reviewed on: Revised on:
The Board adopts the following provisions of the Montana Procurement Act (i.e., § 18-4-101, et seq., MCA):

1. § 18-4-303, MCA – Competitive sealed bidding. With the exception of construction contracts, allows the District to negotiate an adjustment of the bid price with the lowest responsible bidder in order to bring the bid within the amount of available funds, if, and only if, all bids exceed available funds and the lowest responsible bid does not exceed available funds by more than five percent (5%).

2. § 18-4-306, MCA – Sole source procurement. A contract may be awarded for a supply or service item without competition when, the District determines in writing that:
   (a) there is only one source for the supply or service item;
   (b) only one source is acceptable or suitable for the supply or service item; or
   (c) the supply or service item must be compatible with current supplies or services.

Legal Reference: § 18-4-121, et seq., MCA Montana Procurement Act
2.5.604, ARM Sole Source Procurement

Policy History:
Revised on: 5/10/10
<table>
<thead>
<tr>
<th>Policy</th>
<th>Description</th>
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<tbody>
<tr>
<td>8000*</td>
<td>Goals</td>
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<tr>
<td>8100</td>
<td>Transportation</td>
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<td>8105</td>
<td>School Bus Replacement</td>
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<tr>
<td>8110*</td>
<td>Bus Routes and Schedules</td>
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<tr>
<td>8111*</td>
<td>Transportation of Students with Disabilities</td>
</tr>
<tr>
<td>8121*</td>
<td>District-Owned Vehicles</td>
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<tr>
<td>8123*</td>
<td>Driver Training and Responsibility</td>
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<td>8124*</td>
<td>Student Conduct on Buses</td>
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<td>8125*</td>
<td>School Bus Emergencies</td>
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<td>8133</td>
<td>Pep Band Travel</td>
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<tr>
<td>8225</td>
<td>Tobacco Free Policy</td>
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<tr>
<td>8300*</td>
<td>Risk Management</td>
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<td>8301*</td>
<td>District Safety</td>
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<tr>
<td>8310</td>
<td>Equipment Security</td>
</tr>
<tr>
<td>8320*</td>
<td>Property Damage</td>
</tr>
<tr>
<td>8400</td>
<td>Sale of Real Property</td>
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<tr>
<td>8410*</td>
<td>Operation and Maintenance of District Facilities</td>
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<tr>
<td>8420*</td>
<td>District-Wide Asbestos Program</td>
</tr>
<tr>
<td>8425</td>
<td>Service Animals</td>
</tr>
<tr>
<td>8430*</td>
<td>Records Management</td>
</tr>
<tr>
<td>8440*</td>
<td>Computer Software</td>
</tr>
</tbody>
</table>

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

The District may provide transportation to and from school for a student who:

1. Resides three (3) or more miles, over the shortest practical route, from the nearest operating public elementary or public high school;

2. Is a student with a disability, whose IEP identifies transportation as a related service; or

3. Has another compelling and legally sufficient reason to receive transportation services.

The District may elect to reimburse the parent or guardian of a student for individually transporting any eligible student.

The District may provide transportation by school bus or other vehicle or through individual transportation such as paying the parent or guardian for individually transporting the student.

The Board may pay board and room reimbursements, provide supervised correspondence study, or provide supervised home study. The Board may authorize children attending an approved private school to ride a school bus, provided that space is available and a fee to cover the per-seat cost for such transportation is collected. The District may transport and charge for an ineligible public school student, provided the parent or guardian pays a proportionate share of transportation services. Fees collected for transportation of ineligible students shall be deposited in the transportation fund. Transportation issues that cannot be resolved by the trustees may be appealed to the county transportation committee.

Homeless students shall be transported in accordance with the McKinney Homeless Assistance Act and state law.

In-Town Busing

In-town busing is defined as the busing of students within three (3) miles of their school. In-town busing is a privilege the District can discontinue at any time. The Superintendent/Principal will establish guidelines under which a student may request in-town busing.

Legal Reference: § 20-7-441, MCA Special education child eligibility for transportation

§ 20-10-101, MCA Definitions

§ 20-10-121, MCA Duty of trustees to provide transportation – types of transportation – bus riding time limitation
§ 20-10-122, MCA Discretionary provision of transportation and payment for this transportation

§ 20-10-123, MCA Provision of transportation for nonpublic school children

10.7.101, et seq., ARM Pupil transportation

10.64.101-700, et seq., ARM Transportation

No Child Left Behind Act of 2001 (P.L. 107-110)

Policy History:
Adopted on:
School Bus Replacement

The Board of Trustees understands the importance of safety when transporting students. The Board also understands that having safe, well maintained, efficient buses in the fleet is important for the safety of the students and driver.

There comes a time when the replacement of a bus is necessary for the safety of all involved. Therefore, the Board of Trustees will use the Bus Depreciation Schedule, as a guide, when determining the time for bus replacements.

Legal Reference:

§ 20-10-101, MCA Definitions
§ 20-10-107(1), MCA Power of Trustees
§ 20-10-110, MCA School bus purchase – contract - bids
§ 20-10-147, MCA Bus Depreciation Reserve Fund

Policy History:
Adopted on: 2/08/10
Reviewed on:
Revised on:
The Superintendent/Principal’s designee is responsible for scheduling bus transportation, including determination of routes and bus stops. Such routes are subject to approval of the county transportation committee. The purpose of bus scheduling and routing is to achieve maximum service with a minimum fleet of buses consistent with providing safe and reasonably equal service to all bus students.

In order to operate the transportation system as safely and efficiently as possible, the following factors shall be considered in establishing bus routes:

1. A school bus route shall be established with due consideration of the sum total of local conditions affecting the safety, economic soundness, and convenience of its operation, including road conditions, condition of bridges and culverts, hazardous crossings, presence of railroad tracks and arterial highways, extreme weather conditions and variations, length of route, number of families and children to be serviced, availability of turnaround points, capacity of bus, and related factors.

2. The District may extend a bus route across another transportation service area, if it is necessary in order to provide transportation to students in the District’s own transportation service area. A district may not transport students from outside its transportation service area.

3. School bus drivers are encouraged to make recommendations in regard to establishing or changing routes.

4. Parents should be referred to the Superintendent/Principal for any request of change in routes, stops, or schedules.

The Board reserves the right to change, alter, add, or delete any route at any time such changes are deemed in the best interest of the District, subject to approval by the county transportation committee.

**Bus Stops**

Buses should stop only at designated places approved by school authorities. Exceptions should be made only in cases of emergency and inclement weather conditions.

Bus stops shall be chosen with safety in mind. Points shall be selected where motorists approaching from either direction will have a clear view of the bus for a distance of at least three hundred (300) to five hundred (500) feet.
School loading and unloading zones are to be established and marked to provide safe and orderly loading and unloading of students. The vice principal/activities director is responsible for the conduct of students waiting in loading zones.

**Delay in Schedule**

The driver is to notify the dispatch office via radio of a delay in schedule. The dispatch office will notify parents on routes and radio stations, if necessary.

**Responsibilities - Students**

Students must realize that safety is based on group conduct. Talk should be in conversational tones at all times. There should be no shouting or loud talking which may distract the bus driver. There should be no shouting at passersby. Students should instantly obey any command or suggestions from the driver and/or his/her assistants.

**Responsibilities - Parents**

The interest and assistance of each parent is a valued asset to the transportation program. Parents’ efforts toward making each bus trip a safe and pleasant experience are requested and appreciated. The following suggestions are only three of the many ways parents can assist:

1. Ensure that students are at the bus stop in sufficient time to efficiently meet the bus.

2. Properly prepare children for weather conditions.

3. Encourage school bus safety at home. Caution children regarding safe behavior and conduct while riding the school bus.

**Safety**

The Superintendent/Principal will develop written rules establishing procedures for bus safety and emergency exit drills and for student conduct while riding buses.

If the bus and driver are present, the driver is responsible for the safety of his/her passengers, particularly for those who must cross a roadway prior to loading or after leaving the bus. Except in emergencies, no bus driver shall order or allow a student to board or disembark at other than his/her assigned stop unless so authorized by the Superintendent/Principal. In order to assure the safety of all, the bus driver may hold students accountable for their conduct during the course of transportation and may recommend corrective action against a student. Bus drivers are expressly prohibited from using corporal punishment.

The bus driver is responsible for the use of the warning and stop signaling systems and the
consequent protection of his/her passengers. Failure to use the system constitutes negligence on
the part of the driver.

Inclement Weather

The Board recognizes the unpredictability and resulting dangers associated with weather in
Montana. In the interest of safety and operational efficiency, the Superintendent/Principal is
empowered to make decisions as to emergency operation of buses, cancellation of bus routes,
and closing of school, in accordance with his or her best judgment. The Board may develop
guidelines in cooperation with the Superintendent/Principal to assist the Superintendent/Principal
in making such decisions.

**NOTE:** To receive full state/county reimbursement, budgets must have enough funds to cover
the costs of any changes to the route.

**NOTE:** The county transportation committee has authority to establish transportation service
areas, should circumstances and/or geography (demographics) warrant.

Legal Reference:

- § 20-10-106, MCA  Determination of mileage distances
- § 20-10-132, MCA  Duties of county transportation committee
- § 20-10-121, MCA  Duty of trustees to provide transportation – types of
  transportation – bus riding time limitation

Policy History:

Transportation of Students With Disabilities

Transportation shall be provided as a related service, when a student with a disability requires special transportation in order to benefit from special education or to have access to an appropriate education placement. Transportation is defined as:

(a) Travel to and from school and between schools;

(b) Travel in and around school buildings or to those activities that are a regular part of the student’s instructional program;

(c) Specialized equipment (such as special or adapted buses, lifts, and ramps) if required to provide special transportation for a student with disabilities.

The Evaluation Team that develops the disabled student’s Individualized Education Program will determine, on an individual basis, when a student with a disability requires this related service. Such recommendations must be specified on the student’s IEP. Only those children with disabilities who qualify for transportation as a related service under the provisions of the IDEA shall be entitled to special transportation. All other children with disabilities in the District have access to the District’s regular transportation system under policies and procedures applicable to all District students. Utilizing the District’s regular transportation service shall be viewed as a “least restrictive environment.”

Mode of Transportation

One of the District’s buses will be the preferred mode of transportation. Exceptions may be made in situations where buses are prohibited from entering certain subdivisions due to inadequate turning space, or when distance from school may seriously impact bus scheduling. In such situations other arrangements, such as an individual transportation contract, may be arranged with parents. Such voluntary agreement will stipulate in writing the terms of reimbursement.

Cross Reference: 3300 Corrective Actions and Punishment

Legal Reference: 10.16.3820, ARM Transportation for Special Education Students with Disabilities

Policy History:
Revised on:
NONINSTRUCTIONAL OPERATIONS

District-Owned Vehicles

The District owns and maintains certain vehicles. Included among them are school buses, vans, and a car. These are for use by properly authorized personnel of the District for District business purposes.

Any driver who receives a citation for a driving violation while operating a District vehicle shall personally pay all fines levied. All citations received while the driver is a District employee, whether operating a District vehicle or not, must be reported and may result in disciplinary action up to and including termination.

Bus and Vehicle Maintenance, District

Buses used in the District’s transportation program shall be in safe and legal operating condition. All buses shall be inspected by the Department of Justice, Montana Highway Patrol, before the beginning of each semester. The administration will establish a specific list of tasks bus drivers will perform on a daily basis. All other District vehicles shall be maintained following established programs developed by the Superintendent/Principal.

Policy History:
Revised on:
**NONINSTRUCTIONAL OPERATIONS**

**Driver Training and Responsibility**

Bus drivers shall observe all state statutes and administrative rules governing traffic safety and school bus operation. At the beginning of each school year, the District will provide each driver with a copy of the District’s written rules for bus drivers and for student conduct on buses.

Each bus driver will meet the qualifications established by the Superintendent of Public Instruction, including possession of a valid Montana commercial driver’s license (with school bus “S” and passenger “P” endorsements), receive ten (10) hours of in-service annually, and Department of Transportation-approved physician’s certification that he or she is medically qualified for employment as a bus driver. The bus driver shall secure a valid standard first aid certificate from an authorized instructor, within two (2) months after being employed, and maintain a valid first aid certificate throughout employment as a bus driver. The bus driver must have five (5) years driving experience.

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

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

A teacher, coach, or other certified staff member assigned to accompany students on a bus will have primary responsibility for behavior of students in his or her charge. The bus driver has final authority and responsibility for the bus. The Superintendent/Principal will establish written procedures for bus drivers.

**Legal Reference:**
- § 20-10-103, MCA School bus driver qualifications
- 10.7.111, ARM Qualification of Bus Drivers
- 10.64.201, ARM Drivers
- § 50-46-205, MCA Limitations of Medical Marijuana Act

**Policy History:**
- Revised on: 11/08/10
Student Conduct on Buses

The administration will establish written rules of conduct for students riding school buses. Such rules will be reviewed annually by the administration and revised if necessary. If rules are substantially revised, they will be submitted to the Board for approval.

At the beginning of each school year, a copy of the rules of conduct for students riding buses will be provided to students and the bus driver will review the rules with the students. A copy of the rules will be available upon request at the District office.

The bus driver is responsible for enforcing the rules and will work closely with a parent and vice principal/activities director to modify a student’s behavior. Rules shall include consistent consequences for student misbehavior. A recommendation for permanent termination of bus privileges, accompanied by a written record of the incident(s) that led to the recommendation, shall be referred to the Superintendent/Principal for final determination. The student’s parent or guardian may appeal a termination to the Board. No further appeal shall be allowed.

Cross Reference: 3310 Student Discipline
8111 Transportation of Students With Disabilities

Legal Reference: § 20-4-302, MCA Discipline and punishment of pupils – definition of corporal punishment – penalty – defense
§ 20-5-201, MCA Duties and sanctions

Policy History:
Revised on:
Noninstructional Operations

School Bus Emergencies

In the event of an accident or other emergency, the bus driver shall follow the emergency procedures developed by the Superintendent/Principal. A copy of the emergency procedures will be located in every bus. To ensure the success of such emergency procedures, every bus driver will conduct an emergency evacuation drill twice per year. The District will conduct such other drills and procedures as may be necessary.

Policy History:
Revised on:
Beaverhead County High School

NONINSTRUCTIONAL OPERATIONS

Pep Band Travel

Beaverhead County High School realizes the importance of school spirit and the role the pep band plays in support of athletic teams playing in tournaments. In order to allow the pep band to play whenever financially feasible, the following policy is adopted:

- The Beaverhead County High School Pep Band shall be allowed to travel to tournaments for all three (3) days, if the distance to the tournament site is short enough to allow the band to travel to and from the site in one (1) day; e.g., if the team plays in Anaconda, Butte, Belgrade, Bozeman, or Livingston.

- If the distance to the tournament site requires an overnight stay, the Beaverhead County High School Pep Band will not travel on the first (1st) day of the tournament but will travel Friday and return after the team completes tournament play.

Policy History:
Adopted on: 11/10/97
Beaverhead County High School

NON-INSTRUCTIONAL OPERATIONS

Tobacco Free Policy

The District maintains tobacco-free buildings and grounds. Tobacco includes but is not limited to cigarettes, cigars, snuff, smoking tobacco, and smokeless tobacco.

Use of tobacco products in a public school building or on public school property is prohibited, unless the use of a tobacco product in a classroom or on other school property as part of a lecture, demonstration, or educational forum sanctioned by a school administrator or faculty member concerning the risks associated with using tobacco products.

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

- Public land, fixtures, buildings, or other property owned or occupied by an institution for the teaching of minor children that is established and maintained under the laws of the state of Montana at public expense; and
- Includes playgrounds, school steps, parking lots, administration buildings, athletic facilities, gymnasiums, locker rooms, and school buses.

It is specifically directed that this policy will be in effect twenty-four (24) hours a day, seven (7) days a week and applies to all persons present on District property, in District buildings, and in District vehicles. This policy also applies to all groups and activities using/renting District facilities.

Legal Reference: § 20-1-220, MCA Use of tobacco product in public school building or property prohibited

§§ 50-40-101, et seq., MCA Montana Clean Indoor Air Act of 1979

ARM 37.111.825 Health Supervision and Maintenance

Policy History:
Adopted on: 7/1/1994
The Board believes the District must identify and measure risks of loss which may result from damage to or destruction of District property or claims against the District by persons claiming to have been harmed by action or inaction of the District, its officers or staff. The District will implement a risk management program to reduce or eliminate risks where possible and to determine which risks the District can afford to assume. Such program will consider the benefits, if any, of joining with other units of local government for joint purchasing of insurance, joint self-insuring, or joint employment of a risk manager. The Board will assign primary responsibility for administration and supervision of the risk management program to a single person and will review the status of the risk management program each year.

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

Legal Reference: § 20-6-608, MCA Authority and duty of trustees to insure district property
§ 20-3-331, MCA Purchase of insurance – self-insurance plan
§§ 2-9-101, et seq., MCA Liability Exposure
§ 2-9-211, MCA Political subdivision insurance
§ 2-9-501, MCA General Provisions Related to Official Bonds

Policy History:
Revised on:
Beaverhead County High School

NONINSTRUCTIONAL OPERATIONS

District Safety

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

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

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

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

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

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

The Superintendent will develop safety and health standards which comply with the Montana Safety Culture Act.

Legal Reference: § 20-1-401, MCA

Disaster drills to be conducted regularly – districts to identify disaster risks and adopt school safety plan

§§ 39-71-1501, et seq., MCA

Montana Safety Culture Act

§§ 50-71-311, MCA

Montana Safety Act

Policy History:

Reviewed on:
Revised on: 08/10/15
Equipment Security

All equipment purchased by the District is for the direct or indirect benefit of the students of the District. The Board recognizes that the indiscriminate use of school equipment can render it useless for school purposes. To avoid this, the following rules are adopted:

1. No school equipment shall be removed from the school premises without permission of the administration. Such equipment may be defined as projectors, tools, typewriters, computers, implements, etc.

2. All requests for use of school equipment must be made by reliable persons to the administration.

3. The teacher’s bargaining unit shall be permitted to use school materials and equipment for the purposes of negotiations and matters that involve only the local unit.

Policy History:
The District will maintain a comprehensive insurance program which will provide adequate coverage, as determined by the Board, in the event of loss or damage to school buildings and/or equipment, including motor vehicles. The comprehensive insurance program will maximize the District’s protection and coverage while minimizing costs for insurance. This program may include alternatives for sharing the risk between the District and an insurance carrier and through self-insurance plans.

Privately Owned Property

The District will not assume responsibility for maintenance, repair, or replacement of any privately owned property brought to a school or to a District function, unless the use or presence of such property has been specifically requested in writing by the administration.

Legal Reference: § 20-6-608, MCA Authority and duty of trustees to insure district property

Policy History:
Revised on:
NONINSTRUCTIONAL OPERATIONS

Sale of Real Property

Unless the property can be disposed of without a vote, the Board has the power to dispose of all District property, only when the qualified electors of the District approve of such action at an election called for such approval or when the trustees adopt a resolution stating their intention to dispose of the property. When the trustees adopt such a resolution, they shall schedule a meeting to consider a resolution to authorize the sale of the real property. The conduct of the meeting and any such subsequent appeals shall be in accord with § 20-6-604, MCA.

Receipts from a sale of real property shall be placed in the debt service fund, building fund, general fund, or in any combination of these three (3) funds, at the Board’s discretion.

Legal Reference: § 20-6-603, MCA Trustees’ authority to acquire or dispose of sites and buildings – when election required

§ 20-6-604, MCA Sale of property when resolution passed after hearing – appeal procedure

Policy History:

Adopted on:

Operation and Maintenance of District Facilities

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

The head custodian will formulate and implement energy conservation measures. The Superintendent/Principal, vice principal/activities director, and staff are encouraged to exercise other cost-saving procedures in order to conserve District resources in their buildings.

Legal Reference: 10.55.908, ARM School Facilities

Policy History:
Revised on:
NONINSTRUCTIONAL OPERATIONS

District-Wide Asbestos Program

It is the intent of the District that the Asbestos Hazard Emergency Response Act (AHERA) and all of its amendments and changes be complied with by all District employees, vendors, and contractors.

Legal Reference: 15 USC § 2641 Congressional findings and purpose

Policy History:

Revised on:
Service Animals

For the purposes of this policy, state law defines a service animal as a dog or any other animal that is individually trained to do work or perform tasks for the benefit of an individual with a disability. Federal law definition of a disability includes a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition.

The District shall permit the use of a miniature horse by an individual with a disability, according to the assessments factors as outlined in Policy 8425P, if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.

The Beaverhead County High School District will permit the use of service animals by an individual with a disability according to federal regulations. The work or tasks performed by a service animal must be directly related to the handler’s disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

The District may ask an individual with a disability to remove a service animal from the premises if:
- The animal is out of control and the animal’s handler does not take effective action to control it;
- The animal is not housebroken

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

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

Cross Reference: Policy 8425P Procedure for allowance of service animals
Policy 8425F Service Animals in District Facilities Form
Policy 2161 Special Education
Policy 2162 Section 504 of the Rehabilitation Act of 1973
Legal Reference: 28 CFR 35.136 Service Animals
28 CFR 35.104 Definitions
49-4-203(2), MCA Definitions

Policy History:
Adopted on:
Reviewed on:
Revised on: 12/27/2012

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The District will retain, in a manner consistent with applicable law and the state’s *Rules for Disposition of Local Government Records*, such records as are required by law or regulations to be created and/or maintained, and such other records as are related to students, school personnel, and the operations of the schools.

For the purpose of this policy, “records” are all documentary materials, regardless of media or characteristics, made or received and maintained by the school unit in transaction of its business. Records include email and other digital communications sent and received.

Records may be created, received, and stored in multiple formats, including but not limited to print, microfiche, audio and videotapes, and various digital forms (on hard drives, computer disks and CDs, servers, flash drives, etc.).

The Superintendent will be responsible for developing and implementing a records management program for the cataloging, maintenance, storage, retrieval, and disposition of school records. The Superintendent will also be responsible for developing guidelines to assist school employees in understanding the kinds of information that must be saved and those which can be disposed of or deleted. The Superintendent may delegate records-management responsibilities to other school personnel at his/her discretion to facilitate implementation of this policy.

**Litigation Holds for Electronic Stored Information (ESI)**

The school district will have an ESI Team. The ESI Team is a designated group of individuals who implement and monitor litigation holds, a directive not to destroy ESI that might be relevant to a pending or imminent legal proceeding. The ESI Team will include a designated school administrator, an attorney, and a member from the Technology Department. In the case of a litigation hold, the ESI Team shall direct employees and the Technology Department, as necessary, to suspend the normal retention procedure for all related records.

**Inspections of ESI**

Any requests for ESI records should be made in writing and will be reviewed by the Superintendent or designee, in consultation with an attorney if needed, and released in accordance with Montana public records law.

**Delegated Authority**

The Board delegates to the Superintendent or designees the right to implement and enforce additional procedures or directives relating to ESI retention consistent with this policy, as needed.
Cross Reference: 1402 School Board Use of Electronic Mail
3600, 3600P Student Records
5231, 5231P Personnel Records
5450 Employee Electronic Mail

Legal Reference: Montana Secretary of State (Rules for Disposition of Local Government Records)
Federal Rules of Civil Procedure (FRCP)
§ 2-6-403, MCA Duties and responsibilities
§ 20-1-212, MCA Destruction of records by school officer
§ 20-7-101(2), MCA Standards of accreditation
§ 20-9-215, MCA Destruction of certain financial records
24.9.805 (4), ARM Employment Records

Policy History:
Adopted on: 6/11/07
Reviewed on:
Revised on: 2/08/10
Beaverhead County High School

NONINSTRUCTIONAL OPERATIONS

Computer Software

Unauthorized copying of any computer software licensed or protected by copyright is theft. Failure to observe software copyrights and/or license agreements may result in disciplinary action by the District and/or legal action by a copyright owner.

No District-owned computing resources should be used for unauthorized commercial purposes.

Policy History: